

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**June 1, 2011**

The Lake County Zoning Board met on Wednesday, June 1, 2011 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning, Conditional Use Permits, a Conditional Use Permit Revocation, and Ordinance amendments.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, June 28, 2011 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Jim Miller	School Board Representative
Kasey Kesselring	At-Large Representative

**Members Not Present:**

James Gardner, Secretary	District 3
John Childers	Ex-Officio, Nonvoting Military Representative

**Staff Present:**

Brian T. Sheahan, AICP, Director, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Ross Pluta, Engineer III, Public Works Department  
Aziza Bryson, Public Hearing Coordinator, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:02 a.m. He led in the Pledge of Allegiance and Tim Morris gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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MINUTES

**MOTION by Kasey Kesselring, SECONDED by Tim Morris to APPROVE the May 4, 2011 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Kesselring, Morris, Miller, Bryan, Gonzalez**

**ABSENT: Gardner**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

OPENING DISCUSSION

Brian T. Sheahan, Director, noted that there were no changes to the consent agenda.

CONSENT AGENDA:

		Agenda No.
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**MOTION by Tim Morris, SECONDED by Kasey Kesselring to recommend APPROVAL of the consent agenda, consisting of agenda item 1, 2, & 3.**

**FOR: Morris, Bryan, Gonzalez, Kesselring, Miller**

**ABSENT: Gardner**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

Chairman Bryan mentioned that the applicants for the Dr. Chon Springwater Project, CUP #10/4/2-2, were running late; therefore the order of the regular agenda needed to be changed. Mr. Sheahan noted that agenda item #5, CUP #11/6/1-3, Long and Scott Farms Biosolids Facility, would be heard first on the regular agenda.

### REGULAR AGENDA

<b>CASE NO:</b>	<b>CUP# 11/6/1-3</b>	<b>AGENDA NO.</b>	<b>5</b>
<b>OWNER:</b>	<b>Frank D. Scott, III</b>		
<b>APPLICANT:</b>	<b>Timothy Talbot</b>		
<b>PROJECT NAME:</b>	<b>Long and Scott Farms Biosolids Facility</b>		

Jennifer Cotch, Environmental Specialist, presented the case and the staff recommendation for approval. She showed a map of the property (STAFF EXHIBIT A) on the monitor stating that the property is approximately 215 acres and is located in the area known as Lake Lem. Ms. Cotch displayed a concept plan, which was shown on the monitor (STAFF EXHIBIT B), which the applicant submitted to show that the proposed use is to be contained to the southeast portion of the property and to show the expected use of approximately 28 acres for the actual composting. An aerial map (STAFF EXHIBIT C) was displayed on the monitor while Ms. Cotch pointed out the compost site, properties that are over 2,000 linear feet away from the proposed use, the Long & Scott Parcels, and the parcels owned and managed by the St. Johns River Water Management District (SJRWMD). Ms. Cotch indicated that no comments were received from the St. Johns River Water Management District or Orange County although they were contacted in regards to the CUP application. Ms. Cotch noted that over forty (40) objection letters and two (2) letters of support were received. She displayed an aerial map (STAFF EXHIBIT D) on the monitor which illustrated clusters of citizens who are in support and in opposition of the request within a 4 mile radius of the proposed compost site. In addition, Ms. Cotch referenced a memo that was provided to the Board members which proposed adding the Long & Scott Composting Project Description to the CUP ordinance, should it be approved. She explained that staff believes that the project description, required conditions in the proposed ordinance, and the conditions that will be imposed through the Florida Department of Environmental Protection (FDEP) permit, will address the majority of the concerns raised by surrounding property owners.

Cecelia Bonifay, Esq., Akerman & Senterfitt, representing the Applicant, stated that in response to all of the letters of opposition, the Applicant provided a summary of responses to staff addressing the various issues that were raised. She also mentioned the memo, referenced earlier by staff, regarding the standard operating procedures that will be followed; stating that there are no objections to those procedures being included as additional conditions to the ordinance. Ms. Bonifay expressed that she hoped to be able to clear up a number of the questions regarding the proposed use, while also helping people to understand what will actually be taking place on the site. Ms. Bonifay gave a brief description of the method to be used for the composting operation. She stated that she would have representatives to come before the Board to give an overview of the operations and the required permitting process. She also stated that some additional information would be provided by Mr. Hank Scott.

