



Baldwin County Commission Work Session
Meeting Minutes

Tuesday, September 7, 2021
8:30 AM

Baldwin County Administration Building, County Commission Meeting Chambers
322 Courthouse Square, Bay Minette, Alabama 36507

Commissioners present:

District 1 – Commissioner James E. Ball
District 2 – Commissioner Joe Davis, III
District 3 – Commissioner Billie Jo Underwood
District 4 – Commissioner Charles F. Gruber

Commissioners absent:

None.

Staff present:

Brian Peacock, CIS Director
Cian Harrison, Clerk Treasurer
Joey Nunnally, County Engineer
Ron Cink, Budget Director
Deidra Hanak, Personnel Director
Matthew Brown, Planning Director
Terri Graham, Development & Environmental Director
Zach Hood, EMA Director
Wayne Dyess, County Administrator
Huey Hoss Mack, Baldwin County Sheriff
Anthony Lowery, Baldwin County Chief Deputy
Michael Gaull, Special Investigations & Administrative Support Unit
Jimmy Milton, Assistant Chief Deputy of Law Enforcement Command
Tammy Rider, Executive Assistant
Eddie Harper, Building Official
Anu Gary, Administrative Services Manager
Barbara Pate, Commission Executive Assistant
Sherry-Lea Bloodworth Botop, Director of Public/Government Affairs
Lisa Sangster, Chief Administrative Assistant
Scott Wallace, Training and Shelter Coordinator
Felisha Anderson, Director of Archives and History/Special Historic Project Coordinator
Katrina Taylor, Grants Coordinator
Wanda Gautney, Purchasing Director
Michelle Pennington, EMA Intern
Zack Gibbs, Planning and Zoning Intern
Sarah Sislak, MPO Coordinator

Also present:

Brad Hicks, County Attorney

Dana Jepsen, South Baldwin Director, Ecumenical Ministries

After the welcome, invocation and pledge of allegiance, the following agenda items were reviewed and/or discussed:

A ADOPTION OF MINUTES

August 6, 2021, Special Meeting (Budget Deliberations)
August 12, 2021, Special Meeting (Budget Deliberations)
August 17, 2021, Regular Meeting
August 20, 2021, Special Meeting (Budget Deliberations)
August 27, 2021, BCC Emergency Special Meeting (Hurricane Ida)

No discussion.

C PRESENTATIONS

CA GENERAL

CA1 Baldwin County Sheriff's Office Lifesaver Award Presentations **21-1201**

Wayne Dyess, County Administrator, noted Item CA1, the Sheriff's Office Lifesaver Award Presentation will be held at this morning's Work Session.

Sheriff Mack discussed the recent passing of Investigator Richard Humphrey at the District Attorney's Office.

Sheriff Mack discussed the dramatic increase in opioid overdoses; deputies are equipped with Narcan a drug that immediately counteracts an opioid overdose and can save an individual's life. He further explained the background on Lifesaver Awards and the actions of the Deputies receiving the awards today.

Sheriff Hoss Mack presented Lifesaver Awards to Corporal Joshua Griffith, Deputy Holt Johnson and Deputy James Duggan for their actions taken May 16, 2021, and to Deputy Wyatt Mctigue for his actions taken May 8, 2021, in saving the lives of drug overdose victims.

B ACTION ITEMS

BA ADMINISTRATION

BA1 City of Robertsdale - Annexation Notification **21-1226**

Moved to September 7, 2021, regular meeting, Consent.

BA2 Town of Elberta - Annexation Notification **21-1232**

Moved to September 7, 2021, regular meeting, Consent.

BA3 Declaration of a State of Local Emergency - Coronavirus (COVID-19) Pandemic Response **21-1223**

Scott Wallace, EMA Training and Shelter Coordinator, discussed the need for a state of local emergency due to the great increase of Covid-19 cases in Baldwin County.

Mr. Wallace introduced Michelle Pennington, EMA Intern, who presented **Baldwin County COVID-19 Situation Summary** outlining the Covid-19 pandemic in both the State of Alabama and Baldwin County from its start to August 2021.

The Commissioners thanked Ms. Pennington for her outstanding work in gathering the data and for the presentation.

Zach Hood, EMA Director, recommended that Baldwin County declare a State of Local Emergency for the Coronavirus (COVID-19) Pandemic, effective September 7, 2021, at 12:00 p.m., to which the Commissioners agreed.

Moved to September 7, 2021, regular meeting, Consent.

BA4 Resolution #2021-120 of the Baldwin County Commission - Amending the "Divisional Resolution of the Baldwin County Commission" **21-1245**

Moved to September 7, 2021, regular meeting, Consent.

