A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
FEBRUARY 26, 2019

The Lake County Board of County Commissioners met in regular session on Tuesday, February 26, 2019 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake County Administration Building, Tavares, Florida. Commissioners present at the meeting were: Leslie Campione, Chairman; Wendy Breeden, Vice Chairman; Timothy I. Sullivan; Sean Parks; and Josh Blake. Others present were: Jeff Cole, County Manager; Melanie Marsh, County Attorney; Niki Booth, Executive Office Manager, County Manager's Office; Kristy Mullane, Chief Financial Officer; Josh Pearson, Deputy Clerk, Board Support; and Kathleen Bregel, Deputy Clerk, Board Support..

INVOCATION AND PLEDGE

Pastor Travis Lane from Astatula Baptist Church gave the Invocation and Commissioner Campione led the Pledge of Allegiance.

AGENDA UPDATE

Mr. Jeff Cole, County Manager, said that since the agenda was first published, additional information was added to Rezoning Tabs 4, 6, 7 and 8; furthermore, Tab 22 had been added to the agenda per Commissioner Sullivan's request.

Commr. Campione suggested moving Tab 20 before the rezoning agenda.

VOLUNTEER RECOGNITION

Ms. Jeannine Nelson, Human Resources and Risk Management Manager, announced that the Board of County Commissioners (BCC) would be recognizing a retiree with over 16 years of service and citizen volunteers with over 150 hours of service. She stated that the BCC was honored to have over 20,600 hours of time contributed by more than 200 volunteers during calendar year 2018. She said that this contribution would be equivalent to over ten full-time employees, and the volunteers provided service in areas including libraries, literacy, animal services, probation, emergency management and more. She stated that these departments and the citizens of Lake County greatly benefit from the dedication and contribution of these volunteers and that their contributions were exemplary, well recognized and appreciated. She described that in 2018, there were 68 volunteers who individually contributed over 150 hours, and she presented a certificate to the following volunteers who were present:

Mr. Carleton Collar for 289 hours with the Office of Library Services/Leesburg Library Branch

Mr. Tristan VanCise for 1,253 hours with the Office of Library Services/Astor County Library Location

Mr. Strait Hollis for 212 hours with the Office of Emergency Management/Amateur Radio Emergency Services

Mr. Frank Anders for 337 hours with the Office of Emergency Management/Amateur Radio Emergency Services

Mr. Jay Boehme for 680 hours with the Office of Emergency Management/Amateur Radio Emergency Services

Ms. Joanna Fox for 260 hours with the Office of Animal Services

Ms. Susan Papparielle for 302 hours with the Office of Animal Services

Ms. Susan Davignon for 320 hours with the Office of Animal Services

Ms. Debra Hill for 472 hours with the Office of Animal Services

Ms. Judith Beda for 665 hours with the Office of Animal Services

Ms. Myrna Tomlin for 740 hours with the Office of Animal Services

Ms. Karen Keim for 908 hours with the Office of Animal Services

Ms. Sue Richter for 1,524 hours with the Office of Animal Services

RETIREMENT

Ms. Nelson said that they would be recognizing Mr. Ed Luning with the Office of Procurement Services. She remarked that he began his career on November 12, 2002 and was a Fixed Asset Surplus Specialist.

Mr. Ron Falanga, Director for the Office of Procurement Services, said that he would be recognizing Mr. Luning's career on the behalf of the Office of Procurement Services. He said that Mr. Luning had dedicated so much in service to Lake County and thanked him for his commitment over the past 17 years. He expressed that Mr. Luning began his career with Lake County on November 12, 2002 as a Property Coordinator and had been the Fixed Asset Surplus Specialist for the Office of Procurement Services since 2004. He commented that throughout his career, Mr. Luning had been responsible for maintaining the database for the County's fixed asset items, along with coordinating the annual inventories to ensure proper accountability for higher value assets and working closely with County Finance. He added that most County employees knew Mr. Luning well because he worked with all departments and was very friendly. He said that Mr. Luning was dedicated, cared about the quality of his work, and helped his coworkers be successful; additionally, he had been recognized as Employee of the Quarter multiple times. He stated that Mr. Luning had left the Walt Disney Company to join the County, and his wife had just recently retired from the same company. He relayed that Mr. Luning would be moving to the State of Tennessee, but had made many friends and would not be a stranger to Lake County. He wished Mr. Luning good luck and thanked him for his many years of dedicated service.

MINUTES APPROVAL

On a motion by Commr. Breeden, seconded by Commr. Sullivan, and carried unanimously by a 5-0 vote, the Board approved the Minutes of January 15, 2019 (Regular Meeting).

CITIZEN QUESTION AND COMMENT PERIOD

No one wished to address the Board at this time.

CLERK OF THE CIRCUIT COURT AND COMPTROLLER'S CONSENT AGENDA

On a motion by Commr. Parks, seconded by Commr. Blake and carried unanimously by a 5-0 vote, the Board approved the Clerk of Circuit Court and Comptroller's Consent Agenda, Item 1, as follows:

List of Warrants

Request to acknowledge receipt of the list of warrants paid prior to this meeting, pursuant to Chapter 136.06 (1) of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office.

COUNTY MANAGER'S CONSENT AGENDA

On a motion by Commr. Breeden, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board approved the Consent Agenda, Tabs 3 through 16, as follows:

COUNTY ATTORNEY

Request approval to retain the firm of Morgenstern Phifer & Messina, P.A. (Tampa, FL) as a business damage expert, and authorization for the County Manager to execute a retainer letter. The fiscal impact cannot be determined at this time.

Request approval to accept an Offer to Purchase Alternate Key 1372241, and for the Chairman to execute any necessary closing documents. The fiscal impact is $800.00 (revenue). Commission District 5.

MANAGEMENT AND BUDGET

Request approval of a budget transfer from General Fund Reserves to re-budget the Supervisor of Elections' remaining fiscal year 2018 funds to purchase electronic poll books. The fiscal impact is $212,379.00 (expenditure).

HUMAN RESOURCES AND RISK MANAGEMENT

Request approval of an insurance settlement and acceptance of the related funding for two structures that were damaged and deemed a complete loss from Hurricane Irma. The fiscal impact is $455,000.00 (revenue).

INFRASTRUCTURE AND INTERNAL SUPPORT SERVICES

Public Works

Request approval of Unanticipated Revenue Resolution 2019-20 for the Lake County Mosquito Management Program to be used for domestic mosquito control services, including vector borne disease surveillance, and prevention of and response to the Zika virus. The fiscal impact is $35,000.00 (revenue/expenditure - 100% grant funded).

Request approval of Unanticipated Revenue Resolution 2019-21 for the Lake County Mosquito Management Program to be used for domestic mosquito control services, including vector borne disease surveillance, prevention, and response. The fiscal impact is $1,077.00 (revenue/expenditure - 100% grant funded).

Request approval:

1. Of a grant agreement with the Florida Department of Environmental Protection for a nutrient pollutant awareness campaign.

2. For the Chairman to execute any associated grant documents.

3. Of the associated Unanticipated Revenue Resolution 2019-22.

The fiscal impact is $40,000.00 (expenditure/revenue - $16,000.00 in County funding and $24,000.00 in grant funding).

Request approval to award a contract to purchase one agricultural tractor with boom mower attachment under Request for Quotation Q2019-00042 to Fields Equipment Company, Inc. (Minneola, FL), and authorization for the Office of Procurement Services to execute all supporting documentation. The fiscal impact is $113,308.00 (expenditure).

Request approval to execute Resolution 2019-23 authorizing the reduction of the speed limit from 55 MPH to 45 MPH on County Road 561, from Canal Zone Way south to approximately 300 feet south of Florida Boys Ranch Road, in the Clermont area. The fiscal impact is $200.00 (expenditure - sign materials). Commission District 1.

Request approval and execution of Resolution 2019-24 to designate Excalibur Road in Clermont as an Honorary Roadway in honor of Aurelia M. Cole. The fiscal impact is $150.00 (expenditure). Commission District 2.

Request approval to:

1. Execute a Local Agency Program Supplemental Agreement (FPN #437486-1-58/68-01) with the Florida Department of Transportation (FDOT) to increase funding for the construction of a new traffic signal at the intersection of Hancock Road and North Ridge Boulevard, in the Clermont area by $20,676.00.

2. Execute supporting Resolution 2019-25 authorizing the Chairman to execute and deliver the agreement to FDOT.

3. Award the Hancock Road and North Ridge Boulevard Intersection Improvements, Project, FPN #437485-58-01, Project No. 2019-01, Bid No. 19-0901, to Traffic Control Devices, Inc. (Altamonte Springs, FL) in the amount of $346,915.00.

4. Encumber and expend $346,915.00 to Traffic Control Devices, Inc. from the Federal/State Grants fund.

5. Execute Resolution 2019-26 to amend the budget.

The fiscal impact is $381,695.00 (expenditure - 100% grant funded). Commission District 2.

Request approval to release a maintenance bond of $179,833.63 that was provided for the maintenance of infrastructure in the Sawgrass Bay Phase 2A, 2B, and 2C subdivision, located South of Clermont. There is no fiscal impact. Commission District 1.

COMMUNITY AND TECHNICAL SUPPORT SERVICE

Community Services

Request approval of an agreement with the Central Florida Regional Transportation Authority (LYNX) for the continuation of the Link 55 fixed route bus service in South Lake County from October 1, 2018, through September 30, 2019. The fiscal impact is $248,854.00 (expenditure - 100% grant funded).

Parks and Trails

Request approval:

1. To apply for a $500,000.00 Southwest Florida Water Management District grant for hydrologic and ecosystem restorations at the Pasture Reserve property.

2. To authorize the Chairman to execute any subsequent grant documents if awarded.

The fiscal impact is $500,000.00 (revenue). Commission District 1.

RECOGNIZING MS. TANDY HAMMOND

Commr. Parks recognized Ms. Tandy Hammond, Executive Director for Buses n' Backpacks with South Lake Community Ministries, who was shadowing the BCC as part of her internship for Leadership Lake County.

DEVELOPMENT AGREEMENT TO HAUL MATERIAL ON HART RANCH ROAD

Mr. Cole explained that this item was last heard by the Board on January 29, 2019 and the Board had directed staff to contact the St. Johns River Water Management District (SJRWMD) to explore the possibility of an agreement to ensure that the Lake Norris Conservation Area remained open for public use in perpetuity. He added that staff was also directed to conduct additional analysis of potential road impacts from hauling the sand from the conservation area. He said that he and the County Attorney had spoken with the SJRWMD Executive Director on February 8, 2019, who indicated that the SJRWMD typically did not enter into agreements with local governments; however, they suggested that the district was committed to providing public access to that property and did not envision any changes to this approach nor any consideration for eliminating public access there. He relayed their further indication that SJRWMD staff would be prepared to recommend to its Governing Board that the property be transferred to Lake County, should the County be interested in receiving it; furthermore, as part of any transfer of the property to the County, current land management obligations for the SJRWMD would transfer along with existing agreements. He commented that this would include the SJRWMD's agreement with the mitigation bank and that the County would have to abide by its terms and could realize related revenue.

Mr. Fred Schneider, Director for the Public Works Department, said that staff had asked the company owner to provide a haul route to be used when moving the sand from the mine. He displayed the route and noted that it included Hart Ranch Road, County Road (C.R.) 44A, C.R. 437, State Road (S.R.) 44, C.R. 46A and S.R. 46. He said that Hart Ranch Road had already been mentioned in the proposed agreement for the company to resurface it and perform maintenance there; however, there could be additional impacts due to the possibility

of up to 200 trucks traveling on the route per day. He explained that there would be a requirement for the company to provide advance warning signs for trucks and flashing beacons at the entrance to C.R. 44A, and he mentioned that the intersection of C.R. 44A and C.R. 437 was not currently signalized. He elaborated that a traffic study was recently completed which showed the need for an eastbound right turn lane there and that additional right of way would be necessary to construct it. He said that the cost of the turn lane and right of way were considered using the proportionate share of the company's truck traffic. He recalled that the results of the study did not demonstrate a current need for a traffic signal at S.R. 44 and C.R. 437; however, staff had also determined the company's proportionate share if a signal was required there. He opined that there was not a need for further signalization for the route, though there were concerns about impacts to the road surface. He stated that he had converted the company's truck traffic to the equivalent stress loading and compared it to different types of current traffic to determine their proportionate share over a seven year lifespan. He explained that their proportionate share would be about $67,000 and that in the proposed agreement, the company would pay roughly $0.347 per cubic yard of sand hauled for a total of about $62,900. He suggested staying with the current proposed compensation because the County did not typically charge landowners for resurfacing of mixed use traffic roadways. He added that at the intersection of C.R. 44A and C.R. 437, the engineer of the study observed that northbound trucks on C.R. 437 contributed to a delay of traffic in that direction. He suggested that if this became an issue, the County could require the company to pay for the construction of the traffic signal there at an estimated cost of approximately $250,000.

Mr. Jimmy Crawford, an attorney representing Blackwater Creek Wetlands Mitigation, LLC, stated that negotiations with the County had been ongoing for about nine months and opined that the company had complied with each condition requested by the County. He said that he had reviewed the Eustis Sand Mine conditional use permit (CUP) and opined that it was in valid force and effect. He recalled that there was one year in which hauling did not occur, though annual reports were filed each year with the County. He believed that the company had a permit right to haul the sand, exclusive of the developer's agreement, and that they were voluntarily entering into conditions to help protect the neighbors.

Commr. Campione asked if the company had filed annual reports except for one year.

Mr. Crawford clarified that they were filed each year and that there was no hauling in 2013. He added that the 2014 report confirmed that they had hauled again and that if a CUP or a mining conditional use permit (MCUP) was not utilized for three years, then there was a possibility that the Land Development Regulations (LDRs) would remove it.

Commr. Campione asked if he had looked back to when the Eustis Sand Mine owned the site.

Mr. Crawford thought that they were operating through the 1980s and that there were reports filed by the Eustis Sand Mine's engineer; furthermore, they were later filed by the hauler for the SJRWMD. He reiterated that the reports showed annual work and compliance with the CUP.

Commr. Breeden indicated concerns about the school bus stop in the agreement.

Mr. Crawford replied that it was moved in the new agreement to the actual location of the stop and that the flagman would be located there.

The Chairman opened the floor for public comment.

Ms. Prue Maxon, a resident of Black Bear Reserve, expressed concerns about excessive noise on C.R. 44A, accidents at the intersection of C.R. 437 and C.R. 44A, traffic, and negative impacts to property values. She thought that there should be a traffic light to help at the entrance to her subdivision and that the cost to repair the roads would be more expensive than anticipated. She urged the Board to deny the agreement.

Mr. Louis Schoolkate, a resident of Black Bear Reserve, noted considerable truck traffic in the area and opined that much of the road along the proposed haul route was significantly damaged. He felt that the company's compensation for the County would not be sufficient to fix the roads and that funding would have to be drawn from elsewhere.

Ms. Geri Sullivan, with the Rafiki Foundation, stated that her organization's offices were located at the corner of Hart Ranch Road and C.R. 44A, and she opined that previous trucks had driven recklessly down Hart Ranch Road and created dust, noise and danger there. She recalled hearing that school buses would not traverse Hart Ranch Road due to the trucks, and she felt that the trucks would disturb her operations for five to seven years. She also indicated concerns about inconveniences from resurfacing Hart Ranch Road. She said that she was unclear on the benefits of this project and asked the Board to deny it.

Mr. Scott Atkins, a Lake County resident, quoted Mr. Steven Miller, Chief of the Bureau of Land Resources for the SJRWMD, who had expressed that there were these four options for the subject property: move the sand back into the lake; move the sand out via Hart Ranch Road; move the sand out via Lake Norris Road; or leave the sand in place. He felt that only the first and fourth options were viable and alleged that Mr. Miller had opined that the lake there had become part of the ecosystem and should not be filled in. He stated his understanding that the subject property contained several rare animal species and he opined that numerous trucks per day on the site would disrupt the wildlife there. He claimed that in 2012, the SJRWMD promised the residents of Hart Ranch Road that sand trucks would no longer use the road, and he felt that homeowners there had a right to quiet enjoyment. He thought that the trucks were a nuisance and could create issues such as dust, noise and odors. He asked the Board to reconsider the request or to postpone it so that it could be brought before the new SJRWMD Board.

Ms. Marie Hart, a resident on Hart Ranch Road, opined that after 2012, the SJRWMD only hauled the sand with their own trucks to places where they needed sand; furthermore, she thought that there were no paid haulers removing the sand during this time. She said that the SJRWMD had relayed to residents that they would close the fishing permits for the nearby lake, and she said that the horse trail there was close to where the trucks were driving. She communicated her understanding that the Rafiki Foundation was promised by the SJRWMD that no more hauling would occur on the nearby road. She recalled a statement from the company indicating that there would be a superintendent onsite; however, she opined that this would be miles into the site and that there would not be an individual located on Hart Ranch Road.

Ms. Laura Pendergrass, a resident of Lake County, indicated concerns for road safety, the road conditions along the hauling route, high volumes of truck traffic, and noise. She opined that the monetary contribution from the company would not be sufficient to service the roads. She suggested postponing the case to determine if the new SJRWMD Board would have different plans for the site.

Ms. Jocelyn Corville, a resident of Black Bear Reserve, expressed issues with the trucks' noise and damage to the roads. She stated that the hauling would incur impacts to

finances, quality of life, road safety and property values. She opined that the approximate $67,000 would not be sufficient to repair the roads nor was Hart Ranch Road designed to accommodate truck traffic. She asked the board to deny the agreement or to postpone it until the new SJRWMD Board was in place.

Mr. Mike Hicks, a resident of Black Bear Reserve, asked how the company could repave nine miles for only about $67,000 and thought that the trucks could weigh up to 17,000 tons. He opined that the roads were not designed to accommodate this type of load, and he felt that modifying the sand mine would contribute to flooding, disrupt the wildlife and create noise. He also expressed concern for trucks creating a safety hazard for pedestrians and relayed his understanding that the hauling was deterring further development at Black Bear Reserve.

Mr. Jon Suarez, a resident of Lake County, expressed concern for disrupting the ecosystem which had developed around the sand mine. He stated that there were other borrow pits in the area and opposed adding additional trucks hauling from the subject property. He opined that many roads were in poor condition and asked where the funding to repair them would come from. He alleged that the trucks posed a danger when driving and had damaged his vehicle.

Mr. Jim Hepp, a resident of Lake County, opined that the purpose of the hauling was for financial gain and that there was no benefit to Lake County. He asked the Board to help the citizens and deny the agreement.

Ms. Margaret Andrade, a resident of Rolling Oak Estates, recalled that a borrow pit was previously approved in the area which created dust, truck traffic, concerns about water quality and negative impacts to property values. She asked the Board to deny the agreement.