Keith Riddle, Riddle-Newman Engineering Inc., stated that he has been a licensed professional Engineer in the state of Florida for over 23 years. He provided some background information as to his credentials in his work concerning land development and all of the associated permitting issues and requirements. Due to his experience, Mr. Riddle commented that he believes that he is well versed to handle the storm-water issues related to the proposed project. Taking into

consideration that land use approval is the first step towards approval for this composting method, Mr. Riddle thoroughly described all of the additional steps, including the site plan approval process and the requirements pertaining to FDEP, that the applicant would have to address and comply with before actually being allowed to operate a composting facility on the proposed site. As part of the process concerning FDEP, Mr. Riddle pointed out that one of the first tasks would be to modify Shelley's Septic Tanks existing domestic wastewater treatment plant permit. He explained that Shelley's is currently permitted to take their biosolids material, mix it with lime, and truck it off to places all over the county to land-spread. In modifying the existing permit, it would be asked that FDEP would allow Shelley's to mix the biosolids with yard waste such as wood chips, etc...to create a pre-mixed compost material. This material would then be taken to Long and Scott Farms where it would be put in windrows (composting piles) to allow the natural composting procedure to take place; creating a material that Long and Scott Farms would then use to enrich their soil. Mr. Riddle added that this is not for commercial use and emphasized that neither the premixed material nor the material produced would not ever leave Long and Scott Farms. In addition, he mentioned that part of the process would be to obtain an Environmental Resource Permit (ERP) from FDEP to handle the storm water issues; showing various grading plans and calculations to demonstrate how storm water runoff will be handled. He also mentioned another necessary Environmental Protection Agency (EPA) permit delegated to FDEP called the National Pollutant Discharge Elimination System (NPDES) Erosion Control Permit which must be obtained as well. Mr. Riddle stated that all information submitted is public record and copies of any information or documentation can be made available to the public.

Ms. Bonifay asked Mr. Riddle to address concerns in regards to potential adverse impacts to Wekiva Bay or Lake Apopka. Mr. Riddle stated that due to the type of composting operation proposed, this site must be handled differently. He noted that when it does rain, that the runoff will be considered waste water material; therefore the area where the composting will take place will be made impermeable and will create a one hundred percent (100%) impervious barrier so that anything that rains on the area will not seep into the ground but will be collected in swales or piping and taken to an on-site retention area. He further explained that the rainwater collected will then be recycled and pumped out of the retention pond and sprayed back onto the windrows. In addition, Mr. Riddle added that the entire perimeter of the composting area will be bermed in order to ensure that no surface runoff leaves the area that might get into the adjacent wetlands, Lake Apopka, or any other surrounding water bodies.

Paul Bryan, Chairman, asked if this composting operation is being done at any other similar facilities and if this is a fairly new or experimental type of operation. Mr. Riddle answered that it is not experimental although the procedure is fairly new and that composting has actually been around for a long time. He pointed out that Disney World has a composting facility in the middle of their property. Ms. Bonifay showed a map of the Disney property (APPLICANT EXHIBIT A) on the monitor and pointed out the location of their composting facility. She stated that the operation being proposed is actually an enhanced version of the composting method taking place at Disney. She also stated that Long and Scott Farms are currently using composting material from Disney on their property. Tim Morris, Board member, commented that the Disney composting facility is actually on the west side of the Disney property and not in the middle.

Ms. Bonifay introduced Mr. David Shelley, Owner of Shelley's Septic Tanks, who will be providing the material to Long and Scott Farms. Mr. Shelley stated that he has been in the business for thirty (30) years and gave some background information as to the nature of his business. He also provided an overview of what currently takes place, explaining that his company takes septic waste and wastewater that has already been treated (also referred to as treated waste or cake sludge) from septic tanks and in the near future from wastewater facilities.

It is then taken to Shelley's where it is mixed with quick lime. Mr. Shelley noted that the process permit was just recently upgraded to treat it to a registered fertilizer. He maintained that his company is focused on beneficial re-use, turning septic waste into a registered fertilizer, and giving water back to the municipalities to give back to the public. Mr. Shelley mentioned that due to some of the expected changes in 2013, his company is trying to implement new procedures that take the new rules into consideration. He stated that composting seems to be the most logical and easiest way to go when dealing with waste.

Ms. Bonifay asked Mr. Shelley to explain the proposed composting method versus adding lime in order to produce a fertilizer and how this is an improved method and an improved end product. Mr. Shelley described that when introducing lime, it releases ammonia, which has a very strong odor. He stated that in an effort to get away from the odors, they would prefer the natural, more affordable method of composting. He further explained that although there may be an odor when the load comes in, once it is immediately smothered down with the wood chips and yard waste, it will greatly reduce the odor.

