

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 1, 2014

The Lake County Planning and Zoning Board met on Wednesday, October 1, 2014 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for Rezoning Amendments, PUD Amendments, and CUP Revocations.

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, October 28, 2014 at 9:00 a.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, Secretary	District 1
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4

Members Not Present:

Kasey Kesselring	At-Large Representative
Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military
Ted DeWitt	District 2

Staff Present:

Chris Schmidt, Manager, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Melving Isaac, Planner, Planning & Community Design Division
Rick Hartenstein, Senior Planner, Planning & Community Design Division
Donna Bohrer, Office Associate, Planning & Community Design Division
Erin Hartigan, Assistant County Attorney
Susan Boyajan, Clerk, Board Support
Ross Pluta, Engineer III, Public Works

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and gave the invocation.

Mr. Bryan explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending approval on those without further discussion or public comment and that they were considered noncontroversial. He added that those who wish to speak on any of the cases on the Consent Agenda would fill out a card to do so and might result in that case being moved to the Regular Agenda. He stated that they were a recommending body, and the Board of County Commissioners would

have final authority on those cases at their next meeting on October 28, 2014. He also mentioned that although all of the items that day were on the Consent Agenda, they were going to pull Tab 3 regarding the Pine Meadows Mining CUP off of the Consent Agenda and put it on the Regular Agenda. He called for any public comment, but no one wished to address the board at that time.

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CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	PH# 26-14-2	Verde Park PUD amendment
Tab 2	PH# 15-14-1	Camden Park PUD amendment

REGULAR AGENDA

Tab 3	MCUP#14/7/1-5	Pine Meadows Mining CUP
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Other Business

Adjournment

MINUTES

MOTION by Tim Morris, **SECONDED** by Rick Gonzalez to **APPROVE** the Minutes of September 3, 2014 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Morris, Gonzalez, Bryan, McKeeby

AGAINST: None

MOTION CARRIED: 4-0

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Division of Planning & Community Design, stated that they received speaker cards regarding Tab 3, and staff would recommend that Tab 3 be pulled and presented. He noted that the remaining cases on Tabs 1 and 2 remain on Consent, and staff requests a favorable recommendation for those two items.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	PH# 26-14-2	Verde Park PUD amendment
Tab 2	PH# 15-14-1	Camden Park PUD amendment

MOTION by Rick Gonzalez, seconded by Kathryn McKeeby to APPROVE the Consent Agenda which includes Tabs 1 and 2, since Tab 3 has been moved to the Regular Agenda.

FOR: Morris, Gonzalez, Bryan, McKeeby

AGAINST: None

MOTION CARRIED: 4-0

TAB 3 – MCUP#14/7/1-5

Mr. Rick Hartenstein, Senior Planner, Planning & Community Design Division, presented Agenda Item No. 3, MCUP # 14/7/1-5, Pine Meadows Mining CUP. He stated that the applicant is Jack Reiner with Reliable Peat Company and mentioned that this board heard this before back in 2012, but it was withdrawn at the BCC meeting due to some issues with it. He elaborated that one of the issues is that a portion of the property was within the Wekiva Study Area (WSA), which allowed no new mining, and he explained that the applicant has come back after removing that portion from the WSA. He specified that they now are proposing to mine on 133 acres using a combination of peat harvesting and wetland reclamation, showing the area of the site on an overhead map, and he noted that the original application was approximately 231 acres. He related that the applicant proposes that the impact will be approximately 120 acres of wetlands, and they will be accessing 450A west to SR 19 and go south on 441 and then towards Okahumpka on SR 27. He added that they have looked at whether this was in a recharge area and did an overlay, since this was near an area of environmental concern. He explained that it has to recharge over 10 inches annually

to be considered a significant recharge area within the policies of the Comprehensive Plan and noted that this was outside of a recognized recharge area. He stated that staffers have reviewed everything, and the applicant has already gotten their FDEP permits and the Army Corp permits. He reported that staff finds this consistent with the Comp Plan and mining regulations and recommends approval.

Mr. Morris asked if they have done a transportation study.

Mr. Hartenstein replied that they are not required to do a transportation study until after it is approved and goes to operation plan. He mentioned that they have some preliminary comments that indicate there are no major impacts.

Mr. Bryan asked how many trucks they anticipate using per day.

Mr. Hartenstein responded that it was a maximum of 15 but probably closer to 10 trucks and noted that the applicant does not have any concerns with the limitations being placed in the ordinance.

Mr. Gonzalez asked if it was a hard and fast requirement for the trucks to drive west as stated in the transportation plan.

Mr. Hartenstein assured him that that would be a hard and fast requirement with the CUP, and they would have to go west toward SR 19.

Mr. Gonzalez asked whether they have done hydrological studies.

Mr. Hartenstein answered that they have hydrology, environmental, wetland mitigation, and stormwater studies, and he has not seen any indication whatsoever that there would be any impact to the surrounding lakes.

Mr. Gonzalez suggested that they make a condition as part of the ordinance that they monitor Lake Eldorado.

Mr. Hartenstein pointed out that Lake Eldorado is separated by highway to this site, and there would not be any runoff going to Lake Eldorado; also, there is no drawdown to the aquifer. He asked clarification of what he wanted monitored.

Mr. Gonzalez related that those are ground water fed lakes and not spring-fed lakes, and there is a confining layer. He elaborated that the water runs laterally to feed those lakes, since this was uphill, and that road is just an artificial surface barrier that does not affect the groundwater flow into those lakes. He explained that is why he wanted to see where the groundwater flows from under the peat.

Ms. Vivian Bielski, a professional geologist with Andreyev Engineering, who was helping County staff with review of the application, responded that any groundwater hydrology would be handled by the FDEP mining permit, and she does not see that there would be any

impacts to Lake Eldorado through a subsurface flow, because it is all maintained at a groundwater level. She noted that all of the County's questions were answered by the applicant.

Mr. Bryan stated that they will have the staff hydrologist elaborate on that, and he asked for the applicant to address some of the concerns that have been raised.

Mr. Roger Simms with Holland and Knight, who represents the applicant, commented that this has been a long two-year effort for this family, noting that Reliable Peat was a family-owned business, and taking over 200 acres out of the Wekiva Study Area was difficult, but they are now in compliance with all of the County's requirements. He noted that they have their DEP permit, and the hydrology effects of the proposed project were looked into as part of that permitting process. He explained that the work in this case was removing or harvesting highly effected peat that has been muck farmed for years and saturated with fertilizer. He commented that it needed to be removed and used elsewhere, which is what this company would do, and the real advantage for all concerned is that the peat will be taken out and reclaimed with all high-quality clean conditions to a first-rate wetland that has to pass muster with the DEP before it is released. He added that the St. Johns River Water Management District (SJRWMD) supports the project and owns land adjacent to it.

Mr. Mark Stevens, Professional Geologist and Engineer with the Colinas Group in Lakeland, reported that there is a topographic ridge between the mining area and Lake Eldorado, and ground water table elevations usually reflect a subdued reflection of the topography. He noted that groundwater flows towards the east on the east side of the ridge toward Lake Eldorado, and groundwater will flow towards the west on the west side of the ridge, so the groundwater in the area of the mine is going to be flowing towards the mine. He related that the small amount of dewatering to recover the peat will not extend to that ridge area, and he showed the location of the ridge on the overhead monitor.

Mr. Bryan pointed out that the mining area is further from the ridge than it would have been in the original project.

Mr. Gonzalez asked whether there would be dikes to separate the WSA and the mine.

Mr. Stevens responded that there were dikes surrounding the entire mining area, and he mentioned that all of the permits they have obtained are in the public record and were submitted as part of what was filed with the County as well.

Mr. Bryan asked if there would be additional permits required at the state level.