BA5 Baldwin County Emergency Rental Assistance Program (ERAP) Case Management Services Agreement with Baldwin Together **21-1235**

Moved to September 7, 2021, regular meeting, Consent.

BA6 Eligibility for Urban County Entitlement Status Fiscal Year (FY) 2022 Community Development Block Grant (CDBG) Program **21-1253**

Moved to September 7, 2021, regular meeting, Consent.

BA7 Issuance of Payment to Hagerty Consulting for Consulting Services for the Emergency Rental Assistance Program (ERAP) **21-1274**

After Commissioner Ball asked for an update on the Emergency Rental Assistance Program, Cian Harrison, Clerk Treasurer, informed the Commission that the final payment for the

program is being paid to Hagerty Consulting Services ending their services. An agenda item will be brought forward for Commission approval for Baldwin Together to take over the program.

Moved to September 7, 2021, regular meeting, Consent.

BC ARCHIVES AND HISTORY

BC1 National Association of Realtors Diversity and Inclusion Grant Acceptance 21-1234

Wayne Dyess, County Administrator, discussed the grant from the National Association of Realtors, and the ongoing partnerships the County has for the Baldwin County Historic Driving Tour and Park Walking App.

Ms. Felisha Anderson, Director of Archives and History/Special Historic Project Coordinator, discussed the additional areas that will be added to the Driving Tour and Park Walking App with the grant funds.

Moved to September 7, 2021, regular meeting, Consent.

BE BUDGET/PURCHASING

BE1 Competitive Bid #WG21-36A - Provision of HVAC Chiller Annual Preventative Maintenance Services for the Baldwin County Commission 21-1227

Moved to September 7, 2021, regular meeting, Consent.

BE2 Competitive Bid #WG21-43 - Provision of Fiber Optic Network - Maintenance and Locates for the Baldwin County Commission 21-1236

Moved to September 7, 2021, regular meeting, Consent.

BE3 Competitive Bid #WG21-45 - Provision of Closed Top Recycling Roll-off Containers for the Baldwin County Commission 21-1207

Moved to September 7, 2021, regular meeting, Consent.

BE4 Competitive Bid #WG21-46 - Provision of Alternate Daily Cover Material for the Baldwin County Commission 21-1209

Moved to September 7, 2021, regular meeting, Consent.

BE5 Competitive Bid #WG21-47 - Provision of Bituminous Materials for the Baldwin County Commission **21-1210**

Moved to September 7, 2021, regular meeting, Consent.

BE6 Competitive Bid #WG21-48 - Provision of Labor and Equipment for Asphalt Placement for the Baldwin County Commission **21-1211**

Moved to September 7, 2021, regular meeting, Consent.

BE7 Emergency Water Pipe Replacement Project at the Baldwin County Corrections Center Located in Bay Minette, Alabama **21-1212**

Moved to September 7, 2021, regular meeting, Consent.

BE8 Request for Qualifications (RFQ) for Engineering / Environmental / Design Services for New Recycling Facility to be Located Adjacent to Magnolia Landfill **21-1228**

Moved to September 7, 2021, regular meeting, Consent.

BK EMERGENCY MANAGEMENT AGENCY (EMA)

BK1 Alabama Mutual Aid System (AMAS) Agreement with State of Alabama, Alabama Emergency Management Agency and Counties **21-1208**

Zach Hood, EMA Director, explained this is the standard agreement previously used with no changes.

Moved to September 7, 2021, regular meeting, Consent.

BL ENVIRONMENTAL MANAGEMENT

BL1 Amendment to J & J Rhodes Farm, Inc. Lease Agreement of County Property at Magnolia Landfill for Farmland **21-1221**

Moved to September 7, 2021, regular meeting, Consent.

BL2 Baldwin County Solid Waste Uncollectible Residential Accounts - September 2021 **21-1265**

Moved to September 7, 2021, regular meeting, Consent.

BL3 Annual Premises Pollution Liability Insurance Premium for Magnolia Landfill **21-1276**

Moved to September 7, 2021, regular meeting, Consent.

BN **HIGHWAY**

BN1 Baldwin Beach Express at Foley Beach Express Overhead Directional Signs and Intersection Improvements - Permission to Advertise **21-1238**

Commissioner Davis noted anytime a sign can be put on the road it is better. Joey Nunnally, County Engineer said there will be a lot of signage on the road and improvements to the intersection at Foley Beach Express and Baldwin Beach Express.

Moved to September 7, 2021, regular meeting, Consent.

BN2 Baldwin County Mitigation Bank Timber Thinning and Prescribed Burn - Permission to Advertise for Bids **21-1242**

Moved to September 7, 2021, regular meeting, Consent.