Mr. Morris asked if the odor, utilizing the composting method, would be less than the current odor. Mr. Shelley replied that yes the odor would be less because they will not be using lime. He stated that there will be a natural odor but it will be far less than the odor that arises when lime is added.

Rick Gonzalez, Board member, asked if there will be any pre-treatment before the waste comes to the compost piles. Mr. Shelley stated that the septic is already pre-treated in the septic tank and by the time Shelley's pumps the tank it has undergone a treatment process.

Chairman Bryan asked if Shelley's is permitted to do this operation, will they completely eliminate the use of lime from their plans. Mr. Shelley stated yes, the use of lime would be completely eliminated.

Hank Scott, Property Owner, stated that they have been farming, primarily vegetables, on their land which is approximately 1200 acres since 1963. He gave some background information on active agriculture, expanding on what they have been doing on the site for a number of years and spoke about how this new composting method will be beneficial to this site. Mr. Scott admitted that there have been occasional complaints of the smells once the compost from Disney is initially trucked in and delivered, but that the smell goes away once it is spread out on the field and on the ground. He noted that the composting material will only be used on the sod and not on the vegetables. He also mentioned the many benefits he has experienced from composting and how the compost is a much better, more up to date product to use.

Chairman Bryan inquired if Mr. Scott has ever visited the Disney composting site and approximately how far he lives from the proposed composting site. Mr. Scott answered that he has not visited the Disney composting site but that he does intend to go and check it out. In response to the second question, Mr. Scott stated that he lives approximately 2 or 2 ½ miles away.

Ms. Bonifay mentioned the development of a maze. Mr. Scott expounded on his fall maze that they have annually for two months out of the year. He stated that the fall maze is very successful and that people have a good time. He commented that during this time of year they are able to teach consumers all about what it takes to grow vegetables.

Dr. Lavia Michael, concerned citizen, stated that she is a pathologist who works in Orlando and that she also has property adjacent to the proposed biosolids facility. Ms. Michael explained that

she would like to address the health risks and potential pathogens that may be under treated or not treated at all upon arrival to the facility. She expressed her concern in regards to the monitoring of the waste during transport and before and after it becomes biosolid compost. She indicated that the guidelines she has read are vague and wants to know what tests will be done and how the tests will be administered. She pointed out that there are many routine tests that are insufficient for many pathogens and went on to describe various pathogens, the risks associated with them, and the numerous potential viruses that are contained in human feces. Ms. Michael also mentioned heat resistant organisms and her concerns related to the heating of the compost material and bacteria. In addition, she noted documented cases of people who have certain infections and respiratory illnesses as a result of living near composts or products of the compost. She also noted the potential for many insects to flock to these compost areas that can fly up to two miles away and land in lakes, streams, and ponds and also possibly infect livestock and backyard animals.

Robert Buckmann, concerned citizen, voiced that his main concern is the smell. He stated that he feels that the smells will destroy the property values of the homes in the area. Mr. Buckmann reported that he moved to the area for the nice country air and does not want that taken away. He also pointed out that the proposed composting facility keeps being compared to the Disney composting facility but remarked that Disney is a multi-billion dollar operation that can afford the best of everything. Mr. Buckmann stated that he thinks the proposed project is not a bad idea but questions the location being so close to a residential area. He asked the members of the Board to consider if they would want something like this a mile from their homes.

K. R. Edwards, concerned citizen, voiced concern about truck traffic. He mentioned a sign at the beginning of Sadler Ave. and at the beginning of CR 448 and CR 48 going south that says "no trucks over 10,000 pounds", to express his point that the roads are not designed for heavy truck use. He commented on several accidents that he has witnessed on those roads and emphasized that the road structure is not set up for heavy truck traffic.

Mary Ellen Proctor, concerned citizen, opposes the facility. She stated that the farm is not isolated and that in her neighborhood there are sixteen individual homeowners within approximately one mile of the farm. Her main concern is about Shelley's bringing sludge products from all over Central Florida. She stated that she does not want Lake Jem to become the toilet of Central Florida.

Jeff Roach, concerned citizen, asked what happens if the sod farm closes. He inquired as to what would happen to the material should the sod farm close and questioned how that whole process would be handled. Chairman Bryan stated that those issues could be addressed in the ordinance.

