

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
April 30, 2014

The Lake County Planning and Zoning Board met on Wednesday, April 30, 2014 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for Rezoning, Conditional Use Permits, and Comprehensive Plan Amendments.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, May 20, 2014 at 1:30 p.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Paul Bryan, Chairman	District 5
Kathryn McKeeby	District 1
Timothy Morris, Vice Chairman	District 3
Debbie Stivender	School Board Representative

Members Not Present:

Ted DeWitt	District 2
Rick Gonzalez	District 4
Kasey Kesselring	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Amye King, AICP, Director, Department of Growth Management
Chris Schmidt, Manager, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Anita Greiner, Chief Planner, Planning & Community Design Division
Jennifer Cotch, Senior Planner, Planning & Community Design Division
Rick Hartenstein, AICP, Senior Planner, Planning & Community Design Division
Donna Bohrer, Office Associate, Planning and Community Design Division
Ross Pluta, P.E., Engineer III, Public Works
Erin Hartigan, Assistant County Attorney
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and Debbie Stivender, Board Member, gave the invocation. He confirmed that the meeting had been properly advertised and that it was subject to the Sunshine Statute. He explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending a favorable action on those without further discussion or public comment. He stated that they were a recommending body, and the Board of County Commissioners would have final authority on those cases. He added that two cases on the consent agenda would be pulled and placed on the regular agenda. He called for any public comment, but no one wished to address the board.

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Agenda Updates

Consideration of Minutes April 2, 2014

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	PH# 14-14-2	Verde Park PUD Amendment
Tab 2	CUP# 12/12/1-1	Skyline Ranch CUP (moved to regular agenda)
Tab 3	MCUP# 14/5/1-5	Goose Prairie Peat Mine (moved to regular agenda)
Tab 4	LPA# 14/5/1-3	Lisbon Rural Support Corridor Small-Scale Amendment
Tab 5	Ordinance 2014-XX	Seawall Ordinance

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, stated that Tab 2, Skyline Ranch CUP, would be pulled from the consent agenda and placed on the regular agenda so staff could present the additions proposed by the applicant. He also mentioned that he would discuss the election of officers and the July meeting under Other Business.

Mr. Bryan added that Tab 3, Goose Prairie Peat Mine, would be pulled and placed on the regular agenda due to the number of speaker cards that were turned in.

MINUTES

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to APPROVE the Minutes of April 2, 2014 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Morris, McKeeby, Bryan, Stivender

AGAINST: None

MOTION CARRIED: 4-0

CONSENT AGENDA

Tab 1	PH# 14-14-2	Verde Park PUD Amendment
Tab 4	LPA# 14/5/1-3	Lisbon Rural Support Corridor Small-Scale Amendment
Tab 5	Ordinance 2014-XX	Seawall Ordinance

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda consisting of Tabs 1, 4 and 5.

FOR: Stivender, McKeeby, Morris, Bryan

AGAINST: None

MOTION CARRIED: 4-0

REGULAR AGENDA**CASE NO:** CUP# 12/12/1-1**TAB NO.** 2**OWNER:** Robin Bell and Marcia Smith Bell**APPLICANT:** Anita Geraci-Carver, P.A.**PROJECT NAME:** Skyline Ranch CUP

Mr. Greene addressed the proposed revisions to the language in the ordinance. He referred to page 2, line 11 of the ordinance which stated "Fireworks in conjunction with any one of or all five Large Events permitted herein" and noted that Fire Public Safety determined that fireworks should not be considered as either small or large, because permitting was required in accordance with the Florida Fire Prevention Code no matter the size of the fireworks. He related that the applicant suggested that at least 10 of the small events be allowed to have fireworks and they were willing to abide by the State Code for the proper permitting. He mentioned that large events were considered special events with greater than 500 people and incident action plans were required due to the County's special event permit requirements. He added that Fire Public Safety thought that all fireworks should be considered a special event regardless of size, so they came up with new language on page 2, line 11 which stated "Fireworks in conjunction with any events permitted up to 15 shall be allowed with proper permitting by Lake County Fire Public Safety in accordance with the State of Florida Fire Prevention Code" and also on line 15 which stated "Small Events (less than or equal to 500 persons) – Fireworks may be used at 10 small events with proper permits." He remarked that these changes would allow the applicant to hold up to 15 firework events and 10 of those could be used in conjunction with small events.

Mr. Tim Morris asked who would monitor the shooting range.

Mr. Greene replied that the applicant would have to abide by State law regarding the shooting galleries and that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would most likely be the agency to oversee that.

Ms. Erin Hartigan, Assistant County Attorney, elaborated that the State passed a law preempting local government regulation of shooting ranges and that they could apply land use regulations the same way they would to any other business, but they could not specifically regulate that.

Mr. Bryan asked if the language changes had been discussed with the applicant.

Mr. Greene answered "yes," adding that they were in consensus with the changes.

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to APPROVE Case No. CUP# 12/12/1-1, Skyline Ranch CUP, with the language changes to the ordinance.

FOR: Morris, McKeeby, Bryan, Stivender

AGAINST: None

MOTION CARRIED: 4-0

CASE NO: MCUP# 14/5/1-5

TAB NO. 3

OWNER: Steven Cook, Florida Environmental Restoration, Inc.
APPLICANT: Bill Newlon, Kleinfelder
PROJECT NAME: Goose Prairie Peat Mine

Mr. Rick Hartenstein, Senior Planner, explained that the applicant was requesting a Mining Conditional Use Permit for a peat mine with the intent to harvest the peat and reclaim/restore the wetland system. He noted that the property is on 1,016 acres within the Agriculture, Rural Residential, Urban Residential and Heavy Industrial Zoning Districts and is situated in the Rural, Rural Transition, and Industrial Future Land Use Category. He mentioned that the property is located south of Goose Prairie Road and CR 452 in the Lake Yale area and north of CR 44 in the Lisbon area. He related that the applicant proposed to mine approximately 328.49 acres of the 543.93 wetland acres, which was 60 percent of the project wetland area, in seven phases for approximately 17 years. He stated that the excavated peat would be transported to an off-site processing facility in Okahumpka and that the closest residential subdivision, Wedgewood PUD, was located to the east of the proposed mining area and a 200 foot setback would be required for that. He noted that the Goose Prairie area was recognized by the County as an intact ecosystem of ecological significance and encouraged preserving the integrity of the wetlands and water bodies of this system by protecting its natural resources; therefore, protective measures have been added to the ordinance. He added that this area was also classified as an environmentally sensitive area and the Comprehensive Plan did not allow mining in areas which could not be reclaimed, but this application was consistent with the Comp Plan. He noted that the Comp Plan prohibited dredge and fill activities outside the Green Swamp Area of Critical State Concern, Wekiva River Protection Area, Wekiva Study Area, and Rural Protection Areas except when the mining met local, state, and federal regulations; however, the project was not located within any of those areas and conditions were proposed to require all of the necessary state and federal permits prior to the commencement of the mining activity and operations. He pointed out that a geotechnical and hydrologic investigation was conducted and concluded that the drawdowns associated with the de-watering of the mining cells would not create negative hydrologic impacts on the surrounding area, including aquifer recharge, and that there would be no difference in the groundwater or surface water gradients in the post-mining condition. He indicated that the dominant soil within the project boundary and the proposed mining area was Oklawaha muck, which was a hydric soil. He related that the area was located within Flood Zone X and A and the extraction would occur within the 100-year flood zone; but no loss of flood storage would occur. He stated that there was a potential impact to several threatened and/or endangered species, including the Eastern Indigo Snake, the Florida Black Bear, and gopher tortoises, but there were conditions in the ordinance regarding best management practices for the bears and further studies would be required to address the snakes. He specified that the applicant's goal was to harvest the peat and restore the area with a bio-diverse ecosystem containing a mosaic of habitats, including wet prairie, intermediate and deep freshwater marsh, wetland hardwood forest, and open water areas that were present in the 1940's and 1950's. He stated that staff recommended approval of the CUP with the conditions in the ordinance based on the findings of fact and staff analysis. He mentioned that they had received several phone calls with questions and concerns and that most had been answered. He related that they had received one email with concerns related to carbon dioxide emissions and another from Ms. Charlene Kolterman who had requested her letter be read into the record.

Ms. Kolterman, a resident of the Wedgewood HOA, expressed that she was highly opposed to the peat mine and shared her concerns. She indicated that many homeowners in Wedgewood had only recently learned about the proposed peat mine and wondered if due diligence had been followed in notifying the residents. She opined that the mine would have a great impact on all of the

homeowners, such as environmental and health issues from the smell of the peat debris and dust that would be blown into their neighborhood; the release of carbon dioxide and bacterial respiration into the air; the noise from the operation; the disruption of the ecosystem that would drive dangerous animals onto their properties; and problems with groundwater, potable water, flooding, and drainage. She also mentioned that there was no way to determine how many years the operation could continue for or if it would possibly be abandoned. She remarked that they were responsible for prohibiting any operation that could cause danger of losing their most precious and irreplaceable resource.

Ms. Stivender asked where the proposed entrance was to the mine.

Mr. Hartenstein replied that the entrance was at the light on CR 44 heading towards Okahumpka. He added that CR 452 was included in the ordinance as the alternate access, but several improvements would be necessary if they chose to use that road.

Mr. Morris asked if a bond would be required for the mine.

Mr. Hartenstein responded that a bond of 110 percent of the estimated cost of reclamation was required and would be listed in the operating plan.

Mr. Morris asked who the property owners were.

Mr. Hartenstein answered that there were several owners and the peat mine had the lease agreement for the use of the property.

Mr. Bryan asked if the restoration would be completed in phases.

Mr. Hartenstein replied that one cell would be open for mining and when that was completed the reclamation of that cell would start within 90 days. He added that there would only be one active and one reclamation cell at the same time.

Mr. Bryan asked if Mr. Hartenstein could address the concerns from Ms. Kolterman's letter.

Mr. Hartenstein stated that he could not address the medical issues or the carbon dioxide emissions as he was not qualified to determine whether her statements were factual, and he would let the applicant address those. He noted that this case had been legally advertised in the newspaper, the property had been posted and notification cards were sent out to surrounding property owners. He related that the ordinance established setbacks and that the noise, air quality, and dust particulates would be addressed in the operating plan. He specified that the reclamation plan was very specific on restoring the property and that reports were performed by engineers and biologists discussing hydrology, geology, and endangered species on the property.

Mr. Bryan asked if the vehicles would be sprayed down before leaving the site to help eliminate deposits on the roadways.

Mr. Hartenstein answered that there would be a stipulation in the operating plan to address that.

Mr. Bryan asked if the 200 foot setback would be from the boundary of the lease or from a house.

Mr. Hartenstein responded that a 200 foot minimum setback from residential zoning was required, but there was already a fairly large natural buffer, so the 200 feet was in addition to that.

The Chairman opened the public hearing.

Mr. Bill Newlon, Environmental Consultant with Kleinfelder, explained that peat was a very fibrous, non-dusty material and it would retain approximately 50 percent of its moisture when transported off-site. He added that there would be no dusty conditions because of this and there should be no concerns about medical issues. He related that peat was also anaerobic and not composted, so there would be no smell or the chance for potential pathogens. He pointed out that all mining would have to stop until further notice if any historical resources were found on the property. He indicated that a bond was required for the reclamation and monitoring was required by the county as well as state and federal agencies to ensure the permit reclamation plan met the success criteria. He mentioned that peat wetlands sequestered historic carbon dioxide; however, the carbon dioxide would be used in potting soils which would then be reintroduced into the environment. He related that the mining would be done in phases, so there would be plenty of habitat left over for wildlife to disperse into and there was also an additional 1,000 feet of forest land, including the 200 foot setback for a buffer. He indicated that the applicant planned to use less peat in his operation and had incorporated compost enforced bedding into his material and potting soil. He remarked that the hydrology was very dry on the property and the plants and trees were in a process of degradation. He pointed out that the mine was designed to retain all water on-site by recycling the ground water in the mine area, thereby eliminating potential impacts to off-site areas and aquifer recharge. He expressed that the applicant's goal was to restore the wetland back to the conditions in the 1940's and 1950's and to create a broader diversity of habitats that would support a greater biodiversity.

Ms. Cheri Anderson, a resident of Wedgewood, stated that she did not understand the reclamation process and where the water and plants would come from to reclaim the land. She related that she was concerned about the wildlife as she has seen various protected birds and other animals on that property. She mentioned that their neighborhood already had dust and noise from Dura-Stress and they did not need any more. She noted that peat was not a renewable source of energy and it would take years to reproduce. She added that she was concerned about flooding once all of the peat was mined and what that would do to their insurance rates and property values. She also questioned the mining process and whether it would start by CR 44 or more towards Goose Prairie Road.

Mr. Ernest Raeder, a resident of Wedgewood, pointed out that he agreed with all of the concerns of Ms. Kolterman, adding that he could see Dura-Stress from his back window and the dust problem would be multiplied with this mine. He noted that the animals currently on the property would be forced out, the property values would continue to decrease, and he urged the board to listen to all of the concerned residents.

