

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION'S
LONG RANGE PLANNING COMMITTEE
HELD ON THE 7th DAY OF JULY, 2022

The Caddo Parish Commission met in a Long Range Planning Committee Meeting, on the above date, at 2:00 p.m., in the Government Chambers, with Mr. Hopkins, Chairperson, presiding, and the following members in attendance constituting a quorum: Commissioners Atkins, Chavez, Jackson, and Hopkins (4). ABSENT: Commissioners Gage-Watts, Johnson, and Young (3).

Mr. Jackson gave the invocation, and Mr. Chavez led the Commission in the Pledge of Allegiance.

NEW BUSINESS

- *Discuss making Temporary Planning Board permanent*

Mr. Hopkins said that per the Attorney General's opinion the Parish is required to have a planning commission at this time. Mr. Hopkins suggested that the Committee amend the ordinance establishing the Parish Temporary Planning and Zoning Commission to set up the permanent planning board.

Attorney Bernstein agreed with Mr. Hopkins suggestion. He said it would be better to take the Parish Temporary Planning and Zoning Commission and continue it forward with the same appointed people. Attorney Bernstein explained that there would be no question as to which board made decisions later on, because the board would be consistent.

Mr. Jackson wanted to know if there are two different ordinances in place. Attorney Bernstein responded that there are two ordinances. One ordinance establishes the permanent Parish Planning and Zoning Board and the other ordinance establishes a Parish Temporary Planning and Zoning Commission. Mr. Jackson also wanted to know if the Commission would need to repeal the ordinances. Attorney Bernstein suggested that the Commission amend the Temporary Planning and Zoning Commission ordinance to make it a permanent board.

It was **moved by Mr. Atkins**, seconded by Mr. Jackson, *to recommend to the full body to create a permanent Parish Planning and Zoning Commission and repeal the Temporary Planning Commission ordinance. Motion carried*, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Jackson, and Hopkins (4). NAYS: None (0). ABSENT: Commissioners Gage-Watts, Johnson, and Young (3). ABSTAIN: None (0).

- *Discuss the need for Parish Zoning Board of Appeals or alternatives to handle related matters*

Attorney Bernstein pointed out that the Temporary Parish Planning and Zoning Commission was established as a five member board, but there are only four members appointed to the board. He explained that there have been several tie vote issues. Attorney Bernstein suggests to amend the ordinance that established the Parish Temporary Planning and Zoning Commission and remove the language that limits the Commission to fill the one opening.

Mr. Hopkins wanted to know if Attorney Bernstein meant that the Commission would need to re-open the fifth seat on the board. Attorney Bernstein said yes. Mr. Hopkins wanted to know if it would be easier to increase the number of appointed members to the board to six. Attorney Bernstein stated that the quorum for a four-member or a five-member board is three. He said that the makeup of the board is something to consider when creating the permanent board.

Mr. Atkins said that he has no problem expanding the board, but had concerns that the Commission could "open a can of worms" by doing so. He asked that if the board is expanded to seven members, could the currently appointed four members continue serving. Attorney Bernstein responded yes. Mr. Atkins also wanted to know if the Commission can remove the current board members and appoint seven new members. Attorney Bernstein responded that when the Parish Temporary Planning and Zoning Commission was created the Commission did not provide a provision for rotating terms of office due to the board's short lifespan. Attorney Bernstein recommended to include a fixed term of office and rotating terms of office, and to pool the current four members into those terms of office. He also suggested that the current appointed members draw lots to initiate the rotating cycle.

Mr. Alan Clark, MPC Executive Director, stated his support for the Parish's Planning and Zoning Commission. He suggested the Commission mirror the MPC's process on drawing lots and making determinations for members on a board. Mr. Clark mentioned that the ZBA with the City of Shreveport has seven members. He suggested that the Commission follows the same process as long as Legal agrees and should the Commission decides to appoint seven members to the Parish Planning and Zoning Board.

Mr. Hopkins said that the Commission could add two or three members with the currently appointed four members, but the new members should reside in the five-mile zone or in unincorporated areas of the Parish.

Mr. Clark stated that the MPC evaluated the case load that is coming before the Parish Temporary Planning and Zoning Commission and concluded that the Parish Temporary Planning and Zoning Commission will be able to handle all cases dealing with re-zoning, variances and appeals. He said that the Parish would not need two ordinances for its zoning board unlike the City of Shreveport.

Mr. Hopkins pointed out that the Parish does not have a Zoning Board Of Appeals (ZBA). He wanted to know if the Parish Planning and Zoning Commission could sit as both boards. Attorney Bernstein responded yes. Attorney Bernstein suggested that the Parish has one board that exercises the powers of both the Planning and Zoning Commission and the ZBA. He said that he would draft the ordinance so that the Parish would not need to amend the UDC to give the Planning and Zoning Commission that power.

Mr. Atkins asked Attorney Bernstein if the Planning and Zoning Commission would appeal itself. Attorney Bernstein responded no. Attorney Bernstein explained that the Planning and Zoning Commission and the Zoning Board of Appeals each consider appeals in different matters. He said that combining them doesn't do harm to the system. Mr. Atkins also wanted to know where appeals sent to the Zoning Board of Appeals come from. Attorney Bernstein responded that everything starts with the MPC, then the Zoning Board of Appeals consider administrative decisions within the MPC, requests for variances and zoning restrictions.

Mr. Chavez expressed concerns about the appeal process and how to prohibit the progress of an applicant. Attorney Bernstein responded that if a party does not raise the issue, then the Commission will give the citizen a decision and move forward with the appeal. He explained that there is a limited timeframe for either side to challenge that decision. Attorney Bernstein said that it doesn't do citizens justice to have them wait for the Commission to appoint another board when they request an appeal. Mr. Chavez also wanted to know whether the appeals process for second opinions or filing an appeal would come to the Commission. Attorney Bernstein responded yes.