Al Derakshan, concerned citizen, advised the Board that within one mile of the proposed facility, there is a center for children with autism where his son currently resides. He agreed that the new project probably would be a good investment, but questioned at what cost. He referred to the odors that were previously mentioned and implied that the center for autism would be more inclined to keep the children indoors due to the odors. He stated that his greatest concerns were in regards to the autistic children, especially those who are non-verbal and do not have the opportunity to voice their opposition or violation of their civil rights. Mr. Derakshan provided a letter of opposition (OPPOSITION EXHIBIT A) and a signed petition of opposition (OPPOSITION EXHIBIT B).

Amanda Pippin, concerned citizen, stated that her main concern is the biofilters. She referenced that the EPA says that in regards to biofilters, they give off bioaerosols, they have concerns

regarding the lead content, and the explosive re-growth of pathogens and microorganisms. Ms. Pippin questioned how the material being trucked in will be regulated and how will what is mixed with the sludge be controlled. She also voiced concerns in relation to the mushroom farm, dust, pollen, and the odors. In closing, she mentioned her concerns about flooding and what type of contingency plan is in place should flooding occur.

James LaVigne, concerned citizen, voiced his opposition to the proposed project. He stated that the Applicant does not have the legal footing to go forward with the application because it is not a major utility, private utility, public utility, or public facility. He added that the use is not consistent with the Comprehensive Plan because half of the property is in Lake County while the other half is in Orange County. He mentioned that the affects on the adjacent properties is contrary to staff's analysis because there are lots of residences within several miles of the proposed site and that it is not compatible with the existing character of the neighborhood. Mr. LaVigne pointed out that CR 448 is a scenic road and that thousands of bicyclists and motorcyclists will be affected by the truck traffic. He also mentioned how this proposal will adversely impact tourism in the area. Mr. LaVigne then explained that these roads are not built for the type of truck traffic that is involved and that the County Road should not be used to benefit one landowner. He voiced his concerns as to the sludge on the road that falls from Shelley's trucks, odors, and road deterioration.

Mr. Sheahan addressed some of the comments made by Mr. LaVigne stating that staff has found the CUP request consistent as being the most similar use to a major utility and referenced past cases for comparison due to the fact that there are no compost or sludge operations anywhere specifically defined in the use matrix. He also noted that the Land Development Regulations (LDR) permit staff to make those determinations when the proposed use is not more obnoxious or more detrimental to the public good than a defined use.

Michael Young, concerned citizen, stated that he recognized the need to have sound environmental concepts and facilities and has an understanding of all parties involved, but feels that there is not enough information to make a decision. He implied that a plan should be devised to mitigate some of the concerns before just jumping in and going ahead with the proposed project. He also voiced his concerns in relation to truck issues, nuisance bugs, odors, and the impacts to the residential areas.

Brion Benzenbauer, concerned citizen, spoke in support of the proposed project. He stated that this application will lead to lots of job opportunities. He also mentioned that this issue is something that has to be dealt with and if the operation is ran right there will be no problems. He commented that there is already truck traffic on the roads mentioned and that there won't be any more traffic than what is currently taking place. He added that he has known Mr. Shelley for a long time and that he is a hard worker who is trying to do something that will benefit everybody.

Bill Holt, concerned citizen, hand delivered a letter of opposition to the Board (OPPOSITION EXHIBIT C). He agreed that waste needs to be dealt with but stated that he is against the proposal. He commented that with more time, perhaps a better solution or location could be found for this type of operation. He stated that he would like to ask that more time be taken to review the proposal and for the preparation of more detailed responses to some of the concerns. He expressed that his main concerns were the impacts of: the offensive odor not only to residents but also to visitors, extreme semi-truck traffic, unacceptable amounts of pollution, and reductions in property values. Mr. Holt requested that a couple more months be taken to provide more information.

Chairman Bryan asked Ms. Bonifay if the Applicant would consider a postponement in order to provide more information. Ms. Bonifay stated that she would be out of the country for the July 6<sup>th</sup> Zoning Board meeting. She also pointed out that additional information was provided and due to time constraints the Applicant would like to move forward. Chairman Bryan asked if there was any other information that could be provided to address some of the issues that were brought before the Board. Ms. Bonifay stated that she had some of the compost from Disney that she could pass around in order to show that there is no odor from the finished product.

Chuck Wolfe, Wastewater Plant Operator, spoke in support of the proposal. He stated that his profession involves dealing with waste water treatment and that he has been in the waste water treatment business for over 35 years, working all over Central Florida. He mentioned that he has been directly involved with providing the biosolids, similar to what Mr. Shelley is currently handling. He provided some background information as to how biosolids have been handled in the past and shared that over the period of years, the State of Florida and the environment has demanded that improvements be made. As part of those improvements, Shelley's Septic Tanks began adding lime to the biosolids in an effort to make the process more agriculturally positive, with the understanding that the process has its limitations. Mr. Wolfe went on to explain the positive and negative effects of the acquisition and purpose of lime as it relates to the handling of biosolids. In response to the EPA and the State of Florida's desire to hold lime stabilization down, he explained that composting is a positive alternative that would be the most viable, economical, and environmentally friendly and safe way to get rid of the biosolids that all people produce. In closing, he noted that the truck traffic should be limited.

Connie Harvey, concerned citizen, voiced that her main concern was that these biosolids will be brought in by Shelley's Septic Tanks who have repeated violations with the FDEP. She wanted to know how the community can entrust Shelley's Septic Tanks to make sure that things are safe when they have outstanding funds, have been in trouble for dumping raw residual waste on spread fields without the proper treatment, and have been fined several times in the last few years. Ms. Harvey referenced Florida statute 823.14, The Florida Right to Farm Act in relation to her concerns about excessive odor, traffic, and noise.

Susan Klinzing Tobin, concerned citizen, stated that she is a resident and that professionally, she has been an Environmental Consultant for 32 years. Ms. Tobin mentioned that she had reviewed Shelley's Septic Tanks file in detail and stated that they have a long, sordid history of violating environmental regulations. She described some of the recent violations, such as: common excessive odors, a record of raw sewage in the yard, falsifying pH records, and dumping untreated waste. In addition, she noted that currently Shelley's has \$76,000 in fines for various violations. She also pointed out that Orange County denied Shelley's Septic Tanks' permit request to build a higher tech sludge processing facility. Ms. Tobin expressed her dismay that the product that Shelley's Septic Tanks produces or will produce would be compared to a finished product from Disney. She stated that she has sampled this product and other types of agricultural amendments for farmers and that the product stinks. She explained that the product has high heavy metal content and also has a high nutrient content. She also mentioned that there are current concerns that some of this material may be radioactive from people who are receiving radiation treatments. Ms. Tobin voiced other concerns as to the variability in what is actually going to take place on the site and the issue of trucks. In closing, Ms. Tobin added that she feels that the actual plan should be presented and that the community should have the opportunity to review the plan in order to see what is really going to take place on the property before the Board votes to approve the application.

Erin Hartigan, Assistant County Attorney, reminded the Board that without knowledge of

whether or not there were any other FDEP violations, that information would not be something to consider.

In response to Ms. Tobin's concerns, the Board had several questions concerning viable ways to dispose of waste, her recommendations to the farmers she works with, and if she ever advised any sod farmers. Mr. Gonzalez and Chairman Bryan both indicated that some of the details that were brought forward would be addressed in greater detail during site plan approval should the request be approved.

Carline Beckner, concerned citizen, compared the smells coming from the Mushroom Farm to the repulsive smells coming from Shelley's Septic Tanks. She also questioned the difference in the volume of what Disney does in comparison to what may be taking place on Long and Scott Farms.

Susan Agnetti, concerned citizen, stated that she has Chronic Obstructive Pulmonary Disease (COPD) and moved further out for the clean air and a rural environment. Her main concern is her health in relation to the proposed composting operation.

James Prescott, concerned citizen, stated that his concerns have been addressed by several other citizens.

Juanita Prescott, concerned citizen, stated that she does not want this excrement in her backyard. She mentioned that if approved, this composting operation will affect property values in the area. She asked the Board to please vote no.

Paulette Smariga, concerned citizen, stated that she is a retired Biochemist. She voiced concern about the regulations and how they need to be followed. She mentioned that from her understanding of what she has heard thus far, the sludge will not be lime treated, which she stated is against the EPA. She also mentioned guidelines published by the EPA and suggested that the ordinance should require Long and Scott Farms to follow all EPA guidelines.

Margaret Grimes, concerned citizen, stated that most of her concerns have already been addressed. She did voice some other concerns, such as: how the truck traffic will interfere with the school bus traffic traveling along the same roads, lead and its affects on children, windrows, and if sludge is safe. After referencing some articles that she'd read, she voiced her concern that there has not been much testing on the long term environmental or human effects of exposure to biosolids composting. She feels that further testing needs to be done on existing facilities and asked the Board not to approve the CUP request.

Kenneth Van Valkenburg, concerned citizen, stated that he will be able to see and smell the facility from his property. He also mentioned decreasing property values. He expressed that he is against the request and agrees with all previously voiced concerns.