BN3 Bridge Replacement Projects - Permission to Advertise for Bids **21-1231**

Moved to September 7, 2021, regular meeting, Consent.

BN4 Bon Secour Dredge Site Prescribed Burn - Permission to Advertise for Bids **21-1241**

Moved to September 7, 2021, regular meeting, Consent.

BN5 Foley Beach Express at Wahoo Plaza Overhead Directional Signs and Intersection Improvements - Permission to Advertise for Bids **21-1239**

Moved to September 7, 2021, regular meeting, Consent.

BN6 Florida-Alabama Transportation Planning Organization (TPO) Technical Coordinating Committee - Board Appointment(s) **21-1240**

Moved to September 7, 2021, regular meeting, Consent.

BQ PERSONNEL

BQ1 Animal Shelter - Salary Change for Acting and Interim Animal Shelter Manager **21-1213**

Moved to September 7, 2021, regular meeting, Consent.

BQ2 Commission Administration (Central Annex I) - Employment of One (1) Custodian Position **21-1251**

Moved to September 7, 2021, regular meeting, Consent.

BQ3 Highway Department (MPO) - Employment of One (1) Administrative Support Specialist III Position **21-1249**

Moved to September 7, 2021, regular meeting, Consent.

BQ4 Highway Department (Maintenance Engineering) - Employment of One (1) Engineering Technician I Position **21-1214**

Moved to September 7, 2021, regular meeting, Consent.

BQ5 Highway Department (Bay Minette) - Promotion of Employee **21-1225**

Moved to September 7, 2021, regular meeting, Consent.

BQ6 Juvenile Detention Center - Employment of Two (2) Detention Technician Positions **21-1252**

Moved to September 7, 2021, regular meeting, Consent.

BQ7 Highway Department (Silverhill) - Personnel Changes **21-1217**

Moved to September 7, 2021, regular meeting, Consent.

BQ8 Solid Waste Department - Personnel and Position Changes **21-1218**

Moved to September 7, 2021, regular meeting, Consent.

BQ9 Planning and Zoning Department - Promotion of Employee **21-1215**

Moved to September 7, 2021, regular meeting, Consent.

BQ10 Revenue Commission (Assessment) - Reclassification of Position **21-1216**

Moved to September 7, 2021, regular meeting, Consent.

BQ11	<u>Highway Department (Geospatial) - Updated Position Description for GIS Coordinator</u>	21-1250
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Moved to September 7, 2021, regular meeting, Consent.

BQ12	<u>Personnel Department - Baldwin County Commission Policy #11.1 - Temporary Labor Policy</u>	21-1254
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Moved to September 7, 2021, regular meeting, Consent.

BQ13 Personnel Department - Employee Handbook Changes **21-1255**

Moved to September 7, 2021, regular meeting, Consent.

BQ14	<u>Reciprocal Clinic Usage Agreement with the City of Fairhope for Symbol Health Clinics</u>	21-1272
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Moved to September 7, 2021, regular meeting, Consent.

BR PLANNING AND ZONING

BR1	<u>Proposed Planning (Zoning) District 35 - Acceptance of Notice of Intent to Form a Planning (Zoning) District, Determination Regarding Infeasibility of Using Precinct Boundaries, and Acceptance of Proposed District Boundaries</u>	21-1244
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Matthew Brown, Planning Director, explained Items BR1 and BR2 are two new proposed planning districts and further discussed planning districts and zoning. Mr. Brown noted proposed District 35 is a small district which intersects several voting precincts so those boundaries cannot be used.

Moved to September 7, 2021, regular meeting, Consent.

BR2 Proposed Planning (Zoning) District 36 - Acceptance of Notice of Intent to Form a Planning (Zoning) District and Acceptance of Proposed District Boundaries **21-1247**

Matthew Brown, Planning Director, said proposed District 36 falls into Voting Precinct 27 establishing the boundary for the proposed District 36. The citizens are excited about moving this to the petition stage.

The Commissioners and staff discussed the large number of subdivision complaints received monthly in the Planning and Zoning Department and the importance for staff to follow up on the concerns.

Moved to September 7, 2021, regular meeting, Consent.

BR3 Proposed Land Disturbance Ordinance for Flood Prone Areas or Territories with Probable Exposure to Flooding in Unincorporated Baldwin County - Permission to Advertise for Public Hearing **21-1257**

Matthew Brown, Planning Director, showed a video of a construction site on Fish River where red dirt was being dumped into Fish River in an unzoned area. Mr. Brown explained due to the area being unzoned, a land disturbance permit is not needed. Staff is proposing a land disturbance ordinance for flood prone areas with probable exposure to flooding in unincorporated areas of the county.

