

MINUTES

Levy County Planning Commission

May 2, 2005

6:30 p.m.

The Levy County Planning Commission was called to order by Chairman Vaughn Lee. Other members present were:

Toni Collins
Eugene Pollock
Ron Grant
Thadus Barber

Also present was County Attorney Ms. Anne Bast Brown, Development Director Mr. Rob Corbitt and County Planner Ms. Kathy Winburn.

Chairman Lee called for the board to disclose any ex-parte communications related to the petition being presented. The board had no ex-parte communications.

Chairman Lee called for a motion to either approve or deny the minutes from the April 4, 2005 regular meeting as presented. Ms. Collins motioned to approve the minutes, Mr. Grant seconded the motion; motion carried.

Chairman Lee called for anyone giving testimony for the petition (final plat) listed on the agenda to be sworn in by the county attorney. Attorney Brown officially swore in anyone that wished to speak or present themselves as an expert witness.

Chairman Lee asked Development Department Mr. Rob Corbitt to present the items of business.

NEW BUSINESS: DEVELOPMENT DEPARTMENT

PETITION NO. FP 1-05 Pardue Land Surveying representing Bill Austin, petitioned the Board for a Final Plat of "Arrowhead Meadows," a subdivision located in part of Section 1, Township 11S, Range 14E, in Levy County. Said parcel contains 38.8 acres (portion of parcel no. 00533-000-00) more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Michael Pardue, representing Bill Austin was present to discuss this petition.

Mr. Corbitt stated that the Plat Review Committee recommends approval for the final plat.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There was no opposition to this petition.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend approval of the Final Plat of "Arrowhead Meadows," to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. All members voted "aye."

OTHER BUSINESS: PLANNING DEPARTMENT

1. EAR workshop follow-up on proposed major issues.

Ms. Winburn stated that she had mailed to the Planning Commission a copy of the potential major issues based on the April 25th meeting and the survey results. The following were the proposed issues 1. Protection of water quality and quantity; 2. Sun coast parkway will require planning analysis; 3. Development of rural road corridor; 4. Municipal Service District Boundaries; 5. Mixed use development; 6. Economic development; 7. Education; 8. Prescribed burning & public lands management 9. Compatibility of adjacent land uses; 10. Development of golf courses and airport communities; 11. Waste management and recycling centers; 12. Mining/ blasting vs. non-blasting; 13. Rural land protection. Ms. Winburn asked for direction from the Planning Commission on whether or not they would like to discuss these items and proceed with the scoping meeting or would they like to schedule another public workshop. After a short discussion, it was the consensus of the board to proceed with the discussion of these items and to include any input from the audience.

Karen White asked for clarification on whether or not the Sun coast Parkway was going to come out at Lebanon Station or Red Level. Roy Sagram stated that if another meeting was to be scheduled then sufficient notice should be given to the public in order to allow their input. Shelby Allen stated that according to the paper that she had, the Sun coast Parkway was going to connect with Lebanon Station. Arthur Maruna stated regarding item no. 10. Golf Courses and Airport Communities, there was no indication of what areas would be affected. He also stated that this type of information would be needed in order for the public to make reasonable comments. Hubert Harney asked what type of study is being done on the quantity of water being extracted and how long will it take before it will ruin the water in this area as it did down south. Linda Johnston stated that she had thought the purpose of this meeting was to discuss whether or not a permit was going to be given to someone to extract water from Levy County and bottle it to sell for profit. Ms. Brown explained that there are going to be some ordinances heard later regarding the existing regulations that the county has for special exceptions regarding water extractions. Ms. Brown also stated that there was no application at this time for water extraction. Ms. Johnson also questioned the notification of such items. Judy Paradiso explained to the audience that they could visit the Water Management Districts to obtain any information regarding their concerns with water. Harry Bailey stated his concerns on water extraction. Marie Warner said that she was told that were three applications for the extraction of water. Ms. Brown explained that there are three ordinances and one application pending. Ms. Brown also stated that she had asked the

Development Director if there were any other applications that had been approved under the existing regulations for water extraction and was told no. Roy Sagram asked about the surveys provided by the Planning Department and what locations that they were placed in. Rowena Paren asked about the publication/advertisement of meetings. Chris Hardee asked what the procedure was for addressing municipal service districts and when are they updated.

The Planning Commission directed Ms. Winburn to proceed with holding the inter-agency scoping meeting.