Deborah Parks, concerned citizen, expressed her concern in regards to the health risks associated with open air windrow composting facilities. She referenced various material such as: articles, EPA reports, studies, health survey's, and lawsuits, to demonstrate that more research needs to be done. She pointed out that due to the health risks, other counties in Florida, in addition to other states, have been shutting down similar composting facilities. In closing, she suggested burning biosolid waste and turning it into biosolid fuel.

Chairman Bryan asked Ms. Parks which other counties have shut down similar facilities. Ms.

Park responded that Polk, Desoto, and several other south Florida counties have shut down these types of composting facilities.

Barbara Welch, concerned citizen, stated that she is a retired state of Florida employee who worked with the Department of Environmental Health. She stated that she can attest to the fact that under certain conditions, air, water, and soil will produce unpleasant odors. She maintained that the reason why the state analyzes samples of air, water, and soil, is to protect the public health. She stated that she is primarily concerned with public health especially in relation to the odors and the sludge.

Kenneth Welch, concerned citizen, stated that he had no additional comments.

Peggy Gundlach, concerned citizen, stated that she is opposed to the request.

Tom Bowman, concerned citizen, agreed with many of the concerns presented by his neighbors. He spoke of his concern with hurricanes, high water, and runoff water.

L. Michael, concerned citizen, mentioned the Disney facility, stating that it is an in-house, closed facility. He also stated that the EPA has three standards for biosolids stating that there are different regulatory guidelines for biosolids versus compost. He explained that biosolids can be listed under Class AA, Class A, Class B, and the untreated. He voiced his concern that due to the lack of alkaline being added, they will be dealing with the most organisms in the raw sewage that is being brought in by Shelley's Septic Tanks. Mr. Michael spoke of a company in Orange County that processes and resolves biosolids and could be used as an alternative to composting. He then commented that windrow composting is the worst way to deal with biosolids as it produces the most aerosols and the most unstable product. He went on to speak about Class B solids and how dangerous they are. Showing pictures on the monitor (OPPOSITION EXHIBITS D & E), Mr. Michael also addressed the issues of trucks in relation to the roads that will be used. He stated that the road that the trucks are proposed to use is a very small, narrow, two-lane road that has a 55 mph speed limit. He pointed out that there are no markings, no shoulder, and there are no run off areas. He emphasized that these trucks can't safely turn around and every time they do turn around they will be overlapping into the other lane. He also made note of a dangerous intersection where there is no traffic light.

Angel Mendez, concerned citizen, voiced that his main concern was the financial impact it will have on the residences. He mentioned that if property values drop than tax revenue will also drop and impact the County.

Chairman Bryan called for rebuttal by the Applicant. In an effort to address some of the presented concerns, Ms. Bonifay explained that the standard operating procedures that had been provided to staff go through a very detailed explanation of exactly what will be taking place on the proposed site. She refuted claims that Long and Scott farms will be dealing with raw sewage/sludge or Class B solids. In reference to the truck traffic, she mentioned that due to the heavy agricultural use of that area which requires a great deal of truck traffic, Lake County has found that these roads can be used in conjunction with the residences and residential living in that area. She also stated that the Applicant will do whatever is required in relation to any improvements to the roads that may be necessary.

Mr. Riddle addressed the site plan review process in regards to a required traffic analysis that will be conducted by a traffic engineer. He pointed out that since Long and Scott will potentially have their own compost material right there on site, it will eliminate the trucks that bring in the

material from Disney, therefore lessening the truck traffic. Mr. Riddle also addressed the size of the proposed site and the idea of some construction of facilities that some of the citizens had concerns about. He gave more information in regards to the creation of an impervious surface underneath the windrows and explained that its purpose is to impede any water from soaking into the ground so that there is no runoff and no water leaking into the sand. He emphasized that there would be no structures, due to the fact that Long and Scott already has offices on the premises. Mr. Riddle estimated that with all of the additional steps in the permitting process, such as the Lake County site plan review, and the review of the standards from the EPA through the FDEP, that the design and permitting process could take anywhere between four to six months.

Mr. Gonzalez asked whether or not the public would have access to information during the permitting process. Mr. Riddle assured that the public would be able to obtain information by going online and having the option to download any records pertaining to the proposed project. He also stated that one could meet with a representative from the FDEP or call to find out more detailed information.