The Commissioners and staff discussed the proposed procedures a property owner would be required to follow if the land disturbance ordinance in flood prone areas is approved.

Moved to September 7, 2021, regular meeting, Consent.

BR4 Baldwin County Planning and Zoning Commission - Board Appointment(s) **21-1258**

Matthew Brown, Planning Director, noted a member of Planning and Zoning Commission is stepping down and the board needs someone to be in that position due to several controversial items about to be presented.

Moved to September 7, 2021, regular meeting, Consent.

C PRESENTATIONS – Cont.

CA GENERAL

CA2 Presentation to Baldwin County Sheriff's Deputies - 92nd Division Buffalo Soldiers and Patriot Guard Riders 21-1202

Sheriff Mack noted the presentation by the 92nd Division Buffalo Soldiers has been delayed at this time.

No action at this time, will be brought back to a future meeting.

CA3 Proclamation - Baldwin County Fair Week - September 21-25, 2021 21-1222

Wayne Dyess, County Administrator stated the proclamation for the Baldwin County Fair Week will be presented at the September 7, 2021, regular meeting.

Moved to September 7, 2021, regular meeting, Presentations.

D PUBLIC HEARINGS

DR PLANNING AND ZONING

DR1 Case No. S-20069 Hookbone RV Park Appeal from the Baldwin County Zoning Administrator Denial of Final Site Plan Application 21-1260

Moved to September 7, 2021, regular meeting, Public Hearings.

E COMMITTEE REPORTS

EA FINANCE/ADMINISTRATION DIVISION

EA1 Payment of Bills 21-1220

No discussion.

EA2 Notification of Interim Payments Approved by Clerk/Treasurer as Allowed Under Policy 8.1 21-1219

No discussion.

F DISCUSSION ITEMS

FA ADMINISTRATION

FA1 Baldwin County Animal Shelter Upgrades / New Intake Facility 21-1262

Wayne Dyess, County Administrator, discussed the building project for the new Intake Facility for the Baldwin County Animal Shelter. Staff is proposing to renovate the existing building which is currently in poor condition and had some roof damage from Hurricane Sally. Mr. Dyess said staff wants to be certain this a good decision before moving forward.

Ron Cink, Budget Director, discussed funding options for the project.

Mr. Dyess said an architect has worked on some renderings and asked the Commissioners for direction on how to proceed.

The Commissioners discussed the poor condition of the existing building, the possible need to tear down the old building, and funding options available for the project.

No action at this time, will be brought back to a future meeting.

FA2 Lillian Recreational Center Park - Discussion Regarding Facilities 21-1229

Wayne Dyess, County Administrator, asked that Item FA2 be tabled and brought back when Dr. Whitehurst is able to attend the meeting. Some of the topics which will be discussed in the meeting are storm damage to the park and upgrades that have been done to the park.

Tabled from the agenda, will be brought back to a future meeting.

FA3 Request to the Baldwin County Legislative Delegation Regarding 21-1206
Compensation and Minimum Qualifications Criteria for Baldwin County
Coroner

Wayne Dyess, County Administrator, discussed the request for the Commission to ask the Baldwin County Legislative Delegation to consider and pass legislation increasing the annual compensation and required minimum qualifications criteria for the position of Coroner of Baldwin County.

The Commissioners discussed the length of the Coroner's term, the importance of the Coroner's job, and when the increase would take effect. It was decided that a letter will be drafted by staff and be brought to next Commission meeting for approval.

Moved to September 20, 2021 work session, for further discussion.

FE BUDGET/PURCHASING

FE1 Review of Baldwin County Fiscal Year 2021-2022 Budget 21-1268

Ron Cink, Budget Director, reviewed the highlights of the Fiscal Year 2021-2022 Budget.

FM FINANCE AND ACCOUNTING

FM1 Finance and Accounting Department - Creation of One (1) Grants Administrator Position

21-1270

Cian Harrison, Clerk Treasurer, discussed the creation of a Grants Administrator position, how it would benefit the County and the need to hire a person with a lot of grant knowledge and experience. Ms. Harrison asked the Commission to consider moving forward with this position.

The Commissioners and staff discussed how the salary of the Grants Administrator would replenish itself through grants that would be funded over the next three to four years, the grants that the County is currently not able to apply for and the potential ability to seek partnerships and collaborations with other organizations and governmental units if the Grants Administrator position is created.

Mr. Dyess said the item will be brought back to the next meeting for approval.

Moved to September 21, 2021, regular meeting.