COUNTY ATTORNEY: ORDINANCES

ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY DELETING SECTIONS 50-730 AND 50-799, AND AMENDING SECTIONS 50-100, 50-796, 50-797, 50-798 AND 50-841; PROVIDING FOR AMENDMENTS TO PROVISIONS GOVERNING SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Brown provided a brief overview of the ordinance and the revisions that were being proposed. Ms. Brown stated that her goal at this time is to schedule a public hearing, receive a determination on whether or not the proposed changes to the ordinance will be consistent with the comprehensive plan and be able to present the determinations to the Board of County Commissioners. Ms. Brown said that there will be one more meeting regarding these items on May 17, 2005 at 10:30 a.m. with the Board of County Commissioners.

After a short discussion Chairman Lee called for a motion to the recommended revisions to the ordinance Special Exceptions Generally. Ms. Collins motioned to recommend approval to the Board of County Commissioners the revisions as presented as they are consistent with the Comprehensive Plan. Mr. Grant seconded the motion; motion carried. All members voted "aye."

ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT ORDINANCE 02-07 BE AMENDED; PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY AMENDING SECTIONS RELATING TO ORDINANCE 02-07, INCLUDING SECTIONS 50-1, 50-776, 50-850, AND 50-882 OF SUCH CODE; PROVIDING; FOR AMENDMENTS TO PROVISIONS GOVERNING SPECIAL EXCEPTIONS INVOLVING MINING AND EXCAVATION OF NATURAL RESOURCES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Brown provided a brief overview of the ordinance, the revisions that were being proposed and why.

Ms. Collins complimented Ms. Brown, Ms. Winburn and Mr. Corbitt for providing a well written document.

After a short discussion both with the board and audience, Chairman Lee called for a motion to the recommended revisions to the Mining ordinance. Mr. Grant motioned to recommend

approval to the Board of County Commissioners the revisions as presented as they are consistent with the Comprehensive Plan. Mr. Pollock seconded the motion; motion carried. All members voted “aye.”

ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY CREATING A NEW SECTION 50-883 OF SUCH CODE AND AMENDING SECTION 50-776 OF SUCH CODE; PROVIDING FOR CRITERIA, STANDARDS, AND CONDITIONS FOR SPECIAL EXCEPTIONS FOR SUPPORT AND OPERATION FACILITIES RELATED TO THE EXTRACTION OF WATER FOR BULK OR RETAIL SALES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Brown stated that this particular ordinance has derived from some special concerns related to the extraction of water for bulk retail sales and support of operations facilities that are connected.

Ms. Brown said that the state in its statutes has clearly stated that the consumptive use permits are issues that they have reserved to themselves and the county would not have the ability to regulate. She said that the county does have the ability to regulate health, safety and welfare issues (zoning).

After a board discussion Chairman Lee called for any input from the audience.

Christine Ellis asked about the parcel size for agriculture use, number of wells allowed on a parcel and what can the county do to make it less appealing for water extraction. Rowena Paren stated that a 20 to 30 acre tract size should be required for water extraction. Harry Bailey asked if this ordinance was to compensate for the lawsuit and to give the availability to facilitate extraction of water. Chris Hardee stated that he was concerned about the county making it more restrictive for someone to use a commodity such as water extraction. Robert Lowyns stated that he feels that the distance required for the notification for surrounding land owners should increase and he also asked about the penalties for violations. Judy Paradiso asked if the county was basing the buffer zones on what the State of Florida requires in regards to protecting the springs. Shari McClane asked the board why they thought the ordinance would make it more restrictive to extract water.

After all discussion Chairman Lee called for a motion to recommend the revisions of the Water Ordinance. Ms. Collins motioned to recommend approval to the Board of County Commissioners the revisions with the condition that the screening, buffering and setbacks are consistent with the major mining operation and she found that they are consistent with the Comprehensive Plan. Mr. Pollock seconded the motion; motion carried. All members voted “aye.”

Ms. Brown noted that all three ordinances will be heard before the Board of County Commissioners on May 17, 2005 at 10:30 a.m. and June 7, 6:30 p.m. will be the second hearing for the Mining and Water Extraction Ordinance.

Presentation on the Public Records, Sunshine Law (Open Meetings), Voting Conflicts and Ex Parte Communications.

Ms. Brown explained the Public Records, Sunshine Law (Open Meetings), Voting Conflicts and Ex Parte Communications and how they would apply to both the board and staff.

There being no further business for the Levy County Planning Commission, the meeting was adjourned.

Chairman