Ms. Laura Neubert, Temporary Planning Zoning Board Chairwoman, recommended that the Parish Planning and Zoning Commission be a seven member board. She explained that scheduling and tie votes caused a lot of work in the current Parish Temporary Planning and Zoning Commission. She urged the Committee to make the number of members an odd number. Ms. Neubert voiced concerns about the current Temporary Planning and Zoning Commission deliberating a case that they may not be authorized to do under the current ordinance. She requested a clarification on that because the case will be heard on July 27th. Attorney Bernstein stated that Ms. Neubert is referring to a case regarding Testament Construction, which was annexed into the Town of Greenwood. He said that the case is out of the Parish Commission's jurisdiction. Ms. Neubert explained that there are holes in the process and that the Parish does not have all of the boards or the authority written in the ordinances for the one planning and zoning board to take care of the cases. Ms. Neubert suggested that the Commission have appointees remove themselves from any held HOA position, because she has experienced members of boards recusing themselves from voting on certain cases.

Mr. Chavez asked Attorney Bernstein to research HOA participation. Attorney Bernstein responded that he would be glad to do that. Attorney Bernstein explained that it is a matter of whether an individual is an officer of the HOA.

Mr. Jackson requested that Attorney Bernstein research whether the Parish has to draft a resolution in support of annexations. Mr. Jackson explained that the City of Shreveport continually annexed rural or suburban areas over decades. Mr. Jackson wanted to know if the towns annex or do the residents of an area have to agree. Attorney Bernstein responded that there are several ways that a municipality can annex territory. He said that it can be done by petition and ordinance. Attorney Bernstein said that standards vary depending on the presence of registered property owners and registered voters. Mr. Jackson wanted to know more about the petition and ordinances for annexation. Attorney Bernstein responded that Greenwood annexed land based on a petition from the landowner. Then, Greenwood implemented by ordinance. Mr. Jackson also wanted to know if Greenwood has a buffer zone. Attorney Bernstein stated that Greenwood would have to do their own buffer zone. Mr. Hopkins recalled when the City of Shreveport annexed an area of a fire district in the 90's. He said that there had to be some type of agreement.

Mr. Atkins wanted to know if the Commission is reopening applications for the new members. Attorney Bernstein responded that the ordinance says "the Commission shall consist of five members selected from the names that were submitted to the Parish Commission as of February 14, 2022". He suggested to amend the ordinance to remove the restriction to allow the Commission to consider other applicants. The Clerk commented that the Commission has other requirements in place. Attorney Bernstein informed the Committee that the list of names have been submitted and fit the restriction. He asked the Committee whether they want that restriction included in the ordinance. Mr. Hopkins stated that the appointees need to come from residents of unincorporated areas and the five-mile area of the Parish. Attorney Bernstein clarified that appointees would have to come from territory in the jurisdiction of the Planning and Zoning Commission.

- *Discuss changes to the UDC and process to send to Parish Planning Board*

Mr. Clark said that the MPC has explored amending the UDC or creating a new ordinance, but the MPC is waiting on the Commission to make a determination on the Caddo Parish Planning and Zoning Commission.

Mr. Hopkins suggested that the MPC review and remove the intrusive things in the UDC, then present it to the Long Range Planning Committee for review. He also suggested that the Planning and Zoning Commission should review the changes. Mr. Hopkins stated that businesses are not comfortable with the UDC and that the Parish should not run any businesses off. He expressed that everybody is different, but the Parish and the MPC can come up with a consensus. Mr. Clark stated that the ordinance in the unincorporated areas around Blanchard was more restrictive than ordinances in Blanchard. He said that the MPC began to remove the things that citizens pointed out to the MPC such as zoning classifications. Mr. Clark said that the MPC has ceased any actions and are waiting on directions from the Commission.

It was **moved by Mr. Hopkins**, seconded by Mr. Jackson, *that recommendations from the MPC regarding the UDC be provided to the Long Range Planning Commission for review prior to going to the Parish Planning Commission.*

Mr. Jackson wanted to know if there would be any public meetings. Mr. Hopkins responded yes, when the Parish Commission get recommendations ready. Mr. Jackson recommended having the meetings in North Caddo. Mr. Clark commented that when the MPC held public meetings there were attendees by residents of areas that would not be affected and the MPC did not get a good opinion from citizens in the five-mile area.

At this time, Mr. Hopkin's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Jackson, and Hopkins (4). NAYS: None (0). ABSENT: Commissioners Gage-Watts, Johnson, and Young (3). ABSTAIN: None (0).

Mr. Jackson asked that the Master Plan Update be placed back on the Work Session agenda.

Mr. Clark stated that the MPC is creating a master plan advisory committee and requested a representative from the Parish Commission an the Caddo Parish Planning and Zoning Commission.

Mr. Hopkins stated that a master plan affects the whole parish and the words used in the master plan frightens country folks. He reiterated that there should be public meetings that are conducive to the rural area.

Mr. Clark stated that it is a good time to update the existing mater plan since many things have happened since the enactment of the master plan. He also stated that the City of Shreveport is considering appropriating funds in next year's budget for an update and urged the Caddo Parish Commission and Administration to look at those possibilities.

Mr. Jackson wanted to know if the Commission is returning to its bi-monthly updates. Mr. Clark responded that the MPC would be happy to do so. Mr. Jackson requested that Mr. Clark be wary of using certain words in his presentation.

There being no further business, the Committee adjourned at 2:47 p.m.



Linda J. Montgomery