FR PLANNING AND ZONING

FR1 Amendment to the Baldwin County Subdivision Regulations - Update #2

21-1263

Matthew Brown, Planning Director, presented the **Baldwin County Subdivision Regulations Amendments** proposed by the Planning Department staff.

Commissioner Ball recommended that the presentation be continued in the regular meeting due to time constraints, to which the Commissioners agreed.

Moved to September 7, 2021, regular meeting, Discussion.

G COMMISSIONER REQUESTS

None.

H ADDENDA

None.

I ADMINISTRATIVE REPORT

None.

J COUNTY ATTORNEY'S REPORT

None.

K PUBLIC COMMENTS

None.

L PRESS QUESTIONS

None.

M COMMISSIONER COMMENTS

None.

N ADJOURNMENT

Motion by Commissioner Gruber, seconded by Commissioner Ball, to adjourn the September 7, 2021, Baldwin County Commission work session at 9:52 a.m.

The motion passed by the following vote:

Aye: 4 - James E. Ball, Joe Davis III, Billie Jo Underwood, and Charles F. Gruber

Nay: 0

Absent: 0

Abstain: 0

The meeting adjourned at 9:52 a.m.

A handwritten signature in black ink, appearing to read "Charles F. Gruber", with a large, stylized initial "C" and "G".

Baldwin County COVID-19 Situation Summary: 2020- 2021

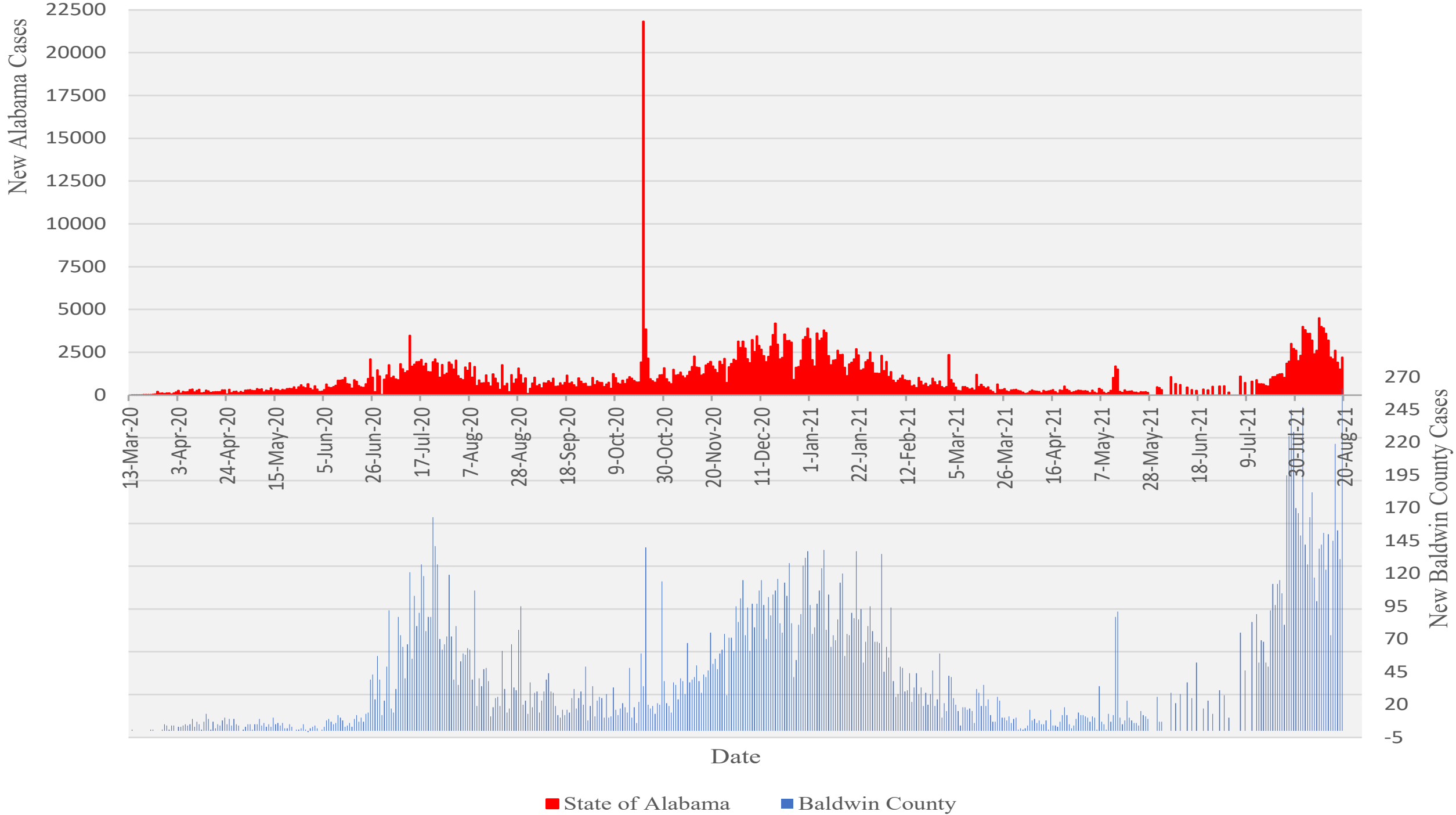
Syble Michelle Pennington,
BCEMA
September 7, 2021