Commr. Campione clarified that this tab did not concern an application for a new mine; rather, it was a request to remove sand which had already been mined from the subject property.

Ms. Elaine Renick, opined that there had been 17 years to remove the sand from the area and that the sand could remain at the site. She quoted the SJRWMD as stating that the basin and floodplain swamp were relatively intact and opined that the area within the floodplain swamp was small when compared to what was proposing to be removed. She felt that the County could have legal exposure for this item regardless if it was approved and she hoped that the BCC would represent the residents and deny the agreement. She relayed that in the land management plan for the site, it was specified that Lake County was responsible for road maintenance and safety; furthermore, she thought that this could create consequences for the County if the hauling was approved and a traffic accident occurred. She suggested that the sand could remain onsite and that some mitigation could still occur.

Ms. Renee Lewis, a resident of Lake County, questioned why the SJRWMD wanted to remove the sand at the current time and opined that it was not typical to conduct restoration a decade after a project had been completed. She asked if the SJRWMD had formally provided a fully funded project plan which showed that if the current agreement was approved, then they would intend to bring all of the traversed roads up to standard and maintain them during the duration of the hauling. She opined that resurfacing Hart Ranch Road at the beginning and end of the hauling would be ineffective, and she felt that no permit should be issued until a plan was submitted. She claimed that if the SJRWMD was receiving federal funds for hauling sand, an impact study would have to be conducted and the district would have to prove that they had funded the entirety of the project. She also asked if the BCC could limit the number

of trucks per day and if the company had produced a fixed weekday schedule which would not include hauling during times when school buses would be present. She then inquired if the trucks would abide by speed limits, property boundaries, and take safety precautions, and if the trucks could possibly damage the foundations of homes along the routes. She questioned if the project would be a valid restoration of the wetlands and commented that she had not seen an overlay of the existing property when compared to before the hauling was occurring. She opined that the project was invalid, was profit driven, and that the sand should remain in place.

Mr. Gary Pardue, President of the Black Bear Reserve Homeowner's Association (HOA), opined that there was difficulty with accessing the neighborhood on C.R. 437 due to truck traffic and a lack of traffic lights. He felt that the need for a stoplight at the intersection of C.R. 437 and C.R. 44A could be reexamined. He asked the BCC to reconsider this agreement and expressed a desire for a better plan to serve the residents.

Mr. Tom Bergstresser, a resident of Lake County, opined that residents tolerated truck traffic for numerous years and were promised that it would cease. He felt that the trucks had an impact on their quality of life, their ability to sell property, and animal habitats. He opined that the sand did not need to be moved and that there could be 400 trucks traveling on Hart Ranch Road for 12 hours per day if this was approved. He asked the BCC to reexamine the agreement.

Mr. Clarence Lewis, a Lake County resident, suggested that the traffic study at Hart Ranch Road and C.R. 44A needed to be reevaluated for safety. He opined that a traffic light at C.R. 44A and C.R. 437 would be a good investment on the current date and that if the agreement was approved, there should be a temporary traffic light at Hart Ranch Road and C.R. 44A. He expressed concern about the condition of C.R. 44A and possible damage from trucks. He felt that the payment from the company would not be sufficient to repair the roads and that there should be patrols to ensure that the truck drivers were following the law. He also suggested conducting an Environmental Protection Agency (EPA) study for the Lake Norris Conservation Area.

Commr. Campione stated that the BCC had denied a previous borrow pit on C.R. 437, though she said that the owner later obtained an agricultural permit from the SJRWMD to grow blueberries and the property was then graded. She expressed that the BCC did not have discretion over the owner's grading of this property and the removal of sand.

Mr. John Fiequette, a concerned citizen, expressed his understanding that there was no representative of Lake County on the SJRWMD Board, and he asked the BCC to support the possible appointment of a Lake County resident to this board. He claimed that according to Florida Statutes, Chapter 259.032, selecting lands which are managed under conservation should involve one individual from the county or local community in which the parcel or project is located, and who is selected by the BCC in the county which is most impacted by the acquisition.

Mr. Lance Walker, a resident of Lake County, felt that there had been few improvements to the infrastructure in East Lake County. He expressed concern about the danger at the intersection of C.R. 437 and C.R. 44A and how additional truck traffic could worsen it. He opined that the company's financial contributions would be insufficient to adequately improve the roads, and he felt that there were options for the sand without removing it from the area. He urged the Board's denial of the agreement and thought that additional road improvements were needed before adding more traffic.

Mr. Ken LaRoe, the Founder of Florida Choice Bank and First Green Bank, said that First Green Bank's nonprofit foundation had contributed approximately $50,000 to the Lake County Water Authority (LCWA) in a matching grant to purchase 18 additional acres to add to a LCWA park which abutted the Lake Norris Conservation Area. He explained that this was done because they thought that the public lands would be preserved in perpetuity and would increase the development buffer there. He opined that the hauling had reduced property values and damaged the environment. He also felt that it would be less costly for the County to experience litigation by the company when compared to citizens.

Mr. Cole indicated that many citizens in the County Administration Building lobby did not wish to speak, though signed a petition to oppose the proposed agreement.

Commr. Campione entered this into the record.

Ms. Julie Tzobanakis, a resident of Lake County, urged the Board to deny the agreement.

Mr. Hugh Kent, a resident of Lake County, encouraged the Board to honor a previous BCC decision to enact a truck ban on the entire length of C.R. 44A. He elaborated that there was a restriction for trucks which were class 8 or higher and that this decision was made five years prior due to safety. He noted that there was an exception for local delivery trucks, though he did not feel that this would be a compelling argument to allow trucks in this area.

Ms. Hart shared her concerns that the mitigation company would haul the sand to whomever would purchase it and that the haul route could change at any time.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the floor for public comment.

Ms. Melanie Marsh, County Attorney, entered Conditional Use Permit #358-4 into the record and noted that one of its provisions stated that access to the county or state road shall be fortified and meet the approval and specifications of the County Engineer. She also entered into the record a report of traffic accidents from January 2016 through January 2019 at several intersections along the haul route, noting the following findings: five accidents at the intersection of C.R. 44A and C.R. 437; 36 accidents at the signalized intersection of S.R. 44 and C.R. 437 with 21 being rear end collisions; four accidents at the intersection of S.R. 44 and C.R. 46A, which was also signalized; and one accident at the intersection of C.R. 44A and Hart Ranch Road. She clarified that the approximate $68,000 figure was a proportionate share and that case law did not suggest that new projects should be charged for existing road deficiencies.

Commr. Campione noted that C.R. 44A did not have shoulders and opined that it was in an undesirable condition. She also felt that the intersection of C.R. 44A and C.R. 437 posed a significant danger and that adding trucks to the road there could worsen this. She said that the roads in that area were winding and that the previous truck ban had considered these issues. She indicated an issue with the County experiencing impacts to the roads and safety, and she also expressed a concern for the property's wildlife. She opined that the County's infrastructure was insufficient to accommodate this traffic and she felt that there could be the potential to ask the new SJRWMD Board to review this item and how it would affect the residents on Hart Ranch Road. She expressed a hope that the new SJRWMD Board could discontinue the activity and she thought that the County could communicate to them that it would be inappropriate for the roads and residents.

Commr. Breeden said that she had spoken with the County Attorney, who had clarified that the agreement between the SJRWMD and the mitigation bank would not allow the district

to terminate it for convenience; furthermore, while the agreement gave the district the right to move the material, it did not require this to be done. She expressed an understanding that the SJRWMD could change its position and that management plans were reviewed periodically and were not legally enforceable. She stated a preference to not delay this item further and supported a recommendation of denial.

Commr. Blake asked about the new SJRWMD Board's ability to modify previous agreements.

Ms. Marsh replied that it would be similar to other contracts and that they could negotiate with the mitigation bank. She added that they could terminate the agreement even if there was no termination clause for convenience.

Commr. Parks expressed concerns if the approximate $67,000 would be sufficient to mitigate the truck traffic and for danger at the intersection of C.R. 44A and C.R. 437. He stated that the new members on the SJRWMD Board could have a different perspective on this issue.

Commr. Sullivan agreed that the County would not be fully benefitting from the property's use, though he thought that the wildlife habitat could return. He indicated a belief that the county had changed and could not continue operating as it had done previously. He expressed that he would not be comfortable with approving this item and he opined that there were infrastructure issues which had not been mitigated.

Commr. Blake advocated for property rights and noted that the agreement was with a governmental entity; however, he indicated an issue with how the SJRWMD had changed their previous statements about the use of the property. He felt that the mitigation did not have to occur and noted that this was the SJRWMD's concern, while the County's concern was for transportation and infrastructure. He also opined that if there were no transportation issues, profiting while managing the property would benefit the taxpayer.

Commr. Parks mentioned that while he would support denying the agreement, the SJRWMD had helped the County with water conservation and water quality issues. He said he was looking forward to the new SJRWMD Board and noted that representation on the Board from Lake County would be the Governor's decision.

Commr. Campione agreed that the County had a positive relationship with the SJRWMD on other issues, and she reiterated that the current agreement would cause the County and residents to incur its detrimental effects. She also agreed with having a Lake County representative on the SJRWMD Board and she proposed that the BCC could inform the Governor that they would support such a nomination.

Commr. Breeden disclosed that there was an applicant from Lake County for one of the SJRWMD Board's positions and that this was not a BCC initiative. She felt that the SJRWMD had been excellent partners with the County on many projects and she hoped that this could continue.

Commr. Campione added that the proposed agreement included 200 trips per day to remove sand from the property and that there would be another 200 trips per day for trucks entering the property. She opined that this would create a complete disruption to the traffic flow, along with noise from the activity each day.

On a motion by Commr. Blake, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board denied a Development Agreement with Blackwater Creek Wetlands Mitigation, LLC (Plantation, FL) to utilize Hart Ranch Road to haul material from the Lake Norris Conservation Area in the City of Eustis.

PUBLIC HEARINGS: REZONING

REZONING CONSENT AGENDA

Ms. Michele Janiszewski, Chief Planner for the Office of Planning and Zoning, stated that there were three cases on the rezoning consent agenda and that one letter of opposition was received for Tab 3, though staff recommended keeping it on the consent agenda if there were no speaker cards for that item. She added that the applicant for Tab 5 was seeking a continuance. She said that staff was seeking approval of the rezoning consent agenda and for the continuance request.

Commr. Campione commented that the request to continue Tab 5 would be heard after the rezoning consent agenda.

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding any cases on the Rezoning Consent Agenda, the Chairman closed the public hearing.

On a motion by Commr. Blake, seconded by Commr. Breeden and carried unanimously by a vote of 5-0, the Board approved the Rezoning Consent Agenda, Tabs 1 through 3, as follows:

Tab 1. Ordinance No. 2018-12
Rezoning Case # RZ-18-21-4
Hines Property Rezoning
Rezone a 0.029 acre portion of Alternate Key Number 1320674 from Planned Commercial (CP) to Urban Residential District (R-6) to facilitate a future lot line deviation to correct a building encroachment.

Tab 2. Ordinance No. 2018-13
Rezoning Case # CUP-18-08-1
Howard Private Airstrip CUP
Approval for a conditional use permit on approximately 23.17 +/- acres to allow an unpaved airstrip for private use on property within the Agriculture zoning district.

Tab 3. Ordinance No. 2018-14
Rezoning Case # RZ-18-20-1
Erickson Property Rezoning
Rezone approximately 70 +/- acres from Rural Residential (R-1) and Urban Residential (R-6) to Agriculture (A).

REZONING REGULAR AGENDA

Tab 5.
Rezoning Case # FLU-18-15-2
Evergreen Estates FLU Amendment - Transmittal
Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately 50.53 acres from Wellness Way 1 to Planned Unit Development (PUD).

Tab 4. Ordinance No. 2018-15
Rezoning Case # RZ-18-15-1
Hilochee Partners PUD
Rezone approximately 284.84 acres from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a twenty-nine (29) lot subdivision.

Tab 6. Ordinance No. 2018-16
Rezoning Case # RZ-18-23-5
Adriatico Property Rezoning
Rezone approximately 162 +/- acres from Rural Residential (R-1) to Agriculture (A).

Tab 7.

Rezoning Case # CUP-18-06-3
Treasure Island Range CUP
Approval for a conditional use permit on approximately 99.338 +/- acres to allow a firearms training range facility within the Agriculture zoning district.

Tab 8.
Rezoning Case # MCUP-18-01-1
Lake Environmental Resources (LER)
Amend previously approved conditional use permit (MSP#05/10/1-3; Ordinances 2005-113 and 2006-101) to allow vertical expansion and to allow borrow pit use on the adjacent southern parcel with a new replacement ordinance.

EVERGREEN ESTATES FLU AMENDMENT – TRANSMITTAL

Mr. Tom Daly, the applicant and with Daly Design Group, requested for the case to be continued to April 9, 2019.

The Chairman opened the public hearing for the continuance request only.

Ms. Yanette Moyano, a neighbor of the proposed development, said that the residents were ready to present their case at the current time. She relayed her understanding that the City of Clermont had representation in attendance to oppose the application, and she requested that if the case was not heard at the current meeting, then it should be postponed to May 2019 due to a scheduling conflict.

Mr. Frank Fernandez, a neighbor of the proposed development, opined that this proposal had existed for a number of years and he did not expect it to become more amicable to nearby residents. He asked the BCC to hear the case today.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Ms. Marsh commented that if the BCC chose to move the hearing to April 2019, staff would request moving it to April 23, 2019 due to this being the date of the rezoning meeting for that month.

Commr. Parks stated that the BCC had traditionally honored a continuance request and that he wanted to ensure good coordination with the City of Clermont to address rapid growth. He recalled that the City had wanted to hear the case before their City Council and that they did not currently support the request. He expressed an interest in gathering more information from the City and to continue the case until May 2019 due to the resident's request.

Commr. Breeden asked if the residents would object to a date of April 23, 2019.

Commr. Parks felt that they would prefer a date in May 2019.

Commr. Campione stated that because the property would require a clearance letter for water and sewer service from the City of Clermont and the City staff had objected, she agreed that the BCC needed to hear from the City. She encouraged the applicant to consider submitting the application directly to the City of Clermont, though she acknowledged that some unincorporated residents there wanted to voice their concerns. She agreed that the BCC should coordinate with the City and that if the purpose of the postponement was for the applicant to meet with the City, then a positive effect could be achieved. She supported a May 2019 date to give the applicant sufficient time to meet with the City.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board postponed Tab 5, Rezoning Case #FLU-18-15-2, Evergreen Estates FLU Amendment – Transmittal, to the May 21, 2019 BCC meeting.

HILOCHEE PARTNERS PUD

Ms. Janisewski presented Tab 4, Rezoning Case #RZ-18-15-1, Hilochee Partners PUD, stating that it was located south of Island Ranch Road at the intersection of Reynolds Road and Montevista Road in the City of Groveland area. She explained that the subject property contained approximately 284 acres, of which about 102 were uplands, and the applicant's request was to rezone around 284 acres from Agriculture to Planned Unit Development (PUD) to facilitate the development of a 29 lot subdivision. She relayed that the Planning and Zoning Board recommended approval with a vote of 4-3, and she commented that the property was currently zoned Agriculture and the majority of it was located within the Green Swamp Rural future land use (FLU) category with a small portion within the Green Swamp Rural Conservation FLU category. She displayed the concept plan which the applicant had presented at the January 29, 2019 BCC meeting; furthermore, staff had analyzed the case and found these items: the open space would be protected by the PUD ordinance, plat restrictions and deed restrictions; the density credit of one dwelling unit per twenty acres of wetlands was the same in all FLU categories within the Green Swamp; the Green Swamp Rural FLU category required individual private wells and onsite wastewater treatment and disposal systems; the Savannah Reserve development allowed water services with some requirements, though the current application did not meet the requirements; and the applicant was proposing to include an additional septic tank setback of 150 feet from the wetlands. She added that the rezoning request was consistent with these policies: LDRs Section 4.03.01 which allowed PUDs within all FLU categories; LDRs Section 4.04.03(H) and Section 8.00.00 which stated that PUDs within the Green Swamp should utilize clustering to promote the protection of environmentally sensitive areas and concentrate units on the upland tracts; Comprehensive Plan (Comp Plan) Policy 1-4.2.6, Green Swamp Rural Future Land Use Category, which allowed a maximum residential density of one dwelling unit per five net acres for the approximate 100 acres of uplands on the subject property and would result in 20 residential lots; and Comp Plan Policy I-1.2.4 which allowed for one additional dwelling unit to be built within the net buildable area of a parcel for every 20 acres of wetlands. She elaborated that the site consisted of about 182 acres of wetlands resulting in nine additional residential lots for a total of 29 residential lots. She relayed that staff recommended approval of the application to rezone approximately 284.84 acres from Agriculture to PUD to facilitate the development of a 29 lot subdivision.

Commr. Campione asked about suggestions from residents and social media that this was a new policy and that the BCC would set a precedent by allowing a density transfer of one dwelling unit for twenty acres from wetlands. She also inquired to confirm the accuracy that only 100 building permits per year were permitted in the Green Swamp.

Ms. Janiszewski clarified that the density transfer provision had been in the Comp Plan since it was adopted in 2011, though she was unsure if it had been utilized previously. She stated that within the Green Swamp Rural FLU category, the County could not approve more than 120 lots per year for platting and was unable to issue more than 100 building permits per year. She added that once a building permit was approved in the Green Swamp, it would then be transmitted to the Florida Department of Economic Opportunity (DEO) for review.

Commr. Breeden inquired if the County had ever reached the maximum number of allowable plats or building permits per year in the Green Swamp.

Commr. Campione said that no building permits had currently been issued in 2019 and she stated that there were 54 in 2018 with 18 being for mobile homes and 36 being for single family homes. She elaborated that 37 building permits were issued in 2017 with 15 being for

mobile homes and 22 being for single family homes, and in 2016 there were 28 permits issued with 11 for mobile homes and 17 for single family homes.