Mr. Daniel Gay, a resident of Wedgewood, indicated that he was concerned that there could be an entrance to the mine across the street from his house and that the applicant could not guarantee that the animals would not disperse into their neighborhood. He added that the real reason for this was money and that they should leave the land pristine, because the neighbors would not profit from this operation.

Mr. Ray Dixon, a resident of Wedgewood, commented that he was opposed to the operation, because his house was very close to it and he loved the wildlife and wetland on that property and did not want to see it destroyed. He added that he agreed with the previous statements and the concerns in Ms. Kolterman's letter.

Ms. Linda Bystrak, a resident of Mid Florida Lakes in Leesburg which was across from the proposed mine, mentioned that the owner of Mid Florida Lakes, as well as most of the residents were unaware of the proposed mine until recently. She pointed out that the Emerald area north of Goose Prairie

Road was owned by the St. Johns River Water Management District (SJRWMD) and was already scheduled to become a peat mine lasting for approximately 10 years. She noted that Dura-Stress was the second largest employer in Lake County and they had contracts for the Wekiva Parkway which would increase the number of trucks leaving the property. She stressed that the addition of the two mines, along with Dura-Stress would cause a significant amount of trucks on CR 44. She related that Lake Eustis was an impaired lake and was very close to the peat mine. She also mentioned that Wedgewood Golf Course bordered the property and they typically used more fertilizers and pesticides than farmers, noting that the peat acted like a sponge to absorb those and problems could arise if removed.

Ms. Merle Skinner, a resident of Leesburg, noted that her son, Vincent Skinner, owned property in Goose Prairie, but he was not leasing his property to the peat mine. She wanted clarification on the setback requirement for his property and whether the Agriculture Zoning would stay the same, because they intended to farm that land. She questioned the hours of operation, if CR 44 would be the only access point, if the equipment was powered by diesel fuel, the number of dump trucks per day, the size of the cells, and whether the hardwood trees would be cut down. She then requested a copy of Ms. Kolterman's letter as well as all of the studies that were completed for the project and wanted to know who had reviewed them.

Mr. Hartenstein mentioned that CR 452 would be used as an alternative access point if needed and that doing so would require traffic studies and additional road improvements. He added that the cells varied in size and the applicant was not planning on touching the upland portions of the property, which was where the trees were located. He related that there would be no change to the existing zoning and any permitted uses would be allowed. He stated that he would get with her after the meeting to go over the plans and answer all of her questions.

Mr. John Condon, a resident of Wedgewood, commented that there was an article in the Orlando Sentinel in 1997 reporting that the peat mining operation in Goose Prairie had been removed from the County agenda based upon the residents' concerns over the construction noise, traffic noise, and for the decrease to their property values. He noted that residents had the same concerns with this current proposal and he wanted to know what had transpired since then that justified reconsideration of peat mining in Goose Prairie. He then mentioned that a major concern was that the unregulated large-scale harvesting of peat may have a devastating impact on the environment by irreversibly affecting the ecosystem in which the peat was taken.

Mr. Bryan stated that he did not know the facts of that case, so he could not respond to that. He added that they were making their decision on this case based on the information provided at this hearing.

Mr. Steven Cook, the leaseholder for the properties of the Goose Prairie Peat Mine, addressed the concerns raised by the residents, stating that peat was formed in an anaerobic environment and was preserved vegetation, so the organisms that caused the decomposition process did not survive in that environment. He noted that peat was used for the environmental horticulture industry, it was not burned, and it was 20 percent of potting soil. He mentioned that peat consisted of six percent carbon and the carbon in the peat was sequestered into the soils once the plants were planted into the ground. He added that Goose Prairie would then be able to take in more sediment from various organic sources and sequester that carbon. He related that there was a 100 foot setback from the wetland portion of Mr. Skinner's property line and that most of the mine cells were 20 acres or less. He remarked that his company had completed a peat mine project on Highway 474 in the Green Swamp and the Department of Environmental Protection (DEP) purchased it as a wildlife and fishing preserve after it had been restored. He specified that SJRWMD was currently investigating

whether to remove the peat from the Emerald Island property as part of their nutrient mitigation plan. He added that that property had been farmed for many years and had some nutrient contamination in it, so they were looking at it as a possible reclamation plan, but to his knowledge a permit had not even been applied for. He related that the hours of operation would be from 7:00 a.m. to 7:00 p.m., seven days a week, but they could change that to five days a week since they had no intention of operating on the weekend. He mentioned that they did not plan to use the alternate access point at this time, because they wanted to keep it for the ingress and egress of emergency and public safety vehicles. He also noted that Goose Prairie Road had a weight limit, so regardless of what happened they would not be allowed to use that road. He stated that they did not plan on removing any trees and that he was not familiar with the 1997 article in the Orlando Sentinel. He pointed out that the noise levels and emissions from all of their equipment met the DEP and Environmental Protection Agency (EPA) guidelines and they typically only used one or two excavators and one dozer at one time.

Mr. Bryan confirmed that a noise study was required and asked if any of his other mining operations had been near homes.

Mr. Cook stated that their current facility in Dade City was contiguous to a subdivision and he has never had any complaints.

Mr. Bryan asked if the peat could potentially dry out and cause dust problems.

Mr. Cook replied that he has never had any issues in the 33 years of his experience with peat mines. He added that peat did not produce dust as it was a fibric material and preserved plant vegetation.

Mr. Dwayne Booth, Civil Engineer with Booth, Ern, Straughan & Hiott, Inc., explained that removing the peat would actually increase the flood storage whereas the continuous growth and decay of wetlands would decrease the flood storage. He also noted that they performed calculations for the 100 year storm and found that there was no connection between Goose Prairie and Lake Eustis and the water coming off of the mine was not phosphorous or nitrogen rich so it would not cause the water in Lake Eustis to degrade even further.

Mr. Bryan asked what kind of assurances could be provided to indicate that a water body would be there when the mining was completed.

Mr. Newlon replied that that would be based on season highs and the elevations shown on the reclamation plan. He noted that the water would come from the rain and that any areas six feet below the season high down to 20 feet would consist of open water. He added that they would have to monitor and make sure the reclamation area met the permitting criteria.

Mr. Bryan asked if there were similar operations in Lake County that were near homes.

Mr. Hartenstein answered that there have been several peat mines over the years that have operated near residential areas and there were usually no issues as long as the operating plan was followed. He added that the new mining ordinance in the Land Development Regulations were more detailed and placed more constraints on the operation of mines.

Mr. Bryan asked if the professional reports had been reviewed by staff members.

Mr. Hartenstein replied that he, as well as the County's Environmental Specialist and their representative with code enforcement and mines reviewed them and found them to be very

conclusive.

Ms. McKeeby asked if any studies had been performed regarding the health issues of the mine.

Mr. Hartenstein answered that there was no requirement for that; however, air quality standards would be addressed during the operating plan process on a local and state level. He added that he was not aware of there ever being a health issue with a peat mine.

MOTION by Debbie Stivender, SECONDED by Tim Morris to APPROVE Case No. MCUP# 14/5/1-5, Goose Prairie Peat Mine, with the change in the hours of operation from seven days per week to five days per week and for staff to monitor the access points to ensure there is no overcrowding of the roads.

FOR: Stivender, Morris, Bryan

AGAINST: McKeeby

MOTION CARRIED: 3-1

ELECTION OF OFFICERS

Mr. Greene indicated that the election of the Chairman, Vice Chairman, and Secretary needed to have taken place at the first meeting in April according to the LDRs, but that had been missed so they needed to make those elections today.

Ms. Hartigan remarked that the LDRs provide for a secretary, but they could look at revising that when they made changes to Chapters 13 and 14.

Mr. Bryan recommended that they eliminate the need for a secretary in the future.

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to elect Paul Bryan as Chairman.

FOR: Stivender, McKeeby, Morris, Bryan

AGAINST: None

MOTION CARRIED: 4-0

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to elect Tim Morris as Vice Chairman.

FOR: Stivender, McKeeby, Morris, Bryan

AGAINST: None

MOTION CARRIED: 4-0

MOTION by Tim Morris, SECONDED by Debbie Stivender to elect Kathryn McKeeby as Secretary.

FOR: Morris, Stivender, McKeeby, Bryan

AGAINST: None

MOTION CARRIED: 4-0

OTHER BUSINESS

Mr. Greene informed the Board that the rezoning cases at the BCC meeting on May 20 would be heard at 1:30 p.m. He stated that the July public hearing was scheduled for July 2nd, which was two days before the July 4th Holiday. He mentioned that the deadline for July cases was the first Monday in May and they had not received any applications yet. He related that the meeting could be cancelled if no cases were received and he would email all of the members letting them know the outcome.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:05 a.m.

Respectfully submitted,


Shannon Treen
Clerk, Board Support


Paul Bryan
Chairman