Comparison of Baldwin County, Alabama, and State of Alabama COVID-19 Cases Added Daily

Updated August 20, 2021





Then and Now: A Look at Baldwin County, Alabama, COVID-19 Response

Updated August 20, 2021

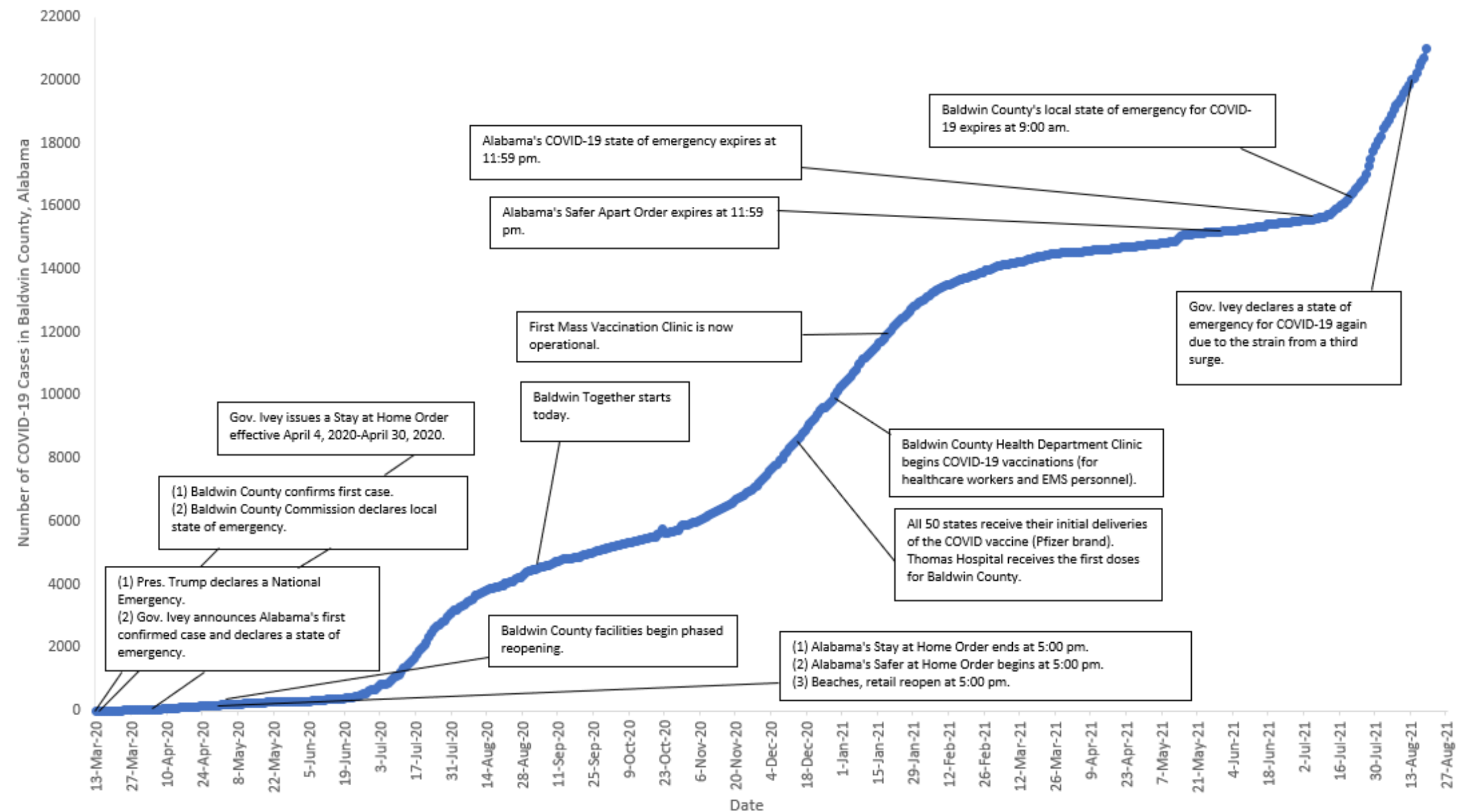


COVID-19 Situation	2020	2021
State declared state of emergency	March 13, 2020	August 13, 2021
County declared state of emergency	March 14, 2020	No Declaration
Number of COVID-19 cases	Baldwin = 1 (March 14, 2020) State = 22 (March 14, 2020)	Baldwin = 131 (30,106 total) [August 19, 2021] State = 1500 (649,741 total) [August 19, 2021]
Percentage of Baldwin County residents who are fully vaccinated	0	33.38
Average number of COVID-19 tests at Robertsdale Clinic/PZK testing site during peaks	Peak 1 = 58 (July 12, 2020-August 1, 2020) Peak 2 = 55 (December 20, 2020-January 9, 2021)	Peak 3 = 152 (July 25, 2021-August 14, 2021)
Average number of Baldwin COVID-19 cases during peaks	Peak 1 = 93 (July 12, 2020-August 1, 2020) Peak 2 = 98 (December 20, 2020-January 9, 2021)	Peak 3 = 158 (July 25, 2021-August 14, 2021)
Lifeline status	Health and Medical = Yellow Long Term Recovery = Yellow	Health and Medical = Red Long Term Recovery = Yellow
Total PPE items distributed by BCEMA		146,662 (as of August 19, 2021)
Federal assistance (resources) requested	No	Yes

Changes in the
Number of COVID-
19 Cases in Baldwin
County, Alabama,
Correlated with Key
Decisions and
Events Over Time

Updated August 25, 2021







BALDWIN COUNTY,
ALABAMA

Planning and Zoning Department

SUB REG AMENDMENTS
COUNTY COMMISSION WORK SESSION

SUBDIVISION REGULATION AMENDMENTS

- **First of Several Amendments in the Next 12 Months**
- **Optional Courtesy Stakeholder Meetings (2nd Meeting)**
- **Goals:**
 - Create Clarity & Promote Accountability
 - Remove Unnecessary Requirements
 - Modernized Regulations



MODERNIZATION

- **Application Forms and Intake Process**
- **Exempt Subdivision Changes**
- **Broadband Requirements**
- **Wetland Regulations**
- **Pre-Existing Stormwater Management Facilities**
- **Stream Protections**
- **Sidewalks**
- **Open Space Requirements**