Mr. Stevens replied that there would be a water use permit required from the Water Management District for the amount of water entrained in the peat as it is removed from the property, which he noted would be a very small amount of water of less than 100,000 per day on a water use permit, since it has about 32 percent moisture content by weight in the peat. He explained that the drawdown from the dewatering that occurs in the small cells during mining is minimal, and the drawdown effect laterally is very isolated.

Mr. Jack Reiner with Reliable Peat Company explained that they were required to retain all of their water on site, and all of the water will be stored between Lake Eldorado and their mining area until such a point that they have to come back in the other direction. He pointed out that they were not a deep mining operation, and their deepest point is nine feet. He assured the board that they will be required to improve the roadway by putting in a paved access with drainage underneath the road; also, the rock road coming in to access the property will need to be approved. He added that the property was completely surrounded by pine trees for 1,000 feet back, and they currently have a permanent dike there that isolates them from the St. Johns property that is 6,200 feet long, which will be enlarged and taken higher in the sections as they go through each section to avoid any overflow. He added that they were required to go two feet above flood stage, and they were required in their core permit to do studies for pesticides, hydrocarbon, and chemicals. He pointed out that they have been in business in Lake County for 28 years. He emphasized that there currently was 90 percent invasive species in that area, but they were bonded and required to plant at least 80 percent native wetland species. He commented that they were a low-key operation that used only four pieces of equipment and operated from 7:30 a.m. to 4:30 p.m. Monday through Friday when the weather was conducive.

Mr. Bryan asked what precautions they take with the trucks to keep dust, peat, and debris off of the roadways.

Mr. Reiner responded that they have a tractor with a sweeper on it to sweep any spill off the road, and they try to load the peat inside the truck. He further explained that each cell on the site is isolated out and diked off as a water holding area, and after reclamation is completed, they will move to another cell. He noted that they know the peat is only nine feet deep at its deepest point and that they were only allowed to remove peat and not any other products.

Mr. Morris asked how long they will be in that facility.

Mr. Reiner answered that they originally hoped to be there for eight or nine years of their ten-year permit, but it looks like they would be there for 4 or 5 years, since the WSA was taken out.

The Chairman opened the public hearing.

Ms. Sandra Stura, a resident of Umatilla, commented that County staff was helpful and informative and thanked the board for volunteering their time. She asked whether the economic value of this mining operation justifies the cumulative ecological risks to the hydrology and the biological communities in this area, and she noted that there would be two peat mines in the Eustis area if this were approved, along with the traffic. She pointed out that the WSA is very close to this proposed mine, and no development should be approved upon parcels located in that area unless the proposed development conforms to the provisions of the Wekiva Parkway and Protection Act, although she believes it does conform; however, she expressed concern about whether the hydrology was studied by an independent hydrologist since the original study of 2012 and stated she was concerned that

there was previously a 1,000-foot setback on a residential property to the east, whereas currently there is only a 200-foot setback to a residential property. She read a letter from Peggy Bellflower from the Lake Soil and Water Conservation District indicating that they were against the approval of the peat mine. She added that the mine would hurt the environment and release CO₂, and it would take 10 to 20 years for restoration to begin.

Mr. Rob Sullivan, a resident of the Lake Dalhousie area and a new resident of Lake County, expressed some concerns regarding this project and asked for more time to adequately prepare a proper response representing the voices in favor of conservation in the surrounding areas. He related that peat accumulates and is very beneficial to the recharge of the aquifer, and he has heard that less than four inches a year of recharge is through this peat mine. He asked where the water will go, since he has also heard that no water will run off in any direction that would get into the lakes. He related that when the peat is lifted out and dewatered, the result is highly concentrated liquid that contains nitrates such as phosphorous and metals, and he wondered whether it would affect his drinking water and that of every resident in that area. He commented that it made sense for there to be significant diligence on behalf of the homeowners and the property owners in that area to make sure that that does not happen. He stated that his research has shown that there are a lot of unintended consequences connected to peat mining, but he pointed out that if they damage the aquifer, it would be irreversible and have a negative impact on the county and the residents in the area. He asked that they do the proper due diligence to make sure that they anticipate and mitigate any concerns to Trout Lake, Lake May, and the surrounding areas and make sure where this water will go.

Mr. Bryan assured Mr. Sullivan that he will still have some time to speak before the Board of County Commissioners at their next meeting regarding this issue on October 28.

Mr. Roger Salem, a resident of Umatilla, asked about the flow of truck traffic, and Mr. Hartenstein showed him that route on the overhead monitor. Mr. Salem mentioned that the well on his property has a water table of 17 feet below grade and 7 feet above the beginning of the proposed peat mine, and he expressed concern regarding how the mine will affect his groundwater.

Ms. Maria Berckes, a resident of Lake Dalhousie, expressed concern about air and water quality, since Hicks Ditch is one of the most polluted locations in the area.

Ms. Sandy Marien, a resident of Lake Dalhousie, mentioned that research from the University of Florida indicates that this type of mining will have a major impact on water and air quality and that it was not financially feasible to restore the land. She asked whether there was an escrow account to ensure funding for the reclamation. She also expressed concern about wear and tear on the roads from the trucks.

Mr. Bryan responded that it is required for the reclamation to be bonded. He asked for the applicant to address the concerns that have been raised.

Mr. Simms pointed out that this has been a long journey for the applicant that has lasted for

years, and he did not think it was timely for the residents who addressed the board to ask for more time and postponement of this case. He suggested that those residents who want to get more informed about this case should read the staff report, the DEP permit, the core permit, and the SJRWMD letters; and he noted that they do not know of any action by the Soil and Water Conservation District as a governmental entity opposing the project. He assured everyone that due diligence has been thoroughly done for this project, and he commented that they are part of the voices in favor of conservation, noting that they are preserving and improving the resource by reclaiming this area.

Mr. Bryan pointed out that there were concerns that should be addressed about whether the study done in 2012 has been updated to reflect any changes, as well as what happens to all the water as the peat is being dewatered, including the concentration of pesticides and chemicals.

Mr. Stevens explained that the water is retained on site, except the water that is entrained the as the moisture content of the peat, and water that is pumped from one cell to another cell while the cell the water is pumped down to be mined; that water is then transferred to the second cell, and the water is moved back to the original cell when they move to the next cell. He summarized that it was just circulated on site, and there was no discharge or movement of water offsite, since it stays on the property. He added that there was an accumulation of nutrients in the peat material in the soil, so removal of the peat would remove the nutrients off of the property, and the water that remains would basically be rainwater that has fallen.

Mr. Bryan asked if there was any degradation of the air quality in the immediate area from the removal of the peat.

Mr. Stevens responded that he could not conceive of any air quality impacts whatsoever from the removal of peat.

Mr. Bryan asked if the 2012 study was updated to reflect any changes, if any.

Mr. Stevens answered that there has not been any significant changes in the area during that time interval, although there were changes in the study in order to redesign some of the mining operation to exclude the WSA property, and he clarified that all of the permitting authorities were satisfied with the 2012 studies, noting that those permits are available for review.

Mr. Hartenstein added that all of the permits were part of the application and were on file with the County, including the FDEP and Army Corp permits, although the St. Johns permit pertaining to their water use is not yet available since it has not been issued yet.

Ms. Catherine Litscher with Southeast Environmental Solutions stated that they will do a study prior to any kind of construction, noting that the wildlife are transient species, and if there is any kind of wildlife of any concern, it will be handled with the Florida Fish and Wildlife Conservation Commission and taken care of.

Mr. Hartenstein elaborated that there would be an updated environmental assessment as far as the vegetation and habitat with the operating plan if the board approves the mining CUP.