Chairman Bryan asked about air-borne pathogens. Ms. Bonifay asked Mr. Wolfe if he would provide more information regarding the composting process, air-borne pathogens, and the associated odors. Mr. Wolfe gave a detailed explanation of exactly what takes place during the composting process from its beginnings as raw sewage, the treatments involved, the stabilization of the biosolids, the necessary temperatures to break down the organics and fecal matter, the breakdown of bacterium, the use of compost, the application to the sod, and the heating and turning of the piles. In regards to odor, Mr. Wolfe spoke to the legal and environmental standards of the FDEP permitting process as it relates to excessive odor. Mr. Wolfe remarked that not much can be done about the odor but stated that part of the proposal is to cap the windrows with green material in order to hold the odors in until they are neutralized within the pile. He also stated that he anticipates a great reduction in odors with this method of composting because it is basically a three turn process.

Chairman Bryan asked if there is a potential for pathogens to be in the biosolids material that will be trucked from Shelley's Septic Tanks to the Long and Scott Farms. Mr. Wolfe answered that there is a potential for pathogens to be present but it is at an acceptable level. He explained that as the material comes to Shelley's Septic Tanks it is considered Class C or untreated. Although the material has been stabilized at a treatment plant, he further explained that it goes through no additional treatment to eliminate the pathogens, which is why lime is added upon arrival at Shelley's Septic Tanks in an effort to reduce the pathogens. Mr. Wolfe mentioned that the portion of material that will be brought into the composting facility will not be limed; he then added that with this method of composting, by adding the raw compost material such as woodchips, brush, etc...it will produce a more compacted product therefore reducing the opportunity for spillage from trucks.

Mr. Scott expounded on his prior testimony in regards to the business of Long and Scott Farms. He addressed the issues of truck traffic, odors, and emphasized that the material produced will not leave the property. In closing, Ms. Bonifay asked the members of the Board to support staff's recommendation of approval while also incorporating the standard operating procedures as part of the conditions within the ordinance.

Mr. Gonzalez requested to hear from the representative from the FDEP. Ms. Cotch introduced Ms. Dennise Judy, Environmental Engineer and Permitting Manager of the Domestic Waste Permitting Section from the Central District Office. Mr. Gonzalez asked if the issues that were brought before the Board would be addressed during the permitting process for FDEP. Ms. Judy

stated that many of the issues raised by the concerned citizens would be addressed if and when a permit is applied for. She informed the listeners that once an application for a permit is received, all information is immediately made public record. She stated that specific requests for information could be made in writing and any agency action would be provided. Ms. Judy explained that once the department determines that the permitting process is complete and there is reasonable assurance that all rules would be met, the applicant receives an intent to issue with a draft permit or a draft permit revision. The applicant is then required to publish the notice of intent in a local newspaper. She also explained that the FDEP waits up to 14 days to allow for any petitions against agency action; explaining that the petition is based on whether or not it meets department rules. Kasey Kesselring, Board member, asked if the health concern issues in relation to the pathogens would be addressed. Ms. Judy replied yes and referenced chapter 62-640 of the Florida Administrative Code, the biosolids rule, which was recently revised. She pointed out that there are certain EPA guidance documents that address the stabilization processes that reduce pathogens and they are considered during the review of the permitting process. Mr. Kesselring asked if there are greater inherent risks associated with the proposed composting method versus spreading the material on a spray-field. Ms. Judy answered that the more the material is stabilized, then there will be less pathogens in it, therefore, the safer it is. She stated that certain composting is considered to be a very valuable and viable method for producing something that is beneficial. She agreed that odors will always be an issue but with this proposal, because of the limited turning of the windrows, it will greatly reduce the amount of aerosols.

Board discussion ensued. Chairman Bryan commented that he learned that despite the use of lime, there will most likely be an odor. He expressed his discomfort with the proposal and stated that his biggest concern is related to the potential of air-borne pathogens. Mr. Miller commented that the FDEP would be the ones to handle the issues related to the pathogens as part of their permitting process. He also stated that it would be hard to find a more remote site for this composting operation than the proposed site.

Ms. Cotch mentioned that there were a couple of changes to the ordinance and the staff report that took place after the Zoning Board booklets were sent out. She asked the Board if they made a motion to approve, whether or not they would include a special condition to add the standard operational procedures that were provided by the Applicant. Mr. Kesselring also mentioned adding a condition that would require that the material would stay on the Long and Scott Farm Property.

Mr. Morris stated that he did not have a good comfort level with the proposal.

