

Lake Ralph Hall Zoning Commission
Minutes of Public Hearing and Public Meeting
January 26, 2023

Public Hearing:

The Public Hearing, held at the Fannindel High School gym in Ladonia, was called to order by Chairman Newt Cunningham at 5:30 pm, with all Commissioners present. Those present were Chairman Newt Cunningham, Jerry Magness, John Ed Shinpaugh, Jaylen Wallace and Greg Morris. A quorum was present.

The hearing began with a PowerPoint presentation of the draft zoning regulations and the draft zoning map by Daniel Harrison of Freese & Nichols. Mr. Harrison also explained the changes from the previous version of the regulations and map.

After the PowerPoint presentation Chairman Cunningham asked Mr. Harrison to address two key questions that had emerged from the protest forms that had been received.

The first issue related to existing uses. Mr. Harrison said that any existing use in place at the time of adoption of the zoning regulations could remain. In response to a question by Commissioner Shinpaugh, Mr. Harrison said that even if the ownership changes, the existing use could remain. In other words, the existing use runs with the land.

The second issue dealt with the yet to be adopted Shoreline Management Plan. The zoning regulations do not address land underneath the Lake. That land is owned by the Upper Trinity Regional Water District ("UTRWD"). Mr. Harrison said that the UTRWD was working on the Shoreline Management Plan and that it was the intent to allow for boat docks through a permitting process.

The following citizens spoke:

1. Robert Milton. Mr. Milton asks about farm use. Mr. Harrison said that the zoning regulations do not affect agricultural exemptions for property tax or sales tax.

2. Erica Mendes. Ms. Mendes asked about the subdivision of agricultural land. Mr. Harrison said that even if the agricultural land is subdivided, the agricultural exemption for property tax could still apply if the resulting property is big enough per the agricultural exemption rules.

3. Patrick Shinkle. Mr. Shinkle asked if the regulations addressed the use of fertilizer or pesticides on agricultural land, and Mr. Harrison said “no.”

4. Russell Duckworth. Mr. Duckworth read a statement regarding conflicts of interest. He also supported limitations on outdoor lighting and limitations on density.

5. Monica Williams. Ms. Williams asked if a single-family home could be built on a two-acre parcel which will be zoned as agricultural but which previously had a house. Mr. Harrison said that there can be single family homes in the agricultural district. He also said that the acreage requirement only applies when land is being subdivided. If she wants to build a house on her two acre parcel she will have to go to the Zoning Commission regarding setbacks, etc.

6. Cheryl Fanning. Ms. Fanning addressed lighting, and asked that lights should be fully shielded and pointed down. Mr. Harrison said that the regulations had those requirements for parcels zoned commercial, but not for residential properties.

7. James Moffatt. Mr. Moffatt (1) asked that once the regulations were adopted that the Commission not grant variances and (2) supported enforcement re restrictions on power or water connections. Mr. Harrison said Lake Development Permits are required for power or water connections. He said that goal is voluntary compliance, but that there are provisions for enforcement.

8. Walt Garrison. Mr. Garrison was concerned about the grandfathering of current junkyards.

9. Viana Casteel. Ms. Casteel, along with Stacy Williams, were representing the Pleasant Grove Church and Cemetery. She asked if the Church would be required to sell its property, and was told “no.”

10. Jacob Nolan. Mr. Nolan addressed the issue of privately owned property that was now classified as Lake Operations. Mr. Harrison said that Freese & Nichols was not aware that the parcel he is concerned with is privately owned and that this could be changed.

11. Stephen Williams. Mr. Williams asked if a permit would be needed for building, for example, a shed or shop on a property zoned agricultural. Mr. Harrison said “no.”

12. Don Stout. Mr. Stout asked about private boat docks vs. commercial boat docks. Mr. Harrison said that there is no difference in the regulations between private and commercial boat docks.

13. Michael Ramsey. Mr. Ramsey spoke in favor of camping, hiking and trails.

14. Unidentified Person. A man who refused to give his full name spoke against the zoning regulations.

As there was no one else asking to comment, Chairman Cunningham asked for a motion to adjourn the Public Meeting. Commissioner Magness so moved, with a second by Commissioner Wallace. The Public Meeting was adjourned at 7:00 pm.

Meeting

After a break, the Regular Meeting was called to order at 7:20 pm.

Commissioner Magness made a motion to approve the draft minutes of the November 17, 2022 meeting, with a second by Commissioner Shinpaugh. All in favor, Draft Minutes approved.

Commissioner Magness made a motion to recommend the draft zoning regulations and zoning map to Commissioner's Court. Second by Commissioner Shinpaugh.

Chairman Cunningham asked for discussion.

Commissioner Wallace made a motion to amend the zoning regulations such that the restrictions on lighting should apply to all properties and not just commercial properties.

Chairman Cunningham noted that the regulations and zoning map designated some property not owned by the UTRWD as the LO, Lake Operations zoning district.

Commissioner Shinpaugh made a motion to amend the regulations and map regarding a protest received for a certain property on the south side of the Lake. Chairman Cunningham asked for clarification on if the amendment included excluding all property not owned by the UTRWD from the LO, Lake Operations district. Commissioner Shinpaugh clarified his motion to revise the zoning map so that only property owned by the UTRWD be zoned LO, Lake Operations district.

With those changes, Commissioner Magness's motion to send the regulations to Commissioner's Court was adopted unanimously.

Commissioner Wallace made a motion to recommend the zoning map to the Commissioners Court with amendments to the outer limitations of the zoning area on two parcels to the east and west limitation of the zoning area, as marked on a physical exhibit. Chairman Cunningham asked for clarification on if the amendment included excluding all property not owned by the UTRWD from the LO, Lake Operations district. Commissioner Wallace clarified his motion to also revise the zoning map so that only property owned by the UTRWD be zoned LO,

Lake Operations district. Second by Commissioner Magness. Adopted unanimously.

A motion to adjourn the meeting was made by Commissioner Magness and seconded by Commissioner Wallace. Adopted unanimously.

The meeting was adjourned at 7:29 pm.

The above and foregoing represents true and correct minutes of the Lake Ralph Hall Zoning Commission meetings that were held on the 26th day of January, 2023 at 5:30 p.m.

ATTEST:

Malinda Allison
LRH Zoning Commission Secretary