Mr. Reiner pointed out that there were no pesticides in the peat, and they were required by DEP and the Army Corp to do pesticide testing, hydrocarbon testing, and chemical testing. He added that the nitrates and phosphates found in the peat will stay in the peat. He commented that an Army Corp permit gets dispersed to every federal agency, including Fish and Game and EPA, and the question about impact to any critical wildlife was addressed. He opined that this project will have a very positive impact on Hicks Ditch if it ever connects to it, since the water has to travel a great deal of elevation before it crosses over, and he pointed out that the St. Johns property, which is just as polluted as Hicks Ditch, is between their property and Hicks Ditch.

The Chairman closed the public hearing.

Mr. Bryan mentioned that he would like to see a daily limitation on the number of trucks.

Mr. Morris added that there also should be a limitation of the hours of operation.

Ms. McKeeby asked who is monitoring this activity during this time period.

Mr. Hartenstein responded that he could not speak for the state or federal agencies but believes they also have their own monitoring people. He stated that the County has a person in Code Enforcement on staff who does the mining inspections at least annually and reviews the reports and those types of things to ensure that they are following the conditions that are laid out in the CUP and the operating plan.

MOTION by Rick Gonzalez, seconded by Tim Morris to APPROVE Case #MCUP 14/7/1-5, Pine Meadow Peat Mine CUP, with the ordinance amended to reflect a limitation of 15 trucks daily and hours of operation from 7:30 a.m. to 4:30 p.m. Monday through Friday

FOR: Morris, Gonzalez, Bryan, McKeeby

AGAINST: None

MOTION CARRIED: 4-0

OTHER BUSINESS

There was no new business.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:11 a.m.

Respectfully submitted,


for Susan Boyajan
Clerk, Board Support



Paul Bryan
Chairman

Orlando Sentinel

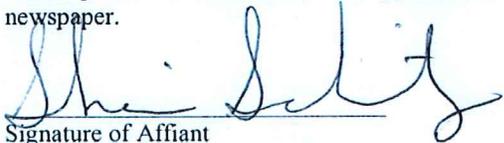
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STATE OF FLORIDA

LAKE County

Before the undersigned authority personally appeared Sheri Schmitz / Adeliris DelValle / Brian Hall / Charity Casas / Pam Arnold, who on oath says that he/ she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of **Oct. 1 and Oct. 28 @ 9AM** in LAKE County, Florida, was published in said newspaper in the issues of **09/30/14**

Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Signature of Affiant

Sworn to and subscribed before me on this **30** day of **September**, 2014.



Signature of Notary



Name of Notary, Typed, Printed, or Stamped

Personally Known (X) or Produced Identification ()

OS2693446

NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m., public hearing on Wednesday, October 1, 2014 in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petitions. Recommendations of the Lake County Planning & Zoning Board regarding these petitions will be transmitted to the Lake County Board of County Commissioners at a 9:00 a.m. public hearing, or soon thereafter, on Tuesday, October 28, 2014, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL.

All interested citizens are welcome to attend the public hearing and review the petitions in the Planning Division, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105,

If a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committees/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.:
PH# 26-14-2, Verde Park PUD amendment

REQUESTED ACTION: Amend PUD Ordinance 2014-22 to revise front building setback.

GENERAL LOCATION: Clermont area, North of Old Highway 50, South of US Turnpike

AND

PUBLIC HEARING NO.:
PH# 15-14-1, Camden Park Subdivision PUD amendment

REQUESTED ACTION: Amend Planned Unit Development (PUD) Ordinance #2008-67 to increase the number of residential units and to add commercial uses.

GENERAL LOCATION: Clermont area, southwest of US Highway 27/County Road 474 intersection

AND

PUBLIC HEARING NO.:
MCUP# 14-7-1-5, Pine Meadows Mining CUP

REQUESTED ACTION: Conditional use permit approval to harvest peat and restore wetland reclamation.

GENERAL LOCATION: Eustis area, Southwest of County Road 450A and County Road 44A Intersection

LAKE COUNTY DEPARTMENT OF GROWTH MANAGEMENT
DIVISION OF PLANNING & COMMUNITY DESIGN
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LAK2693446

9/19/2014