Ms. Anita Geraci-Carver, an attorney representing Hilochee Partners LLC, asked for the record from the first public hearing on January 29, 2019 be incorporated into the record for the current hearing. She recalled that at the previous hearing, the BCC requested that the applicants review concerns raised by residents and hold another community meeting with County staff present. She indicated that this had been conducted and that one concern was for possible ethylene dibromide (EDB) on the site. She explained that the Florida Departments of Health (DOH) and Environmental Protection (DEP) had a delineation area for the EDB; furthermore, only a small amount of lots within the project were in the EDB delineation zone. She commented that if a well would be drilled for these lots, DEP had a program and the management districts were responsible for permitting and inspecting all wells there. She elaborated that they would be treated as a public utility facility and the State would oversee it; additionally, construction requirements from the Florida Administrative Code would have to be met, along with the SJRWMD's requirements for constructing wells. She said that once the well was cleared for potable use, it would be tested by the local health department for contamination and they would issue a letter of clearance or denial for its use. She related that if denied, the well could then be remediated for drinking water quality by installing a granular activated common filtration system or other type of filtration system. She summarized that there would be oversight by the State and the local health department to ensure that only the wells which met drinking water quality could be utilized. She relayed that the developer found no evidence that contamination in one area would be drawn to another area by the drilling of additional water wells. She also said that she spoke to the DEO about septic tanks within the Green Swamp or other areas of critical state concern and that the State did not have any recommendations for systems. She said that the local DOH would not opine on any enhanced septic systems and that they stated there were guidelines in place to be followed; however, the language which was proposed for the application stated that if enhanced septic systems would be required in the Green Swamp at the time that building permits were obtained, the developer would meet those requirements. She also commented that the issue of preserving the open space in perpetuity was raised and that it had been proposed to place them in conservation easements, though the developer was reluctant to do this due to the Comp Plan allowing them to be in open space tracts to be utilized for passive recreation and agricultural purposes. She also indicated a concern that a resident may interpret an open space conservation easement with uses which are not allowed in the wetlands and that the developer believed that the Comp Plan allowed the open space to be designated as such and deed restricted. She elaborated that they would be protected in perpetuity for these reasons: it was in the PUD ordinance; the open space tracts would be delineated on the plat as having no associated development rights; and deed restrictions could be enforced by landowners in the community and the HOA. She said that in October 2018, a new provision to the Marketable Record Title Act was adopted at the state level and that there were concerns about HOAs being active in deed restrictions for only 30 years. She specified that this provision would require that each year, HOA boards would have to consider whether to file a notice to prolong this period so that the deed restrictions would not cease at the end of the 30 year period; additionally, once the root of title was recorded, at any time a statutory notice could be recorded which could prevent the deed restrictions from expiring after 30 years. She said that once the HOA on the subject property was established, the developer could record a notice to

ensure that the deed restrictions would exist in perpetuity. She noted previous concerns about the accessibility of tracts 12-A and 13-A with the associated lots 12 and 13, and she clarified that there were uplands behind those lots and an area there to enhance them by facilitating outdoor activities. She indicated an intent for them to remain as tracts associated with those two lots instead of placing them in a tract for the HOA due to them requiring tracts 12 and 13 for public access. She related that the wetlands there were clearly delineated and the water was deep; furthermore, the developer was not concerned about infill or disturbance of those wetlands by leaving the lots associated with the tracts.

Mr. Rick McCoy, Project Engineer with McCoy and Associates and representing the applicant, displayed a map of the project's entrance and said that a surveyor determined that the developer's 78 feet on one side of the road and the County's 38 feet on the other side would allow the developer a total of 116 feet for the entrance. He noted that there would be an open swale section and specified that this could allow roughly 26 feet on the southern side to create a berm.

Mr. Bill Ray, with Ray and Associates and representing the applicant, stated that the developer was proposing a class B buffer which would have a double row of hedges and more trees per linear foot than the required class A buffer. He commented that there would be appropriately 35 to 37 trees on the north side of the buffer and that the intent was to have maturity for an 80 percent opaque buffer which would be densely vegetated with Florida friendly landscaping. He relayed that Florida native plants could be used in other areas and that the objective for this buffer was to mitigate light penetration and to buffer unintended impacts to the southern property owner. He added that mounding would also be used to raise the ground by approximately three feet to create a non-erodible surface and heavily vegetate the top to help prevent adverse impacts to the adjoining property owner; additionally, the buffer would exist on both the north and south sides. He then showed a markup from the LDRs of the type B buffer which would give the developers specificity for what would be imposed.

Commr. Breeden asked to clarify that the property to the north of the entrance would also be utilizing that road.

Mr. Ray confirmed this and said that the property owner found this acceptable as long as they had a designed access point.

Ms. Geraci-Carver recalled that at the previous hearing, the notion was raised that only eight lots were planned for the subject property. She clarified that the parcel which was owned by the prior owner was a total of 47 acres and that the residence of Ms. Mary Mack, a neighbor of the proposed development, was constructed there, though the seven lots on the remaining 40 acres were never platted. She stated that this was under the previous Comp Plan which required a 25 foot wetland buffer and conservation easement, and she mentioned that the remaining lots would have utilized wells and septic systems. She reiterated that the proposed development would be on approximately 284 acres, and she recalled that the developer had a community meeting on February 13, 2019 which was attended by Commissioner Sullivan, the County Attorney and County staff. She said that they had sent out 40 notices to the public and eight residents were in attendance. She commented that after the meeting, they provided County staff with proposed revisions to the PUD. She clarified that the 25 foot requirement for side and rear setbacks was not on the concept plan and was corrected to 10 feet. She noted that the language for landscaping, buffering and screening was the same as at the previous hearing and that the developers agreed for Florida friendly

landscaping to be utilized for the vegetative entrance to provide greater protection, while Florida native vegetation would be used in all the perimeter buffering along the wetlands. She added that they would not be removing any vegetation.

Commr. Breeden inquired if they would be removing or treating any invasive vegetation existing on the site.

Ms. Geraci-Carver replied that the guinea grass was being removed using best practices due to the plant being invasive. She said that they also added additional language to the ordinance about the entrance to specify that they would meet or exceed the LDRs to provide a heavily vegetated and visual buffer between the entrance road and the adjoining properties. She commented that for utilities, the developers had previously proposed a 150 foot setback from the wetlands for the septic systems and that this would be met for each lot, which would exceed state and county requirements. She stated that the developers had also added a condition to meet septic system requirements when the building permits would be issued. She opined that the concerns from the community meeting were similar to those which were conveyed at the previous hearing, though the proposed revisions were meant to address them. She reiterated that the request was not for an increase in density or intensity; rather, they had requested what was allowed by the Comp Plan. She explained that the site was zoned Agriculture, which allowed one dwelling unit per five net acres, and they were asking for a PUD with one dwelling unit per net five or ten acres for the portion which was in the Green Swamp Rural Conservation FLU category. She felt that they were meeting or exceeding all Comp Plan and LDR requirements and were not increasing the density. She relayed her belief that this was a quasi-judicial hearing in which the project would be applied to the current regulations; additionally, the current Comp Plan was developed over a period of four years and she opined that the density transfer of wetlands was included so that it would not constitute a taking when disallowing density there. She stated that the developer could exercise the density transfer provided they met all of the other requirements, which she felt they had. She asked for the BCC's approval of the request.

Commr. Campione asked about the average lot size in the development.

Ms. Geraci-Carver replied that they had a net density of 3.52 acres and a gross density of 9.82 acres.

Commr. Campione inquired if the gross density was based on the one unit per twenty acre wetland transfer, and Ms. Geraci-Carver confirmed this. Commissioner Campione also asked about the net density of 3.52 acres.

Mr. McCoy clarified that the lots' minimum size was for one buildable area and that the additional tracts would be two or 2.5 acres in size. He said that a large majority of the uplands would be buffered and protected and that the actual lot sizes would be two or 2.5 acres.

Commr. Campione asked if there would be additional uplands in buffers, and Mr. McCoy confirmed this and said that the net density would be about 3.5 acres per lot. Commissioner Campione then asked how large the lots would be if an individual took a 100 acre parcel on a county road and subdivided it into lots.

Mr. McCoy replied that twenty lots on one hundred acres of uplands would be five acres per lot. He added that in areas other than the Green Swamp, one acre of uplands and four acres of wetlands could be utilized in a five acre tract. He noted that the clustering in the Green Swamp Rural FLU category was pushing the development to the uplands.

Commr. Campione inquired if an individual on a county road in the Green Swamp wanted to file a plat to create two lots and they had two acres of uplands and eight acres of wetlands, could they create two lots with each having one acre of uplands.

Mr. McCoy denied this and said that in the Green Swamp, twenty acres of wetlands were required for one upland acre. He added that having a significant number of wetlands units only would not enable a transfer because there would be no uplands to build on; additionally, a large number of lots could not be placed onto a single acre.

Commr. Campione relayed that the BCC had received emails from residents concerned about the potential approval of 1,500 dwelling units at the current meeting and she asked about the basis for this number.

Mr. McCoy expressed that he was unsure of where this number came from.

Commr. Parks asked about the usage of the additional acreage for each lot in the proposed development.

Mr. McCoy stated that there would be deed restrictions there and the intention would be for agricultural or recreational uses. He stated that no structures could be built there because there were no building rights nor could building permits be obtained.

Commr. Campione asked if it should be clarified that building was not supposed to occur there.

Mr. Ray stated that those tracts were not development tracts and that development was defined specifically within the Comp Plan and by Florida Statutes, Section 380.04. He explained that any activity which altered the shape of the ground in a material manner would be considered development within the state and that Lake County adopted these codes within the Green Swamp. He said that there could be no swimming pools, decks, sheds which require a building permit, or pavement. He stated that violating this law would be a code enforcement violation and a violation of the plat, the HOA and the deed restrictions. He related that the Green Swamp Rural FLU category required 60 percent open space and that lots would have to be developed in the remaining acres. He recalled that when developing this regulation, there was a significant concern from the state for building out the hundreds of tracts throughout the Green Swamp and that the 60 percent open space requirement prevented this. He suggested that a parcel on a plat should not always be considered a developable lot and that each tract on a parcel must be listed with a specific purpose, and he reiterated that the open space tracts in the proposed development would not be developable.

Commr. Parks asked how a resident of the proposed development would be prohibited from constructing an additional home on their adjoining tract.

Ms. Marsh replied that the plats would state that the A tracts were designated as open space and that no building was permitted on them. She added that when an individual attempted to obtain a building permit, the County would examine the plat and see that they were open space tracts, which she thought would also be designated within the ordinance, and a building permit would not be issued. She said that with the open space tracts being in the restrictive covenants, the neighbors or the HOA could also enforce this civilly.

Commr. Parks asked to clarify that a resident seeking to construct there would not even get past their zoning clearance.

Mr. Ray clarified that they would not get far due to having to demonstrate compatibility with the Comp Plan. He commented that the density of one unit per five upland acres or one unit per twenty transferred wetland acres was already allocated and that even if the Comp Plan was later rewritten, the plat would still govern and supersede the Comp Plan.

Commr. Campione inquired if “open space conservation tract” could be written on those tracts to avoid future misunderstandings.

Ms. Marsh responded that staff could add this requirement to the PUD.

Commr. Breeden asked about the vegetative buffer near the entrance and if all utilities would be underground. She also expressed a concern about the aesthetics of trees located under power lines.

Mr. Ray said that power would be coming in from the north, though he was unsure if the utilities would be underground. He stated that locating power lines above trees was not their intention and that if this occurred, they would impose vegetation standards of low canopy trees. He added that they could specify that on the north side of the entrance, the developer would comply with vegetative requirements for tree height and type within power line right of ways to create hedges and buffers.

Commr. Campione thought that having power poles at the entrance would be unattractive and that the power lines could not fit with the tall trees.

Mr. Ray said that the power lines could be moved further north and that this would be addressed at the preliminary plat. He acknowledged the value of underground power lines due to storms.

Commr. Campione thought that the County’s plat requirements mandated underground power lines, and Mr. Ray said that they could be underground.

The Chairman opened the public hearing.

Mr. Michael Randall, a neighbor of the proposed development, thought that development rights were the potential for improvement of a parcel of real property, measured in dwelling units per gross acre, which existed because of the zoning classification of the parcel. He expressed an understanding that the property’s current zoning would allow six homes to be built and that he would support this due to being consistent with the rural character of the location and protecting the environmentally sensitive area there. He said that the justification for the rezoning was that the applicant wanted to construct a residential subdivision, and he felt that one element of the Agriculture zoning district was preventing further encroachment and that the zoning sought to protect good soils for agricultural areas from subdivision development. He noted that a similar rezoning had occurred near the subject property and opined that this was not a proper justification for this case. He thought the request was legal, though he opined that it would not be illegal for the BCC to deny it. He quoted the Comp Plan as indicating that the maximum density or intensity provided within an FLU category should not be construed as a guaranteed right or entitlement, and he felt that the developers had been unresponsive to the residents’ requests to reduce the density and to not build lots in floodplains. He opined that the development would not be consistent with the rural character of the area or the existing density of nearby homes; additionally, he reiterated that the developer would not commit to a reduction in density or using custom home builders. He felt that the density of one dwelling unit per an approximate 3.52 acres was not specific and he recommended supporting the area of critical state concern. He opined that protecting the Florida waterways was more important than approving homes and that the BCC should deny the case to protect the Green Swamp from a precedent which could begin a movement of maximum density sprawl in the area.

Mrs. Alyne Randall, a neighbor of the proposed development, felt that the difference between Florida friendly and Florida native plants was not clearly written in the ordinance, and she opined that Florida native plants should be utilized there. She mentioned that the

Comp Plan indicated that maximum density was not a guaranteed right or entitlement, and she asked the BCC to consider this. She also asked the BCC to exercise caution in how they would move forward with this item.

Ms. Cathy Brown, a neighbor of the proposed development, felt that the approval of this case would set a precedent. She thought that this type of case was new for the area and she alleged that other neighbors with large parcels wanted to develop in a similar way. She opined that this development would not add character to the area, that it was in the incorrect location and that it was too large. She expressed concerns about EDB in the area and recalled a previous warning about residents having to check their water each time a well was drilled there; furthermore, she requested additional research in the area. She claimed that 11 parcels in the proposed development were located in an EDB area and suggested utilizing a single large well there. She asked the BCC to deny the case and allow the residents to retain their quality of life.

Mr. Doug Shields, a neighbor of the proposed development, thought that the number of 1,500 houses came from the total amount of wetland acres in the area divided by 20. He expressed concerns about a subdivision conflicting with the reason why residents purchased large properties in the Green Swamp, and he felt that approving the case could set a precedent for clustering houses on the buildable land there. He also indicated concerns about uncontrolled building and flooding.

Ms. Travis Vauris, a resident of Lake County, thought more information should be given due to residents receiving emails which suggested that the BCC would be approving 1,500 lots. She felt there should be more research conducted and that the Green Swamp should be protected.

Mr. Tommy Cannon, a resident of Lake County, opposed all building in and near the Green Swamp.

Ms. Sue Shields, a concerned resident, opposed the development and urged the BCC to deny it.

Ms. Wendy Pierce, a resident of Lake County, said that she opposed this development and any others in and around the Green Swamp.

Ms. Cathy Foley, a resident of Clermont, asked the BCC to carefully consider the case before deciding upon it.

Ms. Lori Patterson, President of the Oklawaha Valley Audubon Society, felt that the Green Swamp was important to the county, the state, the region and the country. She recalled that in 1974, the State designated over half of the Green Swamp as an area of critical concern and that the National Audubon Society had designated it as an important bird area. She said that the Green Swamp was part of the state's wildlife corridor and she felt that it was important for the region's water supply. She relayed her understanding that each lot in the proposed development would have open space, and she opined that open space in this area was too important to be part of individual deeds and plats; rather, it should be placed in a continuous tract and a conservation easement held by a third party, preferably the SJRWMD. She said that her organization had endorsed a letter which was written by the Florida Audubon Society for the BCC on this topic, and she suggested that for drinking water and wastewater, the developers should consider a community water system rather than individual wells. She felt that this would remove some restrictions for where wastewater was handled on each lot and would allow larger setbacks from the wetlands. She then stated that the Lake Beautyberry Chapter for the Florida Native Plant Society had provided specific recommendations for

Florida native plants when compared to Florida friendly landscaping. She asked the BCC to prioritize the protection of the Green Swamp, to ensure its functionality, and to deny the request as it was currently presented.

Ms. Lavon Silvernell, President of the Lake Beautyberry Chapter for the Florida Native Plant Society, felt that the Green Swamp's water was important to the region and that this was why it was given special protections. She thought that changes resulting from this development would impact the region, and she expressed concerns about its precedent impacting the number of homes in the Green Swamp which could affect the quality and quantity of water there. She indicated concerns about the risk of pluming when drawing water from the aquifer and how this could draw in contaminated water from the surrounding area. She thought that the BCC could ask the developer to utilize high performance septic systems, native plants and swales, and to provide educational materials to homeowners about features for homes in the Green Swamp. She also suggested placing the open space tracts in a conservation easement with a manager such as the SJRWMD, reducing the percentage of lawn that homeowners would be required to have which could reduce the amount of water used, and working with the DEO on further protections for the area.

Mr. Don Tracy, a resident of Lake County, said that the Green Swamp was approximately 322,000 acres and that there were around 17 lakes in the chain. He stated that purified water came through the Green Swamp and felt that it should be left intact. He commented that there were other places in the state to construct homes and he indicated a desire to preserve the Green Swamp and the lifestyle of residents there.

Mr. Neal Snyder, a resident near the proposed development, felt that the proposed density did not conform to the neighbors in the surrounding area. He opined that the density transfer utilized was a loophole and that if allowed, the BCC should eliminate this provision. He alleged that he had deed restrictions on his land when it was purchased and that they had no effect because his community did not vote to have an HOA. He thought that there was no requirement for the proposed development to have an HOA and that his neighborhood would have to enforce its deed restrictions through civil court and without oversight. He mentioned that septic tanks could fail and that this could cause leaching into the aquifer. He commented that the DOH provided oversight and left the provision of notices for pumping septic tanks to private companies. He indicated concerns about a lack of oversight for pumping septic tanks, and he stated that the aquifer fed the State of Florida and that 29 septic tanks and 29 wells could possibly draw EDB into the area. He also felt that there was a lack of oversight with the EDB issue.

Ms. Mary Mack, a neighbor of the proposed development, alleged that her house was constructed before the nearby 40 acres were sold and that the developer had attempted to purchase her house. She said that she did not oppose the density allowed by the current zoning, though she opposed constructing 29 homes. She stated that she did not move there to live near this number of homes and she urged the BCC to deny the proposed number. She also indicated concerns about testing for water quality.

Mr. Robert Porter, a resident near the Green Swamp, thought that many other properties would likely be developed if this precedent was set. He opined that a portion of the subject property was meant for six homes and that the majority of the parcel was meant to be a natural conservation area. He expressed a concern for overdevelopment in the area and felt that there were many properties in the county which could be developed according to proper guidelines. He urged the BCC to deny the request and to disallow developers to utilize

clusters and portions of land which sat over the Florida Aquifer. He opined that this could affect wildlife and the rural lifestyles of individuals who purchased property in the Green Swamp. He expressed an interest in having a cohesive environment with water to drink.

Ms. Susan Fetter, representing the Lake County Democratic Party, said that her organization had submitted a letter with their opposition to the case. She asked the BCC to consider that zoning changes are precedents and that further dense developments in the Green Swamp could follow this request. She also commented on the importance of the Green Swamp for feeding the chain of lakes and the aquifer. She encouraged the BCC to take caution in protecting the region's water supply.