**MOTION by Rick Gonzalez, SECONDED by Jim Miller to recommend APPROVAL of the requested Conditional Use Permit, CUP#11/6/1-3, including the standard operational procedures as provided by the Applicant and a condition that none of the material after composting will be removed from the proposed site.**

**FOR:** Miller, Gonzalez  
**ABSENT:** Gardner  
**AGAINST:** Kesselring, Morris, Bryan  
**NOT PRESENT:** Childers  
**MOTION FAILED:** 2-3

Chairman Bryan called for another motion, as the motion for approval failed.

**MOTION by Tim Morris, SECONDED by Kasey Kesselring to recommend DENIAL of the requested Conditional Use Permit, CUP#11/6/1-3.**

**FOR: Morris, Kesselring, Bryan**

**ABSENT: Gardner**

**AGAINST: Miller, Gonzalez**

**NOT PRESENT: Childers**

**MOTION CARRIED: 3-2**

At 12:22 p.m., Chairman Bryan announced a ten minute recess.

The meeting resumed at 12:33 p.m.

**CASE NO: CUP# 10/4/2-2 AGENDA NO. 4**

**OWNER: Hang Ju and Yuon Sup Chon  
APPLICANT: Hang Ju and Yuon Sup Chon  
PROJECT NAME: Dr. Chon Springwater Project**

Mr. Sheahan stated that due to a conflict between the Applicant and the Applicant’s attorney, the Applicant would like to request a 30-day continuance to the Zoning Board meeting of July 6, 2011.

Sharon Torres, concerned citizen, voiced her agreement with the continuance.

**MOTION by Tim Morris, SECONDED by Kasey Kesselring to recommend APPROVAL of the request for a 30-day continuance to the Zoning Board meeting of July 6, 2011, for CUP# 10/4/2-2.**

**FOR: Morris, Kesselring, Bryan, Miller, Gonzalez**

**ABSENT: Gardner**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

**AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS:**

**Ordinance 2011- XX Proposed Amendment to the Performance Criteria Affecting Heavy Industrial Uses AGENDA NO. 6**

Mr. Sheahan introduced the Ordinance amendment by reading the title of the Ordinance. Mr. Sheahan stated that this Ordinance primarily changes the setback criteria and eliminates some of

the redundant regulations relating to noise studies, hours of operation, and screening and lighting.

Greg Beliveau, Private Consultant with Land Planning Group (LPG), described how some of the industrial projects he has been working on have been directly affected by the conflicts created by the stipulations of this Ordinance and how the proposed changes will alleviate those conflicts in the future.

**MOTION by Kasey Kesselring, SECONDED by Jim Miller to recommend APPROVAL of the Ordinance amendment to amend the Lake County Code, Appendix E, Land Development Regulations, Section 3.01.04.**

**FOR: Morris, Kesselring, Bryan, Miller, Gonzalez**

**ABSENT: Gardner**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

**Ordinance 2011- XX Proposed Amendment to assigning duties of the Local Planning Agency to the Zoning Board AGENDA NO. 7**

Mr. Sheahan introduced the Ordinance amendment by explaining that this amendment would reduce the number of members needed for a quorum to four members and would also assign the Zoning Board the duties of the Land Planning Agency required by Chapter 163, Florida Statutes. He then read the title of the Ordinance.

Mr. Kesselring clarified that for a quorum only four voting members would need to be present instead of five voting members. Mr. Sheahan confirmed.

Chairman Bryan asked if there was a need for a planning agency with the current legislation. Mr. Sheahan answered that the full extent of those changes has not yet been fully evaluated.

**MOTION by Tim Morris, SECONDED by Rick Gonzalez to recommend APPROVAL of the Ordinance amendment to amend section 13.04.00 of Chapter XIII of the Lake County Land Development Regulations, entitled "Lake County Zoning Board".**

**FOR: Morris, Kesselring, Bryan, Miller, Gonzalez**

**ABSENT: Gardner**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

**OTHER BUSINESS:**

Mr. Sheahan advised the Board that they would need to select a member to serve on the Housing Advisory Committee.

Mr. Morris nominated Mr. Rick Gonzalez.

**MOTION** by Tim Morris, **SECONDED** by Jim Miller to recommend **APPROVAL** of the selection of Mr. Rick Gonzalez to serve on the Housing Advisory Committee.

**FOR:** Morris, Kesselring, Bryan, Miller, Gonzalez

**ABSENT:** Gardner

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED: 5-0**

Chairman Bryan thanked Scott Blankenship for all of his time serving on the Zoning Board.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:46 p.m.

Respectfully submitted,

  
Aziza Bryson  
Public Hearing Coordinator

  
Paul Bryan  
Chairman