- **Recreational Vehicle Parks**



BROADBAND REQUIREMENTS (THRESHOLD MATRIX)

All non-exempt subdivisions approved pursuant to these regulations shall adhere to the requirements set forth in the matrix made a part of this section.

Minimum Standards for Subdivision									
Lot Size*	Required Utilities	Roadway Type	Minimum Lot Width	Curb and Gutter	Side-walk ⁺	Approval Body <u>Broadband Connectivity</u>	Building Front Setback ⁺⁺	Building Rear Setback ⁺⁺	Building Side Setback ⁺⁺
≥ 40,000 SF	overhead power	BCDS**	120 feet	no	no	<u>Baldwin County Commission § 5.2.5(c) shall not apply</u>	30	30	10
20,000 SF to 40,000 SF	overhead power, either water or sewer	BCDS**	120 feet	no	no	<u>§ 5.2.5(c) shall not apply</u>	30	30	10
20,000 SF to 40,000 SF	underground power, either water or sewer	BCDS**	80 feet	yes, <u>if new roads proposed</u>	no yes, <u>if new roads proposed</u>	<u>§ 5.2.5(c) shall apply if new roads proposed</u>	30	30	10
7,500 SF to 20,000 SF	underground power, street lights, water and sewer	BCDS**	60 feet	yes, <u>if new roads proposed</u>	yes, <u>if five lots or more</u>	<u>§ 5.2.5(c) shall apply if new roads proposed</u>	30	30	10

* The more strict minimum lot size between Section 5.4(a) and this table shall apply. ~~Minimum lot size shall be subject to Section 5.4(a)~~



BROADBAND REQUIREMENTS (OPTION 1)

Option 1: Fiber Conduit

1) Requirements. All subdivisions involving the creation of new streets, alleys, or roadways, or subdivisions identified in table 5.1.1 shall include, as part of their development and the costs thereof, the professional design, construction, and installation of fiber optic network duct bank which shall consist of a minimum of four (4) one-inch (1”) conduits/inner ducts to carry fiber optic cable. The development shall also include installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meet or exceed specifications of emerging industry standards for provision of high-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the County Engineer or his or her designee in reliance on such industry standards. The following additional requirements shall apply:

BROADBAND REQUIREMENTS (OPTION 2)

Option 2: Treat Like a Required “Utility”

If required in Section 5.1.1 of these regulations, the Applicant shall ensure that reliable, high-speed broadband connectivity (minimum 25 megabits per second download speed and 25 megabits per second upload speed) is made available at each lot in the development. The requirements of this section can be accomplished during the Preliminary Plat approval by provision of a letter from a broadband provider certifying that they are willing and able to provide marketable service at the minimum required speeds to each lot in the subdivision. The requirements of this section can be accomplished during the Final Plat approval by provision of a letter from a broadband provider certifying that marketable broadband service, at the minimum required speeds, is available at each lot in the subdivision.

BROADBAND REQUIREMENTS (OPTION 2- NEW)

If required in Section 5.1.1 of these regulations, the Applicant shall ensure that reliable, high-speed broadband connectivity (minimum 25 megabits per second download speed and 25 megabits per second upload speed) is made available at each lot in the development. The requirements of this section can be accomplished during the Preliminary Plat approval by provision of a letter from a broadband provider certifying that they are willing and able to provide marketable service at the minimum required speeds to each lot in the subdivision. Upon a showing by the Applicant that 1) no broadband providers are willing to provide service to the proposed subdivision or 2) that costs associated with the provision of the broadband service are unreasonable, the Planning Commission may waive the requirements of this section. A letter from the Applicant explaining the need for the waiver shall be made part of the file.

The requirements of this section can be accomplished during the Final Plat approval by provision of a letter from a broadband provider certifying that marketable broadband service, at the minimum required speeds, is available at at least one lot in the subdivision. The Applicant shall act in good faith to coordinate with the broadband provider for the installation of the required infrastructure during the construction phase. Upon a showing by the Applicant that the broadband provider failed to install the required fiber infrastructure or failed to provide the required letter, despite the good faith efforts of the Applicant, the Planning Director may waive the requirements of this section as it related to the Final Plat approval. A letter from the Applicant explaining the need for the waiver shall be made part of the file and shall be made part of the record under Old Business in a forthcoming Planning Commission meeting.

The Planning Commission shall have broad discretion in determining whether the granting of a waiver above is appropriate.



SIDEWALKS

(e) All sSidewalks which are to be located within the subdivision ~~adjacent to common areas and not adjacent to residential or commercial lots~~ shall be constructed prior to final plat approval. ~~Sidewalks which are to be located adjacent to residential or commercial lots shall may be constructed before after the issuance of final plat approval.~~ No Certificate of Occupancy shall be issued for a structure situated upon a lot until the portion of any required sidewalk adjacent to such lot has been completed.

Latest Revision:

(e) All sSidewalks which are to be located within the subdivision ~~adjacent to common areas and not adjacent to residential or commercial lots~~ shall be constructed prior to final plat approval. ~~Sidewalks which are to be located adjacent to residential or commercial lots shall may be constructed before after the issuance of final plat approval.~~ No Certificate of Occupancy shall be issued for a structure situated upon a lot until the portion of any required sidewalk adjacent to such lot has been completed or repaired and approved by the County Engineer or his/her designee.



OPEN SPACE REQUIREMENTS

§ 5.20 Open Space Requirements

(a) *Open space reservation.* Exclusive of the Open Space provisions for Planned Unit Developments contained in Article 9, the following open space reservation requirements shall apply to all subdivision lots that require installation or construction of streets:

- 15% of Gross Land Area Set Aside for Open Space
- 50% of Open Space Usable for Passive/Active Recreation



OPEN SPACE REQUIREMENTS

(1) A minimum of 15% of the gross land area of the subdivision development shall be set aside for permanent open space.

a. Steep slopes (greater than 4:1), internal street rights-of-way, driveways, off-street parking areas, and off-street loading areas or similar uses shall not be counted in determining open space.

b. A minimum of 50% of the required open space must be usable and accessible for the following passive or active recreation purposes: parks, recreational and social facilities, multi-use paths, and similar improved areas. The usable open space shall not include retention or detention facilities, swales, ditches, constructed wetlands, steep slopes, streams, ponds, watercourses, jurisdictional wetlands, floodways and/or floodplains.

c. Open space set aside for passive and active recreation should be centrally located within the develop as a design feature.

(2) The required open space shall be owned in common by the residents of the development or a trust, government entity or similar mechanism designed to ensure the perpetual intended use of the open space. ~~Any open space set aside for conservation shall be subjected to a conservation easement granted to a qualified land trust, conservation organization or government agency. Such conservation easement shall be in legal form satisfactory to the County Attorney.~~