Ms. Barbara Kelly, a resident of Lake County, asked the BCC to deny the request.

Ms. Wanda Mack, Ms. Mary Mack's daughter, urged the BCC to deny the case and expressed a concern for her mother experiencing stress and health issues.

Ms. Melissa Azevedo, a resident of Lake County, opposed the development and expressed concerns about the condition of the roads near the subject property. She asked the BCC to deny the request.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Commr. Campione clarified that a citizen had met with the former Director for the Office of Planning and Zoning to discuss the outcome of applying the density transfer to each wetland acre in the Green Swamp, and this was where the number of 1,500 lots originated from. She reiterated that there was a restriction for 100 building permits which could be issued each year in the Green Swamp and that the greatest number in a year had been 54. She stated that the rules for the area of critical state concern were formed as part of a negotiation so that property rights would remain intact and so that taxpayers would not have to purchase each property within the Green Swamp.

Commr. Sullivan stated that he had visited the property, met with the applicants and Mr. and Mrs. Randall, and attended the community meeting. He pointed out that the development met or exceeded state and county requirements for the Green Swamp, such as the developers providing additional setbacks for septic tanks from wetlands; additionally, the developer was providing buffers and there were ways for the County to enforce the open space restrictions. He reiterated that the County could not allow more than 100 units to be built in the Green Swamp per year, and he felt that this would not set a precedent due to each case which comes before the BCC having to undergo a thorough analysis to ensure that they meet the requirements. He acknowledged the Green Swamp as an area of critical state concern and felt that the request was consistent with those rules. He opined that individuals had different interpretations of rural character and he stated a belief that this was a good use of the approximately 282 acres to maintain the Green Swamp's uses. He commented that the County had not recently reviewed its Green Swamp legislation and indicated an interest in reevaluating it; for example, development could be further restricted by adjusting the number of allowable building permits per year. He felt that the developer had listened to the public and that it would be a positive change for the area.

Commr. Parks expressed the importance of the Green Swamp and felt that the applicant's comments about septic tanks were accurate. He indicated a concern about a lack of guidance for septic tanks and the type of performance criteria for the Green Swamp, though the applicant had exceeded standards such as the setback from wetlands. He commented that the developer would have to adhere to any new criteria from the state and that this could

possibly occur in summer 2019. He said that he was adamant about utilizing Florida native landscaping, which the developer had agreed to with the exception of the Florida friendly entrance. He opined that the guidelines for the Comp Plan were adopted by an environmentally conscious local planning agency (LPA) and said he understood why some residents wanted to live in the Green Swamp. He indicated his support for the current request, and he then proposed to advertise at the next BCC meeting a one year moratorium on all requests for permission of subdivisions in the Green Swamp to review items such as septic tank criteria and funding the management of open space.

Commr. Blake disclosed that he had toured the property and met with Mr. and Mrs. Randall, along with the applicants. He relayed that his primary concern was mitigating the impact to Ms. Mack's property, and he felt that the developer would attempt to do this. He commented that this request complied with the Comp Plan and opined that it should be approved.

Commr. Breeden asked to confirm if some of the lots were in floodplains. She also inquired if a single well for the subdivision was considered.

Mr. McCoy clarified that all of the wetland areas were floodplains and that no resident's home would be located in a floodplain. He stated that a single well for the community would be a utility, which was not allowed in the Green Swamp.

Commr. Campione asked if a larger well would create a more significant risk for drawing EDB.

Mr. McCoy explained that the surficial aquifer layer was contaminated by previous agricultural uses on the site and that EDB well construction would require two wells. He elaborated that one well would have a casing down to the hardpan and that the second well would seal it to prevent EDB from the top layer entering the usable bottom layer.

Commr. Breeden agreed that the request was consistent with the Comp Plan, and she disclosed that she had toured the site with the applicant and had also met with Mr. and Mrs. Randall. She believed that the clustering would help protect the wetlands and she opined that the development would be far enough away as to not disturb the wildlife there. She expressed an interest in reviewing the Comp Plan for density transfers and possibly restricting the minimum net lot size within the Green Swamp.

Commr. Campione explained that when the density transfer rules were created, many property owners in the Green Swamp had property rights there. She said that there had been claims of government takings and that the current Comp Plan regulations were carefully negotiated. She stated that the Comp Plan could be reevaluated for items such as a limit on the number of dwelling units per subdivision or a size restriction for subdivisions without creating a governmental taking. She said that the County could also examine additional septic tank regulations and assurances for protecting open space. She commented that denying the case could take away property rights and that the BCC would have to uphold rules and regulations. She clarified that the density transfer rule was an existing provision which helped to preserve property rights, though some regulations could be tweaked. She related that there were protections in the PUD and opined that the buffered entrance would help mitigate light and traffic near Ms. Mary Mack's property.

Commr. Parks noted that the BCC had questions about how a subdivision could be built in the Green Swamp with items such as density credits, septic tank requirements and swales. He recognized the concern about setting a precedent and reiterated his proposal for a

six month or one year moratorium for subdivisions within the Green Swamp to look at the criteria. He asked if this item could be placed on the next agenda for discussion.

Commr. Campione replied that the BCC could have a discussion at that time.

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved Tab 4, Rezoning Case #RZ-18-15-1, Hilochee Partners PUD.

RECESS AND REASSEMBLY

The Chairman called a recess at 1:01 p.m. for 45 minutes.

ADRIATICO PROPERTY REZONING

Ms. Janiszewski presented Tab 6, Rezoning Case #RZ-18-23-5, Adriatico Property Rezoning. She said that the property was located in the City of Deland area and that the request was to rezone the property to Agriculture; additionally, the Planning and Zoning Board had recommended approval with a vote of 6-0. She said that the property was currently zoned Rural Residential (R-1) and was surrounded by R-1 and Agriculture zoning, and that it was also part of the Rural FLU category. She relayed that staff found that the proposed rezoning was consistent with the Rural FLU category which allowed Agriculture as a permitted use. She also commented that the request was consistent with Comp Plan Policy I-1.2.8 which recognized agricultural uses as a suitable use for property within all FLU categories. She related that staff recommended approval to rezone the subject property from R-1 to Agriculture in order to facilitate ongoing agricultural uses. She said that the applicant was present to speak and that staff had also received notices of appearance from Mr. Greg Thompson, Ms. Rebecca Murphy and Mr. Crawford.

Commr. Campione asked to clarify that the request was not for a CUP and was strictly for rezoning the property from R-1 to Agriculture, and Ms. Janiszewski confirmed this.

Mr. Michael Wojtuniak, an engineer representing the owner, thought that many residents wished to comment on a forthcoming CUP which had not yet been submitted. He stated that he was strictly seeking to rezone the approximate 162 acre property to Agriculture. He noted that the surrounding properties were zoned Agriculture and that there was conservation land to the south. He clarified that they would later be submitting a CUP application, and he asked the BCC to consider the rezoning request.

Mr. Greg Thompson, a neighbor of the subject property, noted that the request was not for a CUP, though he relayed his understanding that the County had directed the applicant to obtain a rezoning and a CUP. He alleged that the applicant had a code enforcement violation and was being fined daily; furthermore, he felt that this request was a remedy or equitable relief program from the County. He opined that this first step should be analyzed with the standards of review under a rezoning and that the purpose of the rezoning should be considered. He indicated his understanding that the rezoning was for the purpose of operating an airsoft facility on the property. He relayed that he had submitted documentation opposing the rezoning as part of the record, and he recalled originally receiving a card in the mail to notify him about the proposed rezoning. He felt that the notification did not provide the purpose of the rezoning and that he could not effectively determine its impacts. He reiterated his suggestion that the rezoning should be considered with the purpose to operate an airsoft facility, which he thought would not be consistent with the land use plan. He said that many uses were permitted in Agriculture zoning and opined that this had not been considered by the County. He felt that the applicant should explain the reason for the rezoning request, and suggested that this request was inconsistent with the previous year's rezoning cases which all

considered the reason for the requests. He communicated his understanding that each of the previous year's rezoning cases had an associated concept plan, though while a concept plan was submitted for this case, it was not included in the staff report. He opined that staff should review the request for its consistency with the land use plan and that they should not wait until the CUP process to do this.

Mr. Crawford, representing 20 neighbors of the subject property, thought that Agriculture was the correct zoning for the property and thought that the current R-1 zoning was a remnant from several years prior. He felt that the application had troubling language in that the use or purpose was to operate an airsoft range on the property. He opined that Agriculture zoning did not have this as an allowed use and likely did not allow it conditionally. He indicated an understanding that the applicant intended to operate the property as an airsoft facility and that they were currently operating it as such under continuing daily fines. He expressed a concern that having continued hearings would cause a limited number of neighbors to voice their opposition and that opposition could be split between the rezoning and the CUP. He felt the Board could require the airsoft plan to be submitted and he suggested that the request could be seen as an incremental vesting of approval. He stated that he and the residents would return for the CUP hearing.

Ms. Rebecca Murphy, a neighbor of the subject property, expressed her understanding that there had been a commercial airsoft business on the property since early 2017. She said that the County was made aware of this and she felt that the purpose of the rezoning was to allow a commercial airsoft range, which she opined was not an agricultural use. She relayed that her cattle would not utilize half of her pasture during the airsoft range's operation and that nearby explosions were impacting her and her animals. She showed pictures of the property and said that it had been clearcutted into an airsoft range. She felt that the use of her property had been reduced to Monday through Friday when she was at work and that on the weekends, she could hear explosions and noise. She asked for the BCC to consider the residents' property rights.

The Chairman opened the public hearing.

Ms. Lois Brown, a neighbor of the subject property, indicated a concern that the purpose of the rezoning was not stated clearly in the application. She opined that because the owner was operating an illegal airsoft range there, the application should be carefully considered and should indicate an agricultural purpose instead of an airsoft range. She expressed concerns about the operation growing and becoming a greater danger to the neighborhood if it was not denied.

Ms. Ella List, a neighbor of the subject property, said that she would accept agricultural uses on the property. She felt that numerous vehicles visited the property on weekends and that they created a traffic hazard on the dirt road there. She encouraged the BCC to consider the purpose of the application.

Mr. Cecil Gray, a neighbor of the subject property, thought that the owner had indicated in the application that the reason for the rezoning was to operate an airsoft business. He stressed the importance of his quality of life and stated that on Saturday, February 17, 2018, he had counted over 150 vehicles driving into the subject property. He opined that the gunfire there had damaged his quality of life and the value of his property. He stated a concern that approving the current request would be approving airsoft operations on the property, and he requested removing the ability to do this if the application was approved.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Commr. Campione noted that this was a request for a downzoning from R-1 to Agriculture and that the BCC was aware of a code enforcement issue, though were not supposed to comment on it. She also said that the Board was not hearing a CUP application at this time. She clarified that by approving a downzoning, the BCC would not be opining about the merits of a subsequent CUP and that the BCC would typically consider the request for rezoning and if it was appropriate when considering its location. She felt that Agriculture zoning would be appropriate for the subject property.

Commr. Blake agreed that the BCC would have to consider this case as two separate requests despite there being a continued violation on the property and that the current request was just for a rezoning to Agriculture. He expressed that this should not be interpreted as the BCC approving of ongoing violations there.

Commr. Campione emphasized that there was no implicit or tacit suggestion that the BCC would entertain or approve a subsequent CUP application. She stated that the owner would be limited to agricultural uses as defined by the Lake County Code.

On a motion by Commr. Blake, seconded by Commr. Sullivan and carried unanimously by a vote of 5-0, the Board approved Tab 6, Rezoning Case #RZ-18-23-5, Adriatico Property Rezoning.

TREASURE ISLAND RANGE CUP

Ms. Janiszewski presented Tab 7, Rezoning Case #CUP-18-06-3, Treasure Island Range CUP. She stated that the subject property was located north and south of North Treasure Avenue in the City of Leesburg Area and contained approximately 99 acres. She said that the requested action was for a CUP to allow a firearms training range facility within the Agriculture zoning district; furthermore, the Planning and Zoning Board had recommended approval with a vote of 3-1. She noted that the subject property was zoned Agriculture and was part of the Rural FLU category, and the proposed application was submitted to comply with Special Master #2017-11-0051. She explained that the applicant was seeking a CUP for a firearms training facility to include special night training for law enforcement personnel only, and special events. She related that to minimize any potential impacts to surrounding properties, the ordinance would include the following conditions: specific hours of operation; a noise study and environmental assessment at the time of site plan approval; a requirement for the northern backstop berm for event and long range to be at least 21 to 24 feet in height; a prohibition on explosive devices and materials; helicopters may not land or take off on the subject property; and a 25 foot wide vegetative buffer along the perimeter must be maintained in perpetuity. She said that the LDRs did not specifically list firearms training facilities as a use, though pursuant to LDRs Section 3.01.5, Similar Uses, uses not specifically listed nor more detrimental may be permitted in the Agricultural zoning district with a CUP. She stated that the proposed firearms training center was likely similar to a hunting or fishing resort, or private country club, and the Comp Plan allowed active parks, recreation facilities, outdoor sports, and recreation clubs with a CUP; additionally, using a CUP would satisfy this requirement. She commented that staff recommended approval of the CUP to allow a firearms training facility to include special night training for law enforcement personnel only. She said that Mr. Jimmy Crawford had filed a notice of appearance for this case.

Mr. Brent Spain, an attorney representing the applicant, stated that he and his client had the initial burden to demonstrate through competent substantial evidence that the request

complied with the County's published code criteria. He continued by stating that once they had satisfied that burden, it then shifted to opponents of the project to present competent substantial evidence demonstrating that the request would not comply with the County's published code criteria. He commented that a non-conclusory staff report would represent competent substantial evidence under Florida law, along with the expert testimony of a land use planner. He felt that they had met their burden and that staff had submitted a report, and he stated that under Florida case law, previous violations were not a basis to deny a present application which complied with the local government's code. He suggested that generalized statements from neighbors or citizens in opposition to a land use quasi-judicial decision would not be competent substantial evidence, and he remarked that where technical expertise was required, such as for noise, traffic and property devaluation, lay witness testimony was generally not competent substantial evidence under Florida law. He remarked that Florida Statutes, Section 790.333, Sport Shooting and Training Range Protection, included these notions: sport shooting and training ranges were widely used and enjoyed by the residents of the state and were a necessary component of the guarantees of the Second Amendment to the United States Constitution and the State of Florida Constitution; the public policy of the State of Florida was to encourage the safe handling and operation of firearms, and sport shooting and training ranges provide the location at which this important public purpose is served and where the firearms training mandates are fulfilled; the State Legislature recognized that the elimination of sport shooting ranges would unnecessarily impair the ability of residents of the state to exercise and practice their constitutional guarantees; and "Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition use at sport shooting and training ranges, including the environmental effects of projectile deposition at sport shooting and training ranges." He then clarified that in fall 2018 there was a notice of violation issued and that the matter never went to hearing and his clients were not found to be in violation. He added that they negotiated a settlement with the County and that they were appearing as part of this process in compliance with the settlement agreement. He recalled that the Planning and Zoning Board recommended approval consistent with the staff report.

Mr. Greg Beliveau, the applicant, showed a picture indicating that the subject property was partially surrounded by public lands with the remainder being agricultural lands. He noted that the site was nearly 100 acres in size and that nearby residents were only to the south and east of the property. He explained that the SJRWMD's Community Facility District (CFD) property was to the north and he recalled that items were added to the site plan to help alleviate the district's concerns. He said that the buffer of the public lands would help mitigate impacts to the area, and he displayed an aerial image of the site, noting nearby forests and tree lines. He showed the site plan and stated that the shooting ranges were placed to the west and faced north toward berms; furthermore, the firing would occur toward the SJRWMD property to the north and the west, and the property would be accessed by North Treasure Island Road. He added that there would be two skeet shooting ranges on the eastern side of the property to the west of an old railroad bed which they had been told could be part of a future trail program. He thought that this could occur and that residents using the trail could stop for a respite on the property, and he commented that the land to the east side of the railroad was vacant. He explained that they had modified the berms based on the SJRWMD's input and that the berms facing the SJRWMD property were increased to 21 to 24 feet in size to mitigate projectiles. He elaborated that the berms used for smaller firearms were also increased to 15

to 16 feet in height. He stated that they would be using the National Rifle Association (NRA) Range Source Book as their guidelines for operating the range, and this book was supported by the state for compliance and was mentioned throughout the CUP. He displayed a map of neighboring private gun ranges which he alleged fired weapons regularly, and he thought that an adjacent property owner had fired weapons during the community meeting. He opined that recent reports of firearms in the area were not originating from the subject property, and he noted a competing operation to the north of the subject property which the SJRWMD was now aware of. He displayed a list of conditions which were placed in the CUP and said that they exceeded the drafted conditions.

Mr. Spain felt that they had worked to address the concerns from residents and outlined the following conditions: a limit to four special events per year; the provision of an off duty law enforcement officer to direct and control traffic on North Treasure Island Avenue for special events; a prohibition on explosive devices, including a specific reference to tannerite; a prohibition on firing from military or paramilitary vehicles; a condition restricting the use of helicopters on the property; an increase for the height of the northern backstop berm by an additional six feet as a response to a letter from the SJRWMD's General Council; regular and routine inspections and maintenance of the berms to ensure the minimum height is maintained at all times; consistency with the DEP's best management practices; further reduced hours of operation on Sunday of 10:00 a.m. to 3:00 p.m. instead of 12:00 p.m. to 7:00 p.m.; and a limit of nighttime law enforcement training to no more than two evenings per month. He said that they recently received a document from Mr. Crawford with a list of proposed changes to the draft CUP ordinance, and he felt that the proposal of removing all Sunday hours was unacceptable and not workable for the client. He explained that weekends were times when individuals could frequent the range, and he relayed that the opposition had requested a condition prohibiting alcohol sales on the property during range operation and special events. He said that the applicant was amenable to this and that they had stated that alcohol was not sold on the range. He noted that the opposition wanted to add helicopters to the list of prohibited military and paramilitary vehicles, which he felt was unnecessary due to there being a separate provision to prohibit helicopters on the site. He also said that Mr. Crawford proposed that the applicant utilize the United Stated Air Force range guidelines for retaining projectiles on the subject property, rather than the NRA guidelines which had been included in the CUP. He claimed that they were not able to use the Air Force guidelines due to the Florida Statutes deferring to the NRA guidelines and that complying with them would grant statutory protections under Florida law; furthermore, he relayed his understanding that the Air Force guidelines were for facilities under that organization. He noted a proposed change to prohibit the use of flamethrowers, though the applicant had proposed to allow them in a designated area during special events with a certified trainer present. He indicated a willingness to accept a potential decision by the Board to prohibit all flamethrowers as originally drafted. He noted the next proposed condition from Mr. Crawford requiring all targets to be consistent with the Air Force guidelines and not consisting of metal or other materials which could cause ricochets and offsite stray fire. He relayed a proposed alternative to this language stating that all targets must be consistent with the NRA Range Source Book for outdoor ranges to reduce the potential for ricochets and offsite stray fire. He explained that some targets used in competitions were embedded with a piece of metal to signify with sound that they were hit, and he felt that prohibiting all metal for targets was not a workable condition and would be inconsistent with the NRA guidelines. He said that another proposed condition was to prohibit

camping associated with the permit, and while the applicant did not object to this, they suggested that it be revised to prohibit camping except for a special event. He noted a proposed condition relating to the surface danger zone (SDZ) and the United States Department of Energy (DOE) guidelines which the applicant could not agree to due to the guidelines being intended for federal property, though he proposed an alternate condition stating that "Notwithstanding anything to the contrary on the concept plan and consistent with the NRA Range Source Book, the use of baffles and/or side berms may be required on portions of the range if deemed necessary, based upon site inspections by the County subsequent to operation under this permit and in consultation with the owner, to further reduce the potential of stray fire leaving the site." He opined that this language would be consistent with their firm's letter to the SJRWMD which the district had been amenable to, with the letter stating that after the operation recommenced, projectiles identified by the SJRWMD in the conservation area would prompt the range to revisit the need for side berms and restrictions on the firing line. He said that the next proposed change pertained to a difference between the NRA guidelines and the Air Force guidelines, and he reiterated that they were fully committed to the range conforming to the NRA's standards. He related that another proposed change regarded a vegetative buffer and he felt that there was confusion at the Planning and Zoning Board meeting due to the staff report stating that the existing 25 foot vegetative buffer shall be preserved, which the applicant had not opposed. He noted that the site was heavily wooded to the west, south, and partially to the east, though there was no residential property to the northeast. He felt that a solid buffer was not feasible, though he proposed alternate language for a landscape buffer consisting of material designed to grow into a vegetative buffer at least ten feet tall within seven years and must be installed as needed in all areas along the southeastern and eastern boundary of the property where a vegetative buffer was not currently present on the property. He explained that the site plan process would include a tree survey, though they were unsure which trees on an aerial photograph were on their property line or a neighboring property line, and the tree survey results would dictate how the buffer would be designed for those sides of the property. He described a proposed condition about noise which would contain a reference to the Lake County noise ordinance, which he noted was not part of the LDRs, and he added the language "Subject to Section 823.16, Florida Statutes" because if a shooting range was in compliance with a noise ordinance when operations began and a subsequent amendment to the ordinance was not applicable to the range, then they would not be liable for a cause of action for a nuisance. He also disagreed with language added by Mr. Crawford stating that noise control for special events shall be handled through the special event permitting process due to the County's regulations and noise control ordinance excluding special events. He said that the final two proposed changes from the neighbors included these items: a request for Lake County's inspection and approval of the constructed facility and the requirement for the subsequent development application prior to operation, which would be acceptable to the applicant; and language regarding if the CUP would inure to the benefit of subsequent owners of the property. He stated that this issue was raised at the Planning and Zoning Board meeting and staff's response was that this was a standard provision in County ordinances regarding zoning decisions. He suggested that this provision would be unacceptable because the property was currently owned in a trust and the owner had indicated that, upon approval of the trust, the property would be transferred to them. He did not feel that it would be appropriate to have to resubmit the application if the trust conveyed the property to a different entity, and he noted that subsequent owners would also be bound by

the CUP and could be subject to revocation if it was violated. He opined that they had attempted to be amenable to the neighbors' concerns and reiterated that using Air Force standards would prohibit the project from moving forward. He alleged that the project had been featured in the media and that the applicant had sent correspondence to the County to address inaccuracies. He claimed that individuals involved in the projects had been recipients of attacks and felt that they had been receptive to the neighbors' emails and attempts to communicate with them.

Commr. Campione asked about the nature of these incidents.

Mr. Spain relayed his understanding that inappropriate email correspondence and statements were made to County staff, and he alleged that an individual had sent an email to an employer who had held a past special event on the site stating that they were committing felonies and would be questioned by the media. He opined that this was legally problematic and felt that it was incorrect to contact an individual who held an event there. He also communicated his understanding that a map had circulated with the addresses of County staff and members of the range development team.

Commr. Parks asked who would operate the range, and Mr. Spain replied that two individuals would be the daily operators and that they were certified by the NRA in range development and operation. Commissioner Parks then asked if they were the property owners, and he inquired about the difference between the NRA and Air Force guidelines.

Mr. Spain clarified that they were direct relatives of Mr. Colin Johnson, who would be the property owner. He remarked that the Air Force guidelines preferred that under no circumstances would it be possible for any projectiles to leave the site, and this could be accomplished by a fully contained shooting range. He stated that the federal government could afford to purchase the land required to do this, though felt that a private individual would not have the same flexibility. He also commented that the Air Force guidelines allowed training exercises with military vehicles and that it would not be feasible for the proposed range to comply with them.

Commr. Breeden asked about the prohibition for helicopters taking off and landing at the site and expressed a concern about a special event planner potentially using a helicopter on the site which took off from a different location. She also indicated a concern about metal targets and for shooting weapons at vehicles.

Mr. Spain replied that they would be amicable to adding "helicopter" to Section 10 to prohibit them on the site. He thought that the NRA guidelines did not recommend that individuals fire at metal vehicles and said that most of the targets were paper or cardboard, though many targets had metal components to signal being struck.

Commr. Breeden noted the required berm height of 21 to 24 feet and asked about its current height. She expressed her understanding that a SJRWMD staff member had recommended a height of 26 feet, and she asked if the applicant would be amenable to a height of 24 feet for the backstop berm.

Mr. Spain relayed that the current berm had historically been under 16 feet. He thought that there was some variation in height to prevent a violation if the berm had degraded. He believed that the reference to 26 feet came from the DOE guidelines, which was the highest berm recommended by that organization. He relayed that the NRA recommended a 20 foot berm and that the proposed 21 to 24 feet requirement was between these recommendations.

Commr. Breeden opined that the range of 21 to 24 feet was significant and asked if it could be narrowed.

Mr. Beliveau said that it could be from 23 to 24 feet.

Commr. Breeden noted that the top of the berm would be 80 percent opaque and expressed support for it maturing in five years.

Mr. Beliveau indicated that striving for ten feet in five years with 80 percent opaqueness would be significantly different than 100 percent opaqueness in five years.

Commr. Breeden said that in the proposed ordinance it was advisable or recommended to follow the DEP's standards for best management practices for contamination. She thought that this should be certain.

Mr. Spain said that he had proposed the language "encourage" to be consistent with the statute and he opined that it did not require shooting ranges to follow these guidelines, though provided them strong incentives to do so.

Commr. Breeden asked if additional requests could be made as part of the CUP.

Ms. Marsh stated that the statute was clear on this issue and that the County was preempted from regulating the environmental effects of projectiles.

Mr. Spain believed that they had the intent to comply with the standards because it would give them statutory protections.

Commr. Breeden noted that the property was surrounded on two or three sides by public lands and that there was an intent for them to be visited by the public. She felt that safety was important there and she expressed an interest in reaching an agreement for Sunday hours.

Mr. Beliveau added that they were willing to reduce the closing time from 7:00 p.m. to 6:30 p.m. on the other days.

Commr. Blake asked about the opposition to flamethrowers.

Commr. Sullivan relayed concerns about fires, particularly in dry summers where there is heavy vegetation. He indicated an interest in prohibiting flamethrowers, and Mr. Spain was amicable to this.

Mr. Crawford, representing 14 property owners near the site, noted that statutes preempted the County from the regulation of firing weapons and that consistent with state statutes, there were certain rules which indicated where weapons could be fired and which could not be changed or made stricter by the County. He felt that the County was not prohibited from regulating a new gun range through CUP requirements, and he noted that the staff report indicated that the proposed use for a firearms training facility was not listed in the Comp Plan nor did the LDRs mention them. He said that a chart in Chapter 3 of the LDRs mentioned the recreation uses which were allowed in Agriculture zoned properties, and he opined that the staff report was incorrect in comparing the proposed gun range to a private or country club, which was not an allowable use in this zoning district. He mentioned that passive parks and recreation were allowed as a permitted use and that riding stables and a hunting and fishing resort were allowed as conditional uses. He noted that staff had compared the request to a hunting and fishing resort and he said that per the LDRs, similar uses which were not more obnoxious and detrimental than the listed uses may be permitted after review and approval by the County Manager or designee. He opined that staff's opinion that the requested use for a firearms training facility and gun range was similar to and not more obnoxious than a hunting and fishing resort was disputed factually by residents. He relayed that the CUP LDR stated that the BCC may grant CUPs for those uses enumerated in each of

the zoning districts in LDRs Section 3.01.03. He reiterated that the use of a range as stated in the staff report was not a listed use and he did not believe that it could be granted as a CUP. He reiterated that LDRs Section 3.01.05 allowed the County Manager or designee to approve uses which are not more obnoxious or detrimental than listed uses, though this individual could not approve a CUP; furthermore, he believed that a CUP could only be granted by BCC upon recommendation from the Planning and Zoning Board. He communicated that his clients were not in opposition to all permits on the property and that the residents had proposed a middle ground for the range, though they would prefer for no range to be there. He asked the BCC to make the request consistent with its CUP standards and minimize the impact on the surrounding neighborhood. He commented that the standards of review for a CUP included that the County must consider its effects on adjacent properties, that it would not have an undue adverse impact on nearby property, and that all reasonable steps had been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping and screening. He stated that Florida Statutes, Section 823.16 concerned environmental or nuisance lawsuits and that if a range complied with NRA standards, they could not be sued for a nuisance for violating a noise regulation; additionally, a later ordinance could not be enacted upon them. He specified that a sports shooting range which was not in violation of existing law at the time of an enactment of an ordinance would be permitted to continue operating and did not have to conform to the new ordinance, provided that it was not in violation of any law and that it continued to conform to the NRA gun safety and shooting range standards. He felt that the NRA Range Source Book was written by the NRA to allow gun ranges and did not have the substantive standards which his clients believed were necessary for this case. He said that according to the *Florida Jurisprudence Second Edition*, a county may impose existing zoning and land use regulations on the siting of a proposed shooting range; however, no newly created or amended zoning or land use regulations could be enforced against existing ranges. He also stated that Florida Statutes, Section 823.16 did not prohibit local governments from regulating the location and construction of a sports shooting range, and he opined that the BCC could decide that the location was inappropriate due to the surrounding public lands and nearby residents. He thought that the BCC could also decide if the construction was sufficient to mitigate impacts to the neighborhood. He displayed the Air Force's range standards which identified an SDZ, which the NRA did not. He relayed his understanding that there had been evidence of numerous bullets leaving the site up to half or three-quarters of a mile away which impacted the public lands such that the SJRWMD had closed public access there. He said that Haines Creek was within the range's SDZ, and he felt that there were no standards in the NRA guidelines for this. He denied that the DOE's guidelines were for nuclear facilities only and claimed that it was for all DOE facilities; furthermore, he suggested that they were routinely used in commercial range application. He said that the Air Force standards permitted two types of ranges including a non-contained range to accommodate the controlled and supervised discharge of weapons if there was sufficient land area to ensure that projectiles did not exit the SDZ. He reiterated that public lands near the subject property were within the SDZ and that the other option would be a fully contained range designed to prevent 100 percent of direct fire rounds and ricochets from leaving the site; furthermore, the Air Force guidelines indicated that this type of range should be utilized when the minimum SDZ requirements are not available because of a lack of land or compatible use. He specified that a fully contained range would have an overhead containment structure including ballistic safety

baffles and side walls. He relayed the neighbors' request for this type of facility and said that if it was added to the CUP, it would be less important to them if the NRA guidelines was used. He disputed that the BCC would be preempted from using the Air Force standards due to the Florida Statutes providing safe harbors for gun ranges if they abide from the NRA Range Source Book, and he felt that the BCC could require different or additional standards. He opined that shooting across public land would be unacceptable when the land had been previously closed due to stray bullets, and he reiterated a belief that a fully contained range was the only way to ensure that bullets did not leave the property.

Mr. Alan Chen, Director of Engineering for Technology Development with Qorvo, Inc. and a neighbor of the subject property, gave a presentation with several concerns about the request. He showed a map of the nearby area and noted the locations of Haines Creek and the Emeralda Marsh Protection Area, including the area which had been closed to the public. He detailed the sound dynamics of gunfire and opined that vertical barriers were ineffective at deterring the low frequency sounds associated with gunshots and explosions. He felt that if the range was approved, there would be five days of gunfire per week with numerous rounds fired, and events could compound this with fully automatic and large caliber firearms. He relayed his understanding that County staff indicated that there would not be undue adverse effects to nearby properties and he alleged that one individual near the range had difficulty selling their property; additionally, he shared a study which showed reduced property values for homes near gun ranges. He requested that there should be a reduction in the tax assessment on nearby properties if the range was approved. He showed a video of multiple fully automatic weapons being fired simultaneously at the range, advocated for a sound study being conducted under the loudest conditions, and proposed that total enclosure was the only solution for mitigating the sound there. He stated that there was prior case studies to sue gun clubs and compel the cleanup of lead from gun clubs. He displayed excerpts of interest from the EPA's Best Management Practices for Lead at Outdoor Shooting Ranges document which indicated that there were additional provisions pertaining to the Clean Water Act and gun ranges which operate near wetlands or water bodies. He showed data with an estimated amount of lead which would enter the berm each day when assuming that one-thousand nine millimeter (mm) or .45 caliber bullets would be shot by five people each for a total of approximately 22 tons of lead per year. He relayed that the Florida Center for Hazardous Waste had studied five gun ranges in the State of Florida and found that the hazardous level of lead was five milligrams per liter of groundwater, which exceeded most of the measured distances at these shooting ranges. He also noted that ranges with acidic soil and a high groundwater table led to high leaching; furthermore, he thought that Emeralda Marsh had high acidic tannin levels in its lake. He suggested that the DEP had concerns based on the high acidic soil area in Florida, including Lake Griffin, and that the DEP's best management practices also mentioned mitigation techniques such as adding chemicals to the soil; however, rain could contribute to these chemicals running off into the lake and creating algae blooms and other negative effects. He displayed a map which also showed the South Emeralda Transitional Area, which the gun range was part of. He felt that this area should have special considerations for protection from the BCC due to being at the taxpayer's expense. He reiterated Mr. Crawford's suggestion that there would be two types of acceptable ranges, with the best option being a fully enclosed indoor range, and an outdoor non- range which could be fully contained or non-contained, the latter of which would rely on the full SDZ area. He noted that the NRA referred to the SDZ as the maximum range of ammunition authorized for

use at the facility. He stated that an outdoor fully contained shooting range would have an SDZ which was reduced to the property borders and that this was to prevent all ricochets and direct fire from leaving the facility. He displayed an image from the Air Force engineering technical letter which defined the SDZ as an area restricted from all human traffic and was based on the extreme range of any ammunition used on the shooting range. He opined that the subject property did not meet this qualification based on its location. He displayed a map with data for the distance which different types of ammunition could travel, and he claimed that the higher caliber weapons shot at the facility, such as .50 caliber machine guns, could travel about four miles. He said that the NRA had guidelines for selecting a property and thought that the subject property would be used because it was inherited and not because it was the best solution. He showed an image of the range's short berm and felt that its characteristics presented a potential danger to Haines Creek and a portion of the Emeralda Marsh Protection Area, and he also displayed an image of the east to west range and thought that it presented a danger to Lake Griffin. He displayed a video of an individual firing a weapon at the range, which he alleged showed them shooting above the berm toward Haines Creek due to the weapon's recoil. He felt that increasing the berm size to 23 to 24 feet would not prevent firing over it and that the site could not contain the bullets. He recommended closing Haines Creek, the Emeralda Marsh Protection Area's public trails and possibly Lake Griffin due to those areas being in the range's SDZ. He opined that the CUP condition to require that all projectiles must be retained on the subject property to the greatest extent possible was positive, though he felt that to be fully contained, safety baffles and ricochet mitigation would be necessary. He displayed an image detailing safety baffles, along with documentation for the construction of baffles. He then showed an image of a range which used baffles and ricochet mitigation. He concluded that if the request was approved, the areas where bullets could potentially fly should be closed and that making the range fully contained would require safety baffles.

The Chairman opened the public hearing.

Mr. Walter Fralick, a neighbor of the subject property, opined that the range had been used to fire weapons and cause explosions rather than training purposes. He claimed that there had not been explosions on the property since the community meeting, though he relayed that the noise from the site had negatively affected his animals. He felt that the proposed berm would be ineffective, and he alleged that helicopters containing an individual with a firearm had flown over his property and that shooting from helicopters had occurred at the range.

Mr. Lowrie Brown, IV, a neighbor of the subject property, said that he owned a significant amount of property adjacent to the range and denied that firearms were being shot from his property during the community meeting. He felt that because surface water flowed across the subject property onto his property, that he was impacted both financially and ecologically. He opined that residents had dealt with the range as a public nuisance for the past eight years and felt that the BCC could address it. He said that the alternatives would be to deny the CUP or to amend it to include conditions which would balance the rights of the applicant with those of the community. He noted that a list of concerns and suggestions was handed to the BCC, and he stated a belief that the proposed ordinance was flawed and would be detrimental to residents' quality of life. He also stated that if the BCC felt that this was an appropriate land use, then the hearing should be continued to create a more equitable ordinance to address noise, parking, traffic, safety and environmental concerns. He opined

that the impact of this ordinance was too significant to not be fully vetted and he felt that the applicant should only be allowed to operate once the amended ordinance was passed.

Mr. Larry Mott, a neighbor of the subject property, opined that the nearby area was quiet before the range began operations. He showed a picture of individuals utilizing flamethrowers at the facility, and he asked about the range's benefits for Lake County such as impact fees. He claimed that visitors of the site had damaged his road and the road to the range, and he opined that improvements to the road would not be sustainable. He expressed concerns about property values and claimed that the County would lose over $500,000 in tax revenue due to the range. He also thought that he would be unable to sell his house due to the range's operations.

Ms. Kimberly Miller, a resident who lived one mile from the range, played a sound clip of gunfire and claimed that she heard it each weekend in the morning. She thought that the residents' quality of life should be considered by the BCC.

Mr. Gary Custer, a neighbor of the subject property, felt that the discussion was about property rights and he expressed concerns for the neighbors' rights. He opined that the range's activity resembled a warzone and occurred each weekend. He relayed that there had been no early morning shooting since the range was shut down due to the CUP process. He recalled that the facility would be utilized for law enforcement training, and he claimed that residents had spoken with the Lake County Sheriff's Office (LCSO) who indicated that they would not use the facility. He relayed his understanding that the property owner did not live there and that the residents did not want a nearby gun range.

Mr. Don Herst, a neighbor of the subject property, opined that the neighborhood had previously been peaceful and that the residents wanted to stop the gun range or mitigate its impacts. He then showed pictures of a nearby entrance to the Emeralda Marsh Protection Area which had been closed, of trees within the SJRWMD property which had been struck by bullets, and of the range property. He noted that there was some livestock on the property, along with a house which he alleged was home to one of the trustees and had been struck by bullets.

Ms. Patricia Tyrpin, a neighbor of the subject property, claimed that she and some other neighbors supported the range. She relayed her understanding that the range had been closed since November 2018 and she alleged hearing explosions and automatic gunfire after that time on weekends. She felt that the applicant was exceeding the required regulations and had addressed a considerable amount of the neighbors' issues; furthermore, she stated that they would have more conditions than residents who had private ranges. She supported the property owner's rights to conduct activity there.

RECESS AND REASSEMBLY

The Chairman called a recess at 4:03 p.m. for 10 minutes.

TREASURE ISLAND RANGE CUP CONTINUED

Ms. Lisa Hayden, a neighbor of the subject property, expressed concerns about safety and the ability to contain projectiles to the range. She advocated for using baffles and for installing signage on the SJRWMD property and on Haines Creek warning residents of potential stray bullets. She also asked if one Sunday per month could have no operation.

Mr. Ray Hayden, a neighbor of the subject property, thought that negotiations could occur and he expressed that he was not aware that the BCC would have more authority over the range because it was not currently existing. He felt that the BCC could help ensure that the range would be developed properly and that he would support this. He opined that there

was significant traffic there due to range operations and that there had been litter left in front of his property. He stated that the entrance road for the range was one lane and he indicated concerns for safety. He recognized that the neighbors were affected by the range's noise, and he relayed further concerns about property values and the residents' enjoyment of their land.

Mr. George Sterr, a neighbor of the subject property, thought that the gunfire intensity on the range had increased over time and that vehicle targets and explosions had been introduced. He felt that the only way to mitigate the activity was for the BCC to take action to ban all explosives at the site; additionally, he opined that the range was not suitable for military weapons. He thought that the site should be a gun club and utilize normal weaponry.

Mr. Wilfred Thomas, a neighbor of the subject property, expressed interest in doing right by the community and he questioned if the subject property was the correct location for a firearms training facility. He did not feel that the applicant had justified a range on the subject property and he opined that the presented information to support the range was not supported in the LDRs or the Comp Plan. He thought that the issue of if the range should be allowed had not yet been addressed based on the provided documentation, and he asked the BCC to consider if the property was the correct location for a range.

Mr. James Urban, an individual who had taught elite military personnel, first responders and private security agencies, stated that his trainees sometimes used other facilities for their required training. He stated that the the subject property had been used for this due to the safety and professional staff there.

Mr. Robert Urban, a Marine Corps veteran and a patron of the range, stated that he had utilized the subject property due to the safety and professionalism there.

Ms. Jennifer Spears, a neighbor of the subject property, stated that she moved to the area because of its rural lifestyle. She opined that the range had previously been operating a limited number of times per month, and she relayed that she had obtained a concealed carry permit from the range. She felt that their business had outgrown the neighborhood, and she alleged that her windows had shaken due to activity there and that it was negatively impacting her animals. She also expressed concerns about traffic on the road there and thought that it was inadequate for an event which draws a significant amount of people.

The there being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Mr. Spain recalled a remark that the range was not allowed or enumerated, and he stated that the staff report had provided detailed language indicating that the use fell within the Comp Plan and the LDRs. He also recalled a judicial decision in Walton County concerning a skydiving business in which it was determined that it was allowed due to similar uses being allowed. He opined that the applicant had taken all reasonable steps to reduce impacts to the community and that they had responded to community concerns. He said that the Air Force guidelines indicated that they applied to Air Force facilities, and he denied stating that the DOE's guidelines only applied to nuclear facilities. He noted concerns about projectiles leaving the site and he relayed that they had communicated with the SJRWMD to address concerns by increasing the northern berm height above the NRA guidelines and by placing a condition in the CUP to require routine inspection and maintenance of the berm height. He felt that the SJRWMD had expressed appreciation for the applicant's efforts to address their concerns and that they had conveyed support for the conditions provided. He also indicated that they had conveyed to the SJRWMD in writing that if the district chose to reopen the area or conducted site inspections which found fresh projectiles there, then the range would

reevaluate additional measures such as side berms and firing line restrictions; furthermore, a condition in the proposed CUP would formalize this commitment. He noted the remarks about a study for real estate values and he commented that it was an out of state study and that the author was not present at the meeting for questions; therefore, he opined that the basis of the study and the criteria used were unknown and could not be used as evidence. He related that the NRA had provisions in the Range Source Book for site maintenance and that the DEP had best management practices in Florida Statutes; furthermore, the CUP would require an environmental site analysis. He added that lead remediation would be required there and that environmental issues were preempted to the State for regulation. He responded to the suggestion that the range should be fully contained and noted that the Eustis Gun Club did not have a fully contained range and lacked baffles; additionally, the LCSO range did not use baffles. He remarked that the proposed CUP would prohibit activities shown in some pictures from residents, and he opined that the special events had taken safety into consideration and that this would continue. He also clarified that this was not a new range and that it had existed for six to ten years on the site. He reiterated that the case was being presented today pursuant to a settlement agreement as part of a contested special magistrate proceeding where there was no finding of violation. He clarified that the community meeting was held on the property, had the site plan on display, and answered the residents' questions. He restated that firing occurred from another nearby range to the west during the community meeting, and he clarified that the subject property voluntarily ceased its operations during this process and that there was no order to do this. He relayed his understanding that numerous law enforcement agencies had utilized the site including police departments from the Cities of Eustis, Mount Dora, Tavares, Clermont and Leesburg. He noted comments about a gate being used to close the nearby SJRWMD property due to the range, and he opined that the gate had been installed due to citizens conducting questionable activities there in automobiles. He stated that Ms. Mary Wilkinson, who was living on the property, was a beneficiary of the trust, was being cared for there, and was not in danger of gunfire. He reiterated that they had already agreed to a prohibition on firing weapons from military vehicles and that the only military vehicles on the site would be there for demonstrative purposes. He concluded that the range was approximately 100 acres, showed an aerial picture of a private range in the Emeralda Marsh Conservation Area, and restated that there were other ranges in the area.

Mr. Andrew Frey, a law enforcement trainer formerly with the Orlando Police Department and the United States Secret Service, stated that tannerite was legal to use as a target and had recently become popular for shooting, though the range had agreed to no longer utilize it. He noted a previous comment about a visitor of the range firing an automatic weapon over the berm, and he clarified that he was with the individual and they were firing at grounded targets. He felt that the weapon's recoil was typical and that no bullets left the range at that time. He thought that firearms were loud when standing close to a weapon's muzzle, though he felt that the sound was no longer harmful after moving away from the firing line. He alleged that each gun range he had visited utilized the NRA's range guidelines and that they had invested a significant amount of resources to develop safe standards; additionally, he stated that many law enforcement ranges used the NRA's standards. He opined that no private range in the state would meet Air Force or DOE guidelines, and he claimed that this was due to those entities using larger munitions than those which would be fired at the subject property. He said that he had visited the subject property due to its safety, and he thought that the range was necessary due to the training methods which were possible there. He relayed

his understanding that the range was the only location in Lake County where individuals could sponsor certain events, and he said that he never felt danger there. He opined that Special Weapons and Tactics (SWAT) personnel from the LCSO had expressed interest about being able to use the range, explaining that SWAT teams required outdoor long field environments for training. He claimed that law enforcement personnel would not train at the site if it did not meet NRA standards and that they had already been using the site.

Commr. Sullivan asked about the highest caliber fired in law enforcement training and if automatic weapons were used.

Mr. Frey replied that some units used automatic weapons and that he had observed .50 caliber and .338 Lapua Magnum rounds being fired.

Commr. Sullivan indicated an understanding that .50 caliber rounds were not utilized against personnel.

Mr. Frey opined that it could be authorized for individuals wearing body armor or behind barricades positions. He added that the .338 Lapua Magnum round was widely utilized by law enforcement agencies and that they were useful for neutralizing vehicles.

Commr. Parks stated that the Eustis Gun Range had linear berms for its pistol bays, and he asked if this would be incorporated at the subject property.

Mr. Frey deferred this question to the range, though noted that there were now separate firing lanes for shooting.

Commr. Parks opined that residents had presented compelling evidence for the utilization of baffles, and he inquired if any ranges had some amount of baffling even if it did not meet Air Force standards.

Mr. Frey recalled that each outdoor range he had visited had utilized a solid berm and that it was established that the strike face would be no more than five or six feet high on the berm. He felt that some of the examples shown assumed that individuals would be firing at the top of the berm, which he opined would only occur intentionally or due to inexperience. He thought that there were ample range safety officers at the subject property to provide assistance for improper shooting, and he claimed that he had never witnessed an individual be asked to leave the range.

Commr. Parks asked about segregating higher caliber weapons and using baffles there.

Commr. Breeden inquired if inexperienced shooters would be more likely to attend special events.

Mr. Frey opined that there were different definitions of baffling and that they were commonly used on personal ranges. He also alleged that each event he had attended included constructed lanes with range safety officers who loaded and closely assisted shooters. He claimed that a video of numerous weapons being shot simultaneously was meant to begin the event and that it was one of the few times during the event were range safety officers were not assisting each individual who was firing a weapon. He relayed that recent events he had attended included controlled demonstrations and that weapons manufacturers would send their own safety officers to supervise patrons trying their products. He opined that the larger events had a higher level of safety than other nearby gun ranges.

Commr. Blake asked about the cost of installing baffles.

Mr. Frey said he was unclear about which types of baffles were being discussed and explained that there were indoor baffles, along with baffles used at the top of a berm to help prevent ricochets. He expressed his awareness that according to the NRA's guidelines, if a berm was constructed to a certain height, shooters were not allowed to exceed a certain

distance and if targets were of a certain height, then the mitigation of ricochets would be controlled by the size, thickness and NRA standards for the berm. He did not recall commonly seeing baffling at the top of berms.

Mr. Spain clarified that the range had firing stalls with an overhead canopy and insulating material to help mitigate sound; additionally, there were pocket lanes on certain areas of the range. He stated that no individual could utilize a high powered rifle unless they had been fully trained in advance. He requested the BCC's approval of the project.

Commr. Campione asked if the property owner could still use the site as a private range if they were not granted a CUP for a commercial range.

Ms. Marsh confirmed this and said that the County was unable to regulate a private range.

Commr. Campione noted that there many private ranges and that the County could not regulate them because they were preempted by state law. She disclosed that she knew Mr. Colin Johnson and Mr. Trey Johnson and that she had visited the property before. She said that based on some statements made after the Planning and Zoning Board meeting and information provided since that time, many conditions had been added to the proposed ordinance. She remarked that none of the private ranges would have the same requirements to remove or monitor soil contamination from ammunition, and she felt that this would be a benefit to them operating a commercial range. She also recalled that state law preempts determinations about contamination and environmental issues, though the applicant had stated an intent to conduct monitoring with a soil sample before operations commence.

Mr. Crawford opined that this requirement was not in the CUP and though it stated that the best management practices of the DEP were encouraged, he felt that they would be regulated similar to a private range.

Mr. Spain stated that the NRA Range Source Book required range maintenance and that his client had performed lead remediation as a private range. He related that the CUP required an environmental assessment and that as part of the site plan approval, they would be submitting information regarding the most recent lead remediation process.

Commr. Campione thought that this would be a benefit when compared to private ranges.

Ms. Marsh clarified that when Mr. Crawford mentioned that the Board could only approve CUPs for uses which were enumerated, he was correct that a private club was not allowed in Agriculture zoning; however, the obnoxious uses category would be a CUP under the Agriculture zoning. She indicated that obnoxious uses were defined as a use which was not appropriate in a location or a zoning district due to its nature, intensity, level of traffic generation, or impact upon surrounding uses. She said that the Board could grant a CUP under this category.

Commr. Campione said that the Board could not disallow gun ranges in the county and that there could be a category for them or they could be considered obnoxious uses.

Commr. Breeden mentioned that the Board could regulate them by location or construction.

Commr. Campione reiterated that the County could not disallow them and that the obnoxious uses category was used to allow them.

Ms. Marsh confirmed that this was correct and that the County had a provision in its code for if a use was not enumerated, they would have to liken to the closest use.

Commr. Breeden disclosed that she had met with Mr. Beliveau, Mr. Crawford, and a number of residents. She recalled the standards of review for a CUP and indicated a concern for the effect on undue adverse adjacent properties and that the range would be the only verified commercial range in the area; however, she complimented the applicant for the design, landscaping and screening of the site. She agreed that they had added a number of conditions, though she thought that the range could have an adverse effect on future development plans there. She then asked if the applicant would be willing to close one Sunday per month. She also indicated a concern for containing projectiles on the property.

Mr. Spain replied that they could close the first Sunday of each month.

Commr. Blake suggested removing the nighttime training due to a concern for its effect on the neighbors.

Commr. Parks thought that the applicant had answered many of his questions, though opined that the opposition had created doubt for if every safety measure, such as shooting cells with parallel berms, was being taken to prevent stray or ricochet bullets due to adjacent public lands and potential new development. He stated that he could support the request if these questions were answered.

Commr. Campione asked about the range's arrangement with the SJRWMD and that because it was stated that the SJRWMD could request a change to the berms, was this included in the proposed ordinance.

Mr. Spain confirmed this and added that the original proposed ordinance had a lower backstop berm on the northern side of the property which had received a commitment for additional height. He stated that the berm was also redesigned from a straight berm to a wider berm, and he relayed that the SJRWMD has expressed their appreciation for this. He noted that the Eustis Gun Club offered nighttime training and that the subject range had tried to address this by limiting it to two nights per month.

Commr. Campione indicated an issue with residents having to plan for two nights each month without information about which nights they would be.

Commr. Breeden thought that the range was attempting to be a good neighbor, but felt that the impacts to the surrounding area would not be tolerable to the residents. She then made a motion to deny the CUP, but the motion died due to the lack of a second.

Commr. Parks stated that he would consider tabling the request and that he was not ready to deny it.

Commr. Campione reiterated that the property could continue to be used by the owners as a gun range and that many people had used it previously. She reiterated that if it was not approved as a commercial range, then it would likely continue to be used as a private range; additionally, other private ranges and hunting activities in the area would continue to operate. She opined that if approved, then there would be conditions, recourse for not fulfilling them, and certainty for how the property would be utilized.

Commr. Blake added that tannerite would be allowed on the property if no permit was in place.

Commr. Breeden indicated that her most significant concern was the construction of the main range and ensuring baffles or another way to contain ricocheted bullets.

Commr. Parks expressed an interest to table the case for 60 days to determine the baffling and to examine a standard operating procedure plan for the site.

Commr. Sullivan agreed with this due to the many changes made to the proposed ordinance during the current meeting. He supported the prohibition on helicopter use and

closing on one Sunday per month, though he expressed uncertainty if the noise issue could be mitigated. He suggested postponing the case for 30 days due to the range being a business operation. He agreed that the Board had an opportunity within the Florida Statutes to control the range, though they would have no control over a private range. He indicated concerns about automatic weapons and certain calibers of bullets, though he believed that state statutes would preempt restrictions for them. He opined that the range would be incompatible with firing .50 caliber bullets, though he supported 7.62mm weapons. He stated an intent to rework the proposed ordinance with the mentioned stipulations, to allow the opposition and the applicant to discuss the details, and to educate residents about the Board's level of control for this case.

Commr. Campione asked about the date of a hearing in 30 days.

Ms. Marsh replied that it would be March 26, 2019 and 60 days would be April 23, 2019.

On a motion by Commr. Parks, seconded by Commr. Sullivan and carried by a vote of 4-1, the Board postponed Tab 7, Rezoning Case #CUP-18-06-3, Treasure Island Range CUP to the March 26, 2019 BCC meeting.

Commr. Blake voted no.

LAKE ENVIRONMENTAL RESOURCES (LER)

Ms. Janiszewski presented Tab 8, Rezoning Case #MCUP-18-01-1, Lake Environmental Resources (LER). She noted that a citizen had submitted a list of concerns including the original CUP, considered expansion of the site, the odor adversely affecting residents' quality of life, and gopher tortoises. She explained that the subject property was located on the south side of C.R. 455 and west of C.R. 561 in the City of Minneola area. She noted that the property was comprised of approximately 78 acres and that the request was to amend the previously approved CUP Ordinance 2006-101 to allow vertical expansion of the existing construction and demolition (C&D) debris facility and to allow a borrow pit use on the adjacent southern property with the replacement ordinance. She relayed that the Planning and Zoning Board recommended approval with a vote of 4-2 with conditions outlined in the ordinance. She said that the property was zoned Agriculture and was part of the Rural FLU category, and that staff found that the facility had originally obtained a CUP for a borrow pit in 1986. She indicated that in 2005, the property was approved to be used as a C&D landfill by MCUP Ordinance 2005-113 with conditions, which was later amended by Ordinance 2006-101 to correct the legal description. She elaborated that the facility had continued to operate consistent with the ordinance, the operating permit which was approved in March 2007 and again in 2010 with amendments, and the DEP permit. She stated that the MCUP application proposed a vertical expansion of the C&D facility by increasing the berm height from 205 to 225 feet and creating a new 30 acre borrow pit immediately south of the property and extending to Bruce Hunt Road. She clarified that no additional truck traffic was proposed for the expanded C&D landfill use; additionally, the proposed borrow pit sought to provide needed material for nearby highway improvements and was expected to generate five trucks per hour to produce between three and five truck trips per day, not exceeding ten round trips. She indicated that the ordinance contained conditions to minimize potential impacts and incompatibility with adjacent uses by requiring a 100 foot perimeter landscape buffer to the adjoining properties, adding that the Lake County Public Works Department had also proposed an access condition to limit truck traffic to C.R. 455 and prohibit access via Bruce Hunt Road. She expressed that the Rural FLU category allowed mining activity which would allow the

C&D facility and borrow pit uses; additionally, the application was consistent with the LDRs and the Comp Plan. She related that staff recommended approval of the MCUP application to amend the previous CUP ordinance to allow vertical expansion of the existing C&D facility and the construction of a 30 acre borrow put with a new MCUP ordinance with conditions. She said that after the Planning and Zoning Board hearing, staff had prepared an ordinance which carried forward some conditions from the previous ordinance and included new conditions. She specified that the applicant had requested that all of the conditions from the previous ordinance be carried forward and that a memo had clarified some conditions which had originally been excluded. She elaborated that the southern portion would only be used for a borrow pit and the northern portion would continue to operate as a C&D facility.

Commr. Parks asked to clarify the depth of the proposed borrow pit.

Mr. Steve Greene, Chief Planner with the Office of Planning and Zoning, showed a graphic indicating that the proposed borrow pit would have a depth of 125 feet. He said that it would go from a current elevation of 195 feet down to 125 feet and that the applicant could clarify this. He noted that the graphic may contain conflicting information.

Mr. Zach Broome, an attorney representing the applicant, clarified that the request was not for a new C&D facility and that the existing facility would be increased by a height of 20 feet. He explained that the original C&D pit was to have a final elevation of 195 feet and that this would receive a 20 foot increase. He stated that there were berms there which were pushed up from the dirt and that the increase would apply to the final vertical height which had already been permitted and would be consistent with the rolling contours there. He mentioned that the proposed ordinance would have all of the conditions from the 2005 ordinance and that C&D facilities were regulated by the DEP and had to be permitted by that entity. He noted that the applicant had already contacted the DEP and obtained a modification to their permit which would allow them to use a height of 225 feet. He reiterated that the DEP had already approved this request and found it appropriate. He noted comments about the site's odor and clarified that in 2013, the applicant had supplied an odor mitigation plan to the DEP and that since then, the DEP had found no probable cause for any violation related to odor. He related that there had been complaints made to the Lake County Office of Code Enforcement, but denied that there had been any enforcement action related to the facility. He relayed his understanding that the use was an appropriate conditional use for the Agriculture zoning district and that mining and quarrying was a specifically allowable conditional use. He reiterated that staff had relayed that the request was consistent with the Comp Plan, would have no undue adverse effects, would be compatible with the existing character of the area, that the applicant had taken all reasonable steps to minimize the adverse effects, and that the request would not infringe on development. He commented that staff recommended approval of the case, and he reiterated the modification of increasing the C&D pit height by 20 feet. He relayed that if the request was denied, then the applicant would continue operating as they had under the 2005 ordinance. He mentioned that venting and well monitoring were in place and that they were required to comply with the DEP's best management practices. He felt that the proposed CUP would have no impact on surrounding property owners and that for the borrow pit, the applicant had committed that all truck traffic would travel through the existing C&D facility and on C.R. 455. He said that the borrow pit would be remediated consistent with the LDRs and the CUP, and he opined that it would be consistent with the rural area. He noted previous concerns about the potential destruction of single family residences and clarified that the residences which would be destroyed were those owned by the applicant; furthermore, the

residences would be removed progressively as the borrow pit was constructed. He stated that the facility had been monitored by the DEP for approximately 15 years and reiterated that there had been no history of enforcement since 2013. He felt that expanding the C&D pit vertically would not impact development in the area and relayed that the borrow pit would be a grassy sloped area after completion. He recalled questions raised at the Planning and Zoning Board about the commitment of the C&D to be a park facility once it was shut down, and he elaborated that it could be included in the ordinance that the C&D facility would be tendered to the County if they were interested. He restated that for the odor, in 2013 the applicant had worked with the DEP to develop a plan which he opined had been effective due to no enforcement action being taken by the DEP or the Office of Code Enforcement since that time. He recalled comments from the Planning and Zoning Board meeting alleging that the site was a 10 to 15 year project and that the applicant was not honoring this, and he said that after reviewing the minutes from the 2005 and 2006 meetings, the applicant had stated that this timespan was their desire; however, there was not a significant amount of C&D which was being transferred between 2007 and 2012, though there had been a significant amount of development recently which had prompted the request for a 20 foot increase. He clarified that the 10 to 15 year timespan was a projection and that it was difficult to accurately project the lifespan of C&D facilities. He indicated his understanding that no other fill facility in the county had a sunset provision in their ordinance for this reason and that this was why there was not this type of provision in the subject facility's ordinance. He opined that there was a need for this facility and that the borrow pit would contain A3 Select sand which was considered ideal for bridge construction and could be used for nearby road projects. He stated a belief that the staff report was correct and that the applicant would present evidence to satisfy all conditions for a CUP.

Mr. Ted Wicks, with Wicks Engineering Services and the applicant, displayed an image from the plan sheet with the submittal and noted that their plan was to create a borrow pit which was approximately 55 feet deep from the ground surface to the bottom of the pit. He clarified that once the pit was completed, they would be regrading it and placing it back into an agricultural pursuit with single family residential homes. He opined that the cross section which was proposed for reclamation would have a slope of four feet of run per one foot of height and would be appropriate for the end uses. He reiterated that they had requested a 20 foot vertical expansion of the landfill and that there would be no horizontal expansion of its footprint. He further reiterated that the other part of the request was for a new borrow pit on approximately 30 acres south of the existing C&D operation. He agreed that there was a market need for the material in the area and claimed that they had used most of their material for the Wekiva Parkway. He asked to modify the existing ordinance with these two conditions and opined that the ordinance had serviced the county well and allowed the facility to remain in compliance with their operation. He stated that they had worked diligently to comply and that they revised their odor corrective action plan when issues developed. He added that they did not anticipate additional traffic and that they were still extracting clean materials from the existing borrow pit at the C&D operation. He related that once this borrow pit was exhausted, they would begin extracting materials from the proposed pit. He noted that they had agreed to maintain their driveway connections on C.R. 455 and he mentioned that did not need to exit at the south end of the property. He stated that C.R. 455 was currently operating at a "B" level of service and he felt that there was not an overburden of traffic nor was there any damage which could be caused by the facility's traffic. He submitted copies of the DEP permit into the

record and he opined that the company had complied with their groundwater monitoring plan. He elaborated that there were 14 sites which had paired wells to monitor the Upper Floridan Aquifer and the lower surficial aquifer at the property. He stated that there were no potable water wells offsite within 500 feet of their waste disposal site.

Commr. Sullivan indicated an interest in addressing the odor issue.

Mr. Tom Lubozynski, a professional engineer with expertise in the design and operation of solid waste facilities, stated that from 2003 to 2017, he was with the DEP's Central District Office and was responsible for the compliance and permitting of solid waste facilities. He indicated familiarity with the compliance history of Lake Environmental Resources (LER) and noted that they had owned facilities in Lake and Orange County and did not have any notices of violation from the DEP during this timeframe. He also said that the company quickly resolved any issues that the DEP expressed concerns for. He claimed that they worked to meet Lake County and the DEP's requirements, and he relayed his understanding that the Office of Code Enforcement only had two written documents for odor complaints. He claimed that there were no written complaints for odor in the DEP's electronic filing system, though some complaints had been received during the current CUP process. He opined that since the last odor remediation plan was formulated and accepted by the DEP in May 2013, the odor problem had been well controlled and the company had been responsive to complaints. He relayed that the DEP's inspection about three weeks prior found no odors or issues of concern. He stated that the company's odor remediation plan contained typical DEP requirements for resolving odor problems, though LER had added additional conditions. He elaborated that C&D facilities did not typically have gas vents into the waste, though LER paid extra money to have the gas vents drilled into the cells which had been filled which allowed the landfill gases to easily escape; additionally, they added flares which would continue to burn as long as there was methane gas and would destroy the hydrogen sulphite which was emitted with them. He said that even if the flame did not continue to burn, there would be a slow release of any gases within the disposal mound. He noted that the flares would often extinguish, though an employee of the facility had developed a design to protect the flame and allow it to burn continuously and they were in the process of patenting this idea. He added that the company had purchased a temperature gun to help find hotspots, along with infrared detectors to discover where gas was escaping from. He claimed that other C&D operations did not conduct these types of activities. He stated that employees of LER who detected odors would attempt to address it by placing dirt over the area to prevent the gas from escaping by means other than the gas vents. He commented that LER had used paid workers on weekends to open the vents and allow the gases to slowly escape and, when possible, to allow the flares to burn the gas. He noted that this was an added expense to the company and he felt that this went beyond the activity of their competitors. He opined that they had attempted to be good neighbors and had allowed residents to tour the facility, along with addressing complaints.

Commr. Breeden asked if materials caused an odor when they became wet.

Mr. Lubozynski replied that it was thought that the material within drywall, which contained sulphur, attracted bacteria, which required moisture to grow. He specified that the bacteria combining with the gypsum in the drywall emitted hydrogen sulphite gas.

Commr. Breeden asked if the drywall was being covered quickly enough to help prevent this.

Commr. Campione asked if all of the drywall could be covered regardless if it was getting wet and inquired if he was certain that the drywall was the biggest cause for creating an odor.

Mr. Lubozynski opined that the drywall was covered quickly enough, though mentioned that drywall would not be covered if it was not becoming wet. He also commented that adding more dirt to the facility lessened the amount of airspace for waste, and he felt that dirt should only be added when necessary. He added that the cause of the odor was based on research from the University of Florida. He said that the DEP had paid the school to investigate odor in C&D facilities and that this was their conclusion.

Commr. Parks asked how much additional life the 20 foot increase would give to the landfill and how much life was anticipated when the site was originally permitted.

Mr. Lubozynski responded that it would depend on how quickly the waste was acquired. He thought that the estimated life could have been 10 to 15 years when it was originally permitted, though noted that this was dependent on market conditions and how quickly the waste went to the facility. He explained that when the DEP issued the initial permit, they only issued permits at five years at a time due to their authorization, though they could now issue permits for twenty years. He claimed that the DEP did not ask facilities for a closure date but instead inquired about the length of time that a permit would be required.

Commr. Parks also asked about the facility's trip generation.

Mr. Wicks stated that they had conducted a tier one evaluation of the borrow pit and did not expect any trips increasing for the present C&D operation. He explained that the current waste loads coming into the site were what they could manage due to their equipment and spotters. He said that they tried to limit the working face and applied a daily cover so that if they spotted an incoming load with a substantial amount of drywall, the operators could quickly disperse it across the working face and cover it at the end of the day. He commented that they anticipated about 10 in and out daily trips for the borrow pit.

Commr. Parks asked how many trips would be coming out of the facility if sand was being exported to another location and then how much sand would be exported and how much would be used for cover.

Mr. Wicks responded that for a large volume haul for projects such as Interstate 4, there could be up to 50 trips per day; however, they were currently in a local market and were hauling dirt to smaller projects such as subdivisions. He did not feel that LER would be in the market to capture large volume users. He added that an advantage was reserving some of the dirt on site for their final cover, and this would reduce some onsite trips. He related that when they evaluated the borrow pit, they considered having two loaders operating and trucks hauling that material for about ten trips per hour. He noted that they currently only had one loader which could be dedicated to this and that the number of trips per hour would be less than ten. He reiterated that C.R. 455 was operating at a service level of "B" for both a.m. and p.m. trips and opined that there was ample capacity left there.

Commr. Breeden inquired about the current operation's projected time for reaching capacity if there was no further changes.

Mr. Wicks replied that their estimates currently showed that it could last at least another ten to twelve years by using the existing capacity, which included two cells to fill.

Commr. Campione asked about the maintenance for the property once the operation concluded.

Mr. Wicks related that the DEP regulations required them to provide current financial assurance to close the facility and to monitor it over a long term care period. He stated that if they closed at the current time and met the DEP requirements for closure, they would have to provide long term care and monitoring for the next five years. He added that this was consistent with the County's landfills, though a non-C&D landfill would have a 20 year care period. He explained that this period of time included mowing the property and monitoring the groundwater, and that the period would be extended if an issue was discovered.

The Chairman opened the public hearing.

Mr. Fred Sollie, a resident of Bruce Hunt Road, stated that he enjoyed his location, though noted that there had been unwanted odors from the subject property. He opined that recently, the odors had only been experienced infrequently and he commended the landfill for this. He expressed that he did not oppose a 20 foot increase for the C&D operation, and he indicated a concern for noise from the southern portion of the property and for property depreciation due to the site expanding south. He also indicated a concern for neighbors on Bruce Hunt Road which would be immediately adjacent to the proposed borrow pit.

Mr. Robert Newsome, a resident of Bruce Hunt Road, felt that the applicant had incorrectly communicated that the site would be quiet and odorless, and he claimed that he had recently smelled an odor from the facility. He alleged that residents were told that there would be acceleration and deceleration lanes on C.R. 455 as a condition of the 2006 ordinance, though they had not been installed. He also claimed that trucks had damaged the roadway there despite prior comments from the applicant indicating that this would not occur. He noted that the proposed CUP would encompass elements of the 2006 ordinance; however, he opined that the new ordinance would change rules such as allowing the trucks to utilize the scenic byway on C.R. 455. He felt that expanding the borrow pit operation by an additional 29 acres was inconsistent with the surrounding area and that there was no hole which needed to be filled with C&D debris on the southern portion of the property. He claimed that once the new borrow pit was established, the applicant would attempt to fill it with C&D material. He thought that this would impact the residents because the site would double in size, noise and smell, and he opposed raising the C&D by 20 feet due to this creating a higher berm adjacent to the roadway there. He noted that the purpose of the borrow pit as stated in the application was to provide dirt for Interstate 4, though he opined that this was inappropriate due to not serving the county. He indicated an understanding that the more direct route from the site to Florida's Turnpike included C.R. 561A, which he felt was not designed for this type of truck traffic; additionally, he noted that there were no turn lanes at C.R. 561 and C.R. 561A. He then questioned if any portion of the proposed borrow pit would be filled with debris.

Mr. Gerald Homuth, a resident of Bruce Hunt Road, expressed concerns for the proposed expansion of the borrow pit. He said that he had experienced odors from the site, and he claimed that an attorney representing LER previously indicated that once the C&D debris was placed into the existing landfill, they would cap it and donate the land to the County for a park. He opposed both expanding the operation and not giving the land to the County. He felt that digging there would create problems, along with destroying a residential area to create a borrow pit. He claimed that there were many acres of open ground on the nearby Dewey Robbins Road and that using it would lessen the impact to residents on Bruce Hunt Road. He took issue with the suggestion that the company gave tours of the facility and claimed that the staff there attempted to remove his father from the premises while he was taking pictures. He alleged that his father had obtained a picture of a tanker truck which was

entering the facility and questioned the contents of the truck. He opined that LER should abide by the existing ordinance and cap the facility to be given to the County as a park. He also opined that Lake County had come to be known for its cycling and that converting the site into a cyclist park could create a positive impact on the area. He urged the BCC to assist the community and continue to utilize the existing ordinance.

Mr. Billy Shiver, a resident of Bruce Hunt Road, gave a brief history of the area. He said that there were other parcels on the area which would be utilized for the new borrow pit and alleged that they were each homesteaded and had wells into the aquifer. He asked about the state of these wells if a borrow pit was approved and he opposed the new borrow pit. He agreed that there was available dirt near Dewey Robbins Road and stated his understanding that there were few residents there. He felt that the odor had been problematic and that the BCC should uphold the conditions of the 2006 ordinance. He opined that much of the residents' enjoyment of the area had been removed due to the facility, and he requested that the BCC inquire about the tanker trucks entering the site and the type of materials being delivered to the facility.

Mr. Mike Namvar, a resident who owned property adjacent to the landfill, commended County staff for providing him additional information about the case. He expressed that he did not have an opinion on the landfill, though he had met with the owner and had a good experience. He relayed that he had sent a letter to the BCC requesting an extension for this case to allow residents an opportunity to discuss the issue with LER.

Mr. Scott Homan, a licensed real estate agent and a resident of Bruce Hunt Road, opined that the proposed ordinance would financially harm his family and surrounding neighbors due to creating negative impacts on property values. He stated that he had been developing a subdivision on his property and that one of the lots would be within 60 feet of the proposed borrow pit. He also opined that a 100 foot perimeter for the subject property was inadequate, and he said that several properties had views of the operation. He disagreed that the request would not interfere with the development of neighboring properties and expressed that he had additional lots to sell in his neighborhood. He also relayed his understanding that the fire station mentioned in the staff report was approximately 26 miles northeast of the subject property. He indicated that residents also had concerns for water, air quality, traffic increases, trucks and noise. He felt that it was primarily a residential area and he relayed concerns about water quality, citing the 2015 semiannual groundwater report from the DEP in which it was mentioned that "a single exceedance of the maximum contaminant level (MCL) for vinyl chloride was reported at a well" and that "based on the presence of other volatile organics at this well and its proximity to cell one, it is expected that landfill gas may be impacting the groundwater quality at this location." He also opined that exposure to vinyl chloride could cause forms of cancer. He opined that the effect on adjacent properties was direct, critical and negative, and that the application did not accurately represent the effects. He thought that it would be impossible to remedy these effects and that voting for this request would be voting against property rights and the residents' ability to enjoy their land.

Mr. John Fullington, a resident of Lake County, opined that the smell from the site was highly undesirable on some days. He claimed that the original proposal was for a 10 to 15 year lifespan of the site and he asked the BCC to oppose its expansion.

Mr. Kim Toops, a resident of Bruce Hunt Road, opposed the request. She recalled that a discussion of a sunset policy or timeline for the C&D landfill was raised at the previous Planning and Zoning Board meeting and that members of that Board recalled that such a

provision was included within the 2005 ordinance. She relayed that Mr. Wicks then clarified that neither a timeline nor a donation of the land to the County was previously implied or mentioned and that he felt that the County had enough parks. She alleged that this was false and did not reflect the assurances which residents had been given on multiple occasions. She displayed a section of the minutes from the Planning and Zoning Board meeting held on November 2, 2005, referencing that the owner expected a 10 to 12 year lifespan of the mine and that after the closing requirements had been met, the client had agreed to donate the land to the County for a value of approximately $660,000. She opined that the County would then have an approximate 44 acre grassed property at its natural grade, which could be used as a possible park or ballfield. She specified that these comments had been made by the applicant's representation, and she then displayed an excerpt of the minutes from the December 20, 2005 BCC meeting. She highlighted that the applicant had stated that the purpose of the landfill would be a reclamation project and that their intent was to bring an old clay pit back to the natural grade level by filling it with C&D material; furthermore, they had requested a 10 to 15 year lifespan but noted that it could change depending on how quickly the landfill received material. She opined that the landfill had been filling up quickly and that this was why the applicant had requested a vertical expansion. She pointed out that these minutes also indicated that the developer wished to donate the 44 acres back to the County. She displayed a copy of LER's operations plan from 2010, noting that the final grade plan of the facility was designed to bring excavated areas back to the grade which existed prior to the site being opened as a borrow pit. She opined that the current request to elevate the landfill to 225 feet which exceeded the natural grade of the property. She alleged that Mr. Wicks had presented this information at prior hearings, though did not mention it at the previous Planning and Zoning Board meeting. She thought that the site's original purpose to fill an existing sand pit had been lost. She also claimed that the applicant had only paid $1,967 in taxes during the previous year for the mine, while they had paid over $10,000 in taxes in the previous year for their residential properties located on Bruce Hunt Road. She opined that this would represent a loss in tax revenue for the County and that she did not see a benefit to the County from approving the request. She concluded that residents on the road there would be directly impacted by the request.

Mr. Javier Heredia, a resident of Bruce Hunt Road, gave a brief history of the landfill and relayed his understanding that the site was supposed to be reclaimed and given to Lake County. He opined that the site caused an unpleasant odor on some days which hindered the enjoyment of outdoor activities. He relayed that residents thought that the mine would be temporary, and he alleged that LER wanted to continue operations on the exhausted land by purchasing homes, which would not sell due to their proximity to the C&D landfill, and later removing them. He felt that residents enjoyed living on Bruce Hunt Road for its lack of traffic, livestock, crops and natural beauty; additionally, he relayed that many cyclists visited the area. He thought that the mining operation was supposed to last no more than 20 years and that expanding it would lengthen this timeline while also damaging the neighborhood. He urged the Board to deny the request for the benefit of the residents.

Mr. Scott Muszynski, a resident of Bruce Hunt Road, stated that his father-in-law was running an organic farm near the current C&D operation and that the smell became unpleasant when he moved to this property. He related his understanding that the odor was to be temporary and that this could be why there had not been many complaints. He expressed concern about the company wanting to fill the new borrow pit with C&D material and for the

lot appearing unsightly after it would be graded. He stated that his family had inherited the land and that it was intended to be valuable due to its proximity to other developments. He opposed the expansion of the site and mentioned concerns about possible vinyl chloride contamination in wells. He asked how many times per year the wells on site were tested and if the company could monitor the residents' wells periodically to ensure the quality of their organic farm.

Ms. Nuria Kapoor, an individual who owned property on Bruce Hunt Road, said that she had sold another property in the area due to her daughter developing medical issues which she opined was due to the site's odor. She claimed that the smell was often present and that her family was waiting until the site's activity ceased to return there. She also mentioned concerns about gopher tortoises, along with cyclists being endangered by dump trucks.

Mr. Derek Frese, a resident of Bruce Hunt Road, stated that he occasionally smelled the landfill, such as after rain occurred. He expressed concerns about the site expanding and for nearby residents losing investments in their properties. He concluded that he opposed the expansion.

Mr. Palmer Yergey, an Orange County resident who owned property across from the subject property, expressed concerns about eventually filling the new borrow pit with C&D debris.

Ms. Renee Morizio, a resident who lived about a mile from the subject property, claimed that many locals had opposed the site originally and alleged that many of them had been sued by LER for attempting to disrupt the business. She relayed her understanding that in 1991, the EPA put into law that all landfills were required to have a plastic liner, and she claimed that she had spoken to a neighbor of the site who obtained pictures of material being dumped there without a plastic or clay liner; additionally, she opined that this neighbor had later abandoned their home due to the odor hindering its sale. She felt that the site's odor was more unsavory than a rotten egg smell and she communicated an understanding that by law, no more than two landfills were allowed within a certain distance of a large body of water; furthermore, she noted that Lake Harris was near the site. She opined that two former County Commissioners had voted in favor of the site despite there being two other facilities nearby. She also opined that the site had hindered her business. She claimed that in October 2013, while watching the site, workers had attempted to distract her while a truck left the facility which she believed indicated that it was carrying toxic waste; furthermore, she alleged that a worker had later watched her home. She opined that she had contacted the Florida Fish and Wildlife Conservation Commission (FWC) and that LER was forced to clean up the site in 2013.

Mr. Ken Carmickle, a resident of Bruce Hunt Road, opined that a nearby property purchased in 2005 had sold in 2018 for a loss of approximately $50,000 due to the landfill's odor and that the residents could not afford this loss of property values. He alleged that a landfill could not be placed within 500 feet of a well and that the owner had purchased a property in the area which contained a well. He felt that a significant amount of tax revenue would be lost and that the SECO electric company would also lose money. He expressed a concern for adjacent neighbors having an obstructed view due to the site's berm, and he opined that the odor was not being fully controlled. He recalled that in 2005, the applicant had indicated that they could not guarantee that all prohibited items would be removed from the loads of debris brought to the site or that their facility would never contaminate the aquifer and the springs. He noted that the Double Run Preserve was located nearby and he indicated

concerns about filling the proposed borrow pit at a later date. He stated that he opposed the request.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Mr. Broome clarified that the applicant wanted the stipulation for donating the C&D landfill as a park to be included in the proposed ordinance, and he also clarified that the 2005 and 2006 regulations should be included in the requested ordinance. He stated that rain would push the onsite gases closer to the surface rather than venting it upward and that a period of heavy rain could create a short period of a heavy odor. He opined that the odor had been significantly remediated since 2013 and that the smell was not present at all times. He relayed that the site was routinely inspected by the DEP, and he indicated that a cement tanker had recently entered the site and that the Office of Code Enforcement was called; furthermore, there was no finding of inappropriate dumping on that day. He felt that they had addressed the concerns for the criteria being considered for the CUP, and he clarified that the current request was only for a 20 foot expansion of the C&D landfill and for an additional borrow pit. He stated that they would also stipulate in the ordinance that the borrow pit would not be used for C&D fill. He explained that the current C&D pit had a different base than that of the proposed borrow pit and that the applicant intended to cover it in accordance with the LDRs to be used for agriculture or single family residence. He stated that one cell at the site had finished and that it would take an additional 10 to 12 years to fill the area which already existed. He opined that the 20 foot increase was not a substantial modification to the existing permitted activity and that there would be no odor associated with a new borrow pit. He recalled a citizen's comment about a resident losing $50,000 on the value of their home and he thought that this was a typical change in value over that time period. He did not believe that the citizens had presented competent substantial evidence to modify that which had been presented by the applicant or staff. He indicated an understanding that the monitoring well had not found signs of intrusion of harmful chemicals and said that the DEP regulated them and had recently issued a modified permit allowing the 20 foot increase.

Mr. Lubozynski explained that the EPA regulation which required a liner for a landfill was for class one or municipal solid waste landfills rather than C&D facilities. He clarified that the EPA did not regulate C&D debris disposal facilities and that this was why a liner was not required when the site originally opened in 2005.

Commr. Parks asked if he could address the state statutes as they pertained to liners in case it was more stringent than the EPA's guidelines.

Mr. Lubozynski reiterated that the site was a C&D debris disposal facility and related that around 2010, a state law was passed stating that any horizontal expansion of an existing facility would require a liner unless the facility could prove that a liner was unnecessary. He stated that LER would have to install a liner if they utilized the new borrow pit as a C&D disposal facility, though this would change the economic situation of the facility and the applicant was not advocating for this; rather, they wanted to place in the ordinance a condition that the new borrow pit could not be used for C&D disposal. He remarked that a vertical expansion was not affected by the 2010 law. He recalled a citizen's comment about vinyl chloride being found to have exceeded the groundwater standards in 2015, and he explained that the monitored groundwater was a surficial aquifer which was not being used by residents for potable wells. He elaborated that there was a potable well on the subject property and that water quality monitoring was conducted every six months and the results were compared to

the groundwater quality standards; additionally, there were a suite of chemicals which went beyond the groundwater quality standards and these results were compared to cleanup target levels. He opined that the vinyl chloride had not been in exceedance since 2015 and that in 2017, there was an exceedance of benzene in monitoring wells 2-A and 2-B on the north side of the facility, though there had not been an exceedance since 2017. He said that some chemicals such as iron and aluminum were commonly measured above groundwater quality standards, though they were naturally occurring contaminants due to the natural makeup of the soils. He relayed that the DEP was primarily considering chemical constituents such as vinyl chloride and he felt that they had not been continuing issues at LER nor did they occur in 2018. He noted that a resident had claimed that the FWC was involved in cleaning up the facility in 2013, and he denied this but clarified that the FWC was their law enforcement agency. He advocated for residents to call the facility when they smelled an odor so that they could respond and address the issue.

Commr. Sullivan believed that the applicant had attempted to meet their requirements and be good stewards of their operation, and he expressed that the existing operation would continue for a number of years regardless of the decision for the current request. He felt that the BCC would not be ceasing business operations if they denied the request and he indicated that he was uncomfortable with the proposed borrow pit; however, he stated that he would be comfortable with approving a 20 foot vertical C&D expansion. He felt that there were already many borrow pits in Lake County and that there were many issues with them. He said that he was concerned with the odor remediation plan and thought that the applicant was meeting it to the best of their ability, though the odor condition could change daily. He elaborated that he had visited the site several times and had sometimes experienced the odor, and he asked if the Board would have to approve or deny the CUP as it was written.

Ms. Marsh clarified that they could modify it.

Commr. Parks felt that the owner had done a good job over the last few years and had made an effort to manage the site well. He stated that he had experienced an unpleasant odor near the site on some days, and he expressed a concern for a lack of clarity for the number of truck trips that the site would create when exporting sand and fill offsite. He also indicated a concern if the request could later promote the expansion of another landfill. He relayed his understanding that after about 15 years, the life of the site would be exhausted and that it would be donated as a park if the County wanted to accept it. He indicated concerns about water quality and if the landfill should be lined and that if the State Legislature passed a law that all new landfills must be lined, then there could be a risk to the aquifer. He thought that adding an additional 20 feet could be adding additional years to a landfill which was not lined and that this could pose a risk to water quality. He stated that he could not support the current application.

Commr. Campione said that she had read minutes from 2005 pertaining to this case and that the residents were given a lifespan for the mine. She indicated an issue with the citizens tolerating the mine for that period of time and the BCC adding additional time. She expressed appreciation for LER's work but did not feel that this expansion would be correct when the residents there were informed of the site's lifespan; furthermore, she did not support the request.

Commr. Breeden said that she appreciated the business but thought that the area was becoming increasingly residential; furthermore, she thought that the use would become incompatible with the growth there. She opined that adding an additional 12 years to the

existing 15 year lifespan of the site would be a long period of time, and she added that staff had noted that the proposed borrow pit would likely not cause additional undue adverse effects upon nearby properties, which suggested existing adverse effects. She expressed that she would be unable to support the request.

Commr. Blake felt that the BCC should preserve traditional industrial uses in the county, though having read previous minutes, he opined that the County would lose credibility if they did not honor a previous agreement. He noted that situations where specific items were previously promised would affect the judgment of the situation in the future. He thought that the request's build out time would be double the lifespan estimated in 2005 and that the BCC should honor the promises made at that time. He stated that he respected LER, though did not feel that the BCC should move the goalposts for the residents.

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board denied Tab 8, Rezoning Case #MCUP-18-01-1, Lake Environmental Resources (LER).

REGULAR AGENDA

DISCUSSION REGARDING STATE ROAD 33 BRIDGE OVER THE GREEN SWAMP

Commr. Sullivan stated that his item regarded the Florida Department of Transportation's (FDOT) planned replacement of the S.R. 33 bridge over the Green Swamp and that while there was no fiscal impact, it would directly affect the business and the transportation networks which ran through the center of Commission District 1. He said that the County had reached out to the highest levels of FDOT to attempt to mitigate this action due to the department's intention to shut down S.R. 33 from C.R. 474 to S.R. 50 without even a one lane option. He related that there were businesses along this area which would be drastically affected and that alternatives were not considered. He relayed that FDOT had notified the County in 2016 that this would happen; however, the advertisement and the public hearing occurred in Polk County. He remarked that staff had reached out to Mr. Mike Shannon, FDOT District 5 Secretary, and FDOT had agreed to delay the project for one month to develop a plan to leave one lane open during construction and to examine other ways to mitigate the closure such as a potential temporary bridge. He requested a consensus from the Board that he was taking the appropriate steps on this issue by reaching out to FDOT; additionally, he said that he had been asked by a group in South Lake to discuss the issue.

Mr. Cole said that the FDOT had indicated a hope that after 30 days, they would have a plan to leave one lane of the bridge open. He elaborated that Mr. Shannon had committed to working with the County on this.

Commr. Parks commended Mr. Cole, Mr. Schneider and Commissioner Sullivan for their efforts on this item. He said that there had also been questions about trucks traveling on S.R. 27 which would be diverted.

Commr. Breeden relayed her understanding that an ecotourism business would have to close if the road there was shut down.

Commr. Sullivan noted that several businesses had told him that they would likely close if this occurred.

TRANSIT WORKSHOP

Mr. Cole recalled that in September 2018, the BCC approved a contract with Neel-Schaffer to conduct an operational analysis of the Lake County public transit functions, and

the current workshop was scheduled to provide them the opportunity to update the Board on the status of their analysis and to obtain feedback from the BCC before completing it.

Ms. Rosemary Aldridge, Principal-in-Charge with Neel-Schaffer, provided an overview of the agenda for their presentation. She stated that for the project status, they were selected in September 2018 and began the project in October 2018; furthermore, they expected to complete the project by June 2019 and were currently about 60 percent complete. She noted that most of the completed work concerned data collection and some system analysis. She explained that they were in the process of conducting system and route analysis and that they would be considering specific opportunities which would likely be presented in May 2019. She explained that this was a comprehensive operational analysis (COA) which would cover LakeXpress and Lake County Connection, and she highlighted these four areas of scope: system efficiency and if routes could change to be more efficient; developing a route by route analysis to determine how well the routes were functioning independently and as a system; review budget and financing and how continuing the system could be budgeted; and evaluating and recommending options to see which new transit trends could be applied to the County's system. She stated that the company wanted to use the best of their local expertise as well as some experts with broader experience. She introduced these individuals: Ms. Ginger Hoke, Project Manager with Neel-Schaffer, a bicycle and pedestrian expert and a multi-modal planner; Ms. Lisa Koch, Deputy Project Manager with Neel-Schaffer, a transit expert and a professor at the University of Kansas who would be considering the budget, finance and paratransit aspects of the system; and Ms. Patti Clare, Senior Planner with Neel-Shaffer, who had extensive government experience and experience with larger transportation projects. She also introduced Mr. Doug Robinson, Route Analysis Planner with H.W. Lochner, and noted that his company brought significant local expertise.

Ms. Hoke provided an overview of the County's current transit system and its riders and gave these statistics: 25 percent of the Lake County population was over the age of 65; 73.1 percent of the riders made less than $25,000 per year; 41 percent of the riders made less than $10,000 per year; 50 percent of the riders used the bus for work; 24 percent rode the bus for shopping; and there were 340,650 total riders in 2018. She then displayed a service overview with each of the current seven routes. She stated that they had considered previous studies, contracts between the County and third party providers along with other reports, geographic information system (GIS) data, financial data, and information where residents were boarding and disembarking buses. She specified that they had been using automated passenger counters, ride check data from bus drivers, discussions with riders, and driver surveys from the Transit Development Plan. She then specified that ride alongs had been utilized to administer surveys to riders. She mentioned potential partnerships with cities and that staff from the City of Groveland had ridden the bus to observe the system and offer ideas. She said that they had the idea to consider business' needs when developing the transit system and that they had a business survey called "Xpress Yourself" to help determine the workforce's needs such as shift schedules and if their work was seasonal. She said that they had also compared the current LakeXpress service to other similarly sized agencies in the state and she felt that the service was doing well in areas such as the average number of passengers per hour, particularly when considering that it was a relatively new system. She noted that Lake County had challenges due to its size, rural character and water bodies, and she displayed an overview for the use of LakeXpress from year to year; furthermore, she noted that there had been a 22 percent average annual increase each year since 2008.

Ms. Koch presented a current budget overview and stated that the County provided about 18 percent of the budget for each year's system. She said that the 2019 operating budget would be about $7.6 million, with approximately $1.37 million being funded by the county. She elaborated that the remainder would be leveraged from the Federal Government, the State, other non-County local sources such as Medicaid and service contracts, and the fare box. She commented that over ninety percent of the budget was used for service on the ground and that only six percent was utilized for administration. She specified that about 50 percent of the budget was funding paratransit services and that about 41 percent was used for fixed route transit. She then relayed that for preliminary budget findings, staff was looking to find how to best meet some of the changing FDOT requirements, and it must be ensured that the County had reserves to meet transit project needs due to it being a reimbursement program from FDOT and the Federal Government. She explained that Lake County had two types of paratransit with complimentary paratransit service being federally required within three-quarters of each of the county's fixed routes. She remarked that complimentary paratransit served individuals who were unable to use the fixed route service due to a disability. She said that the transportation disadvantaged program was used for individuals who had no other means of transportation due to age, disability or income and that this was funded by the Federal Government, FDOT and local dollars. She stated that this study would be considering how to leverage these funds more efficiently, and she displayed maps noting where disabled, low income and senior residents lived, along with the use of the services to help identify how best to optimize them. She said that they would be considering how to modify existing services such as with route or frequency changes, hours of operation and whether weekend service would be useful. She stated that they would also examine introducing new options including ride hailing through taxi services, flexible route services, vanpooling or mode changes such as bike shares. She showed a list of changes that the County had made to its system such as providing transportation to shelters during cold weather days and hurricanes, extending Route 4 into the south side of the City of Umatilla, and the RouteShout app. She noted difficulties with finding bus stops and displayed a concept picture with street and sidewalk markings to help identify these locations and promote the system. She also felt that some bus signs could be challenging to read and noted that transit staff was working on signs which would provide additional information and would be completed in 2020. She recommended using social media and opined that the LakeXpress website was easy to use and featured both English and Spanish languages and was compliant with the Americans with Disabilities Act (ADA). She thought that the County should provide a transit specific Facebook page and she felt that their customer service was helpful with answering questions. She said that many residents discovered the bus by seeing it and she suggested including the website on each of the buses to be consistent. She also opined that better bus stop access was required and should have a connected sidewalk system and a bikeway system; furthermore, she suggested working with the Cities to develop new policies for developments, along with partnering with the Lake-Sumter Metropolitan Planning Organization (MPO), FDOT and the Cities to help ensure consistent access to bus stops. She mentioned that the RouteShout app seemed to be popular due to its feature of providing bus locations in real time. She stated that starting March 4, 2019, individuals could use their phones to purchase digital bus tickets.

Ms. Clare noted that they were asked to examine how partnerships with ride hailing companies, also known as transportation network companies, could work for the county. She noted that this was a dynamic, evolving field with services such as Uber Health, Uber Transit

and Lyft. She suggested that the County could utilize private ride hailing companies to help stretch their services to where public transit was unavailable due to hours or location. She commented that agreements between localities and these companies were very structured, and she displayed a list of the pros and cons. She stated that currently, costs were more expensive and that this was difficult to use for rural geographical areas when compared to compact cities. She pointed out an example that it would take approximately one hour to travel from the current location to Leesburg City Hall using public transportation for a cost of $1 when compared to a travel time of 17 