

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
July 10, 2008**

The Lake County Local Planning Agency met on July 10, 2008 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

Jeffrey Schaffer	District 1
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Cindy Barrow	School Board Representative
Vacant	At-Large Representative

Members Absent:

Rob Kelly	District 2
Vicki Zaneis	At-Large Representative

Staff Present:

Melanie Marsh, Deputy County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Ian McDonald, AICP, Chief Planner, Planning & Community Design
Lori Barnes, Senior Planner, Economic Growth & Redevelopment
Walter Wood, Senior Hydrogeologist, Environmental Utilities
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:02 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

TABLE OF CONTENTS

AGENDA DESCRIPTION	PAGE NO.
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 9.03.06, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PARKING REQUIREMENTS; CHANGING WHOLESALE AND WAREHOUSING REQUIREMENTS FROM LOT AREA TO GROSS LEASABLE AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.	4
Central Florida Sand Mining Association Presentation	5

MOTION by Michael Carey, SECONDED by Cindy Barrow to approve the October 25, 2007 minutes as amended.

FOR: Foley, Schue, Carey, Belflower, Barrow, Schaffer

ABSENT: Kelly, Zaneis,

AGAINST: None

MOTION PASSED: 6-0

MOTION by Michael Carey, SECONDED by Cindy Barrow to approve the February 8, 2008 minutes as amended.

FOR: Foley, Schue, Carey, Belflower, Barrow, Schaffer

ABSENT: Kelly, Zaneis,

AGAINST: None

MOTION PASSED: 6-0

Michael Carey noted that several times he has discussed his concerns regarding the improper grading of lots in subdivisions, which can result in water running off of individual lots and he requested his concern be placed on the record. The LPA scheduled additional meeting dates for the month of August 2008. Brian T. Sheahan, AICP, Planning & Community Design Director, said there were no changes to the agenda.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 9.03.06, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PARKING REQUIREMENTS; CHANGING WHOLESALE AND WAREHOUSING REQUIREMENTS FROM LOT AREA TO GROSS LEASABLE AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Lori Barnes, Senior Planner, Economic Growth & Redevelopment, explained that this proposed ordinance would make the gross leasable area of warehouses and wholesale establishments as the basis for calculating the parking requirements. She said this particular issue arose at the Chris Ford Commerce Park. She said when parking calculations were based on lot size; staff discovered wholesale establishments and warehouses had many unused parking spaces.

MOTION by Keith Schue, SECONDED by Cindy Barrow to approve the parking ordinance as submitted.

Peggy Belflower asked about employee parking space allotments. Ms. Barnes said owners would be asked to submit employee numbers. Jeffrey Schaffer discussed how employee estimates are used to calculate the number of parking spaces. Mr. Sheahan added that when there was a change in occupant, owners could be required to provide additional parking if needed. Ms. Belflower noted that this ordinance would apply outside the commerce park and only to warehouse and wholesale uses. Ms. Barnes said in the future parking requirements in general would be reconsidered.

FOR: Foley, Schue, Carey, Belflower, Barrow, Schaffer
ABSENT: Kelly, Zaneis
AGAINST: None
MOTION PASSED: 6-0

Central Florida Sand Mining Association

Tracy Bryant, Executive Director of the Central Florida Sand Mining Association, said she had a presentation on mining reclamation. She said the mining industry believes that mining is a temporary use of land and that the overall impact is small. She discussed some of the secondary uses of reclaimed land and noted that the industry partners with school systems to facilitate mining discussions and the science of reclamation.

Jeffrey Schaffer asked if an end use was identified prior to the commencement of mining with the reclamation plan. Steve Richey, Esq., discussed Lake County's mining ordinance and its reclamation standards and said nowhere is the end use required. He said that the mining process can last a long time and discussed two mining sites in south Lake County in which development had encroached on the mines and those areas were annexed for development.

In response to a question about the number of reclaimed mine sites and the final use of those sites, Ms. Bryant said mining reclamation is an ongoing process but added that most mining sites in this area were still active. Mr. Richey discussed reclamation projects in Lake County. He said that leased mining sites revert to the owner when mining is complete and may be developed by that landowner. He said he had never used mining as a way to increase density for residential development.

Steve Adams, Land Planning Group (LPG), discussed the reclamation process and said costs are estimated by consultants and that reclamation costs are bonded. He added that the Florida Department of Environmental Protection (FDEP) also reviews the cost figures.

Mr. Sheahan reminded the LPA that this was an opportunity to discuss their concerns with the mining industry. Mr. Schaffer asked about when the removal of earth would be considered a mine. Chairman Foley asked about the regulating of materials removed from development sites and when does that become in effect a mine or borrow pit.

Mr. Adams said mines are regulated by the FDEP and involve the processing of materials. He said borrow pits are regulated by the Water Management Districts (WMDs) and are simply the removal of material. He said the State would not classify borrow pits as mines; however, Lake County considers them to be mines and to be subject to the County's mining ordinance. He added that the mining industry would prefer to have a defined difference between mines and borrow pits. Mr. Adams said the WMD only regulates slope requirements in borrow pits. Mr. Schaffer said he would support a mining definition based on the type of site development. The LPA discussed that setting an absolute threshold size could help ensure that development in environmentally sensitive areas would be more environmentally responsible.

Chairman Foley said the Conservation Element contains most of the mining policies and noted that mining and borrow pits activities could be separated in the Future Land Use Element (FLUE). There was discussion regarding the County's definitions of mining,

borrow pits and excavation and how those definitions are different from the definitions of other agencies.

Walter Wood, Senior Hydrogeologist, Environmental Services, discussed the current definitions and said the ordinance reflected concerns regarding the environmental impacts of those activities. There was discussion that any mining definition would affect what activities are allowed in the GSACSC. There was further discussion regarding stormwater retention processes and requirements, the movement of earth related to development sites and borrow pits.

Mr. Richey noted that mining can be done only where the material is available. He said the mining industry was concerned with the GSACSC restrictions and noted that mines in urban areas were not feasible because of public opposition. He added that Mining Site Plans (MSP) were basically a Conditional Use Permit (CUP).

In response to a question about the economic impact of mining in Lake County, a representative of the Sand Mining Association explained that economic data was available on their website.

Mr. Wood stated that the current Comprehensive Plan has policy allowing sand mining in the GSACSC. He referred to a study which stated that sand mining had no impact on the aquifer, but said the study did not address habitant issues. He added that most of the Lake County mining sites had previously been citrus groves, which already impacted the soils.

The meeting reconvened at 11:00 a.m. after a short break.

The LPA discussed how the code defines mining, how that definition could impact the mining industry, if borrow pits and mines can be defined as the same thing, if both uses should continue to be subject to the mining rules, how to address exemptions within the LDRs, how to address situations in which excessive earth is moved off-site, and including a statement that LDRs would be drafted on these issues. In response to a suggestion that staff develop a definition of mining, Mr. Sheahan said the definition should be general because if it was too specific, closing any loopholes would require a Comprehensive Plan Amendment.

Mr. Schue suggested that in an effort to regulate mining in the GSACSC there should be some kind of cap in the Comp Plan with the allowance for more specificity in the LDRs. Mr. Schaffer doubted a cap would be effective because it would depend on the size of the site. Chairman Foley said Policy 7.3.7, Natural Resource Extraction provides a basis for LDRs. Mr. Schaffer said he was concerned that Policy 4.1.7 could prohibit all development in the GSACSC.

PUBLIC COMMENT

Bob Curry said he would support a general definition because of the possibility of “mining” for natural gas or petroleum.

There was a consensus of the LPA to add drafting of mining definitions to the action item list and that site development LDRs will address excess earth removal issues. In Policy 1.1.8, Adopt Land Development Regulations the LPA agreed to include a bullet item related to the extraction of natural resources.

The LPA agreed to add discussion of Policy 4.5.11, Prohibition of New Mines in the GSACSC to the action item list.

There was brief discussion regarding Mr. Schaffer's written materials regarding intensity and density in integrated uses.

Ms. Belflower discussed her concerns related to staff's presentation of select public comments at the recent BCC workshop on the landscaping ordinance. Mr. Sheahan said comments had been received after the LPA completed their review. He said staff brought forward all the concerns to the Board of County Commissioners (BCCs), and added that the BCC generally kept the "stricter" options in the ordinance. There was discussion about procedures for ordinance workshops and public hearings. Mr. Sheahan stated the ordinance would be presented to the BCC as the LPA recommended it. Mr. Schue said that he thought the BCC went through the ordinance very quickly and he was concerned that they could not have understood everything. He said the options presented were very broad, and he was concerned that the ordinance could be "guttled." The LPA discussed assigning a LPA member to attend the public meeting. Chairman Foley noted that she would be attending as a member of the Native Plant Society and said any member could attend.

The Chair adjourned the meeting at 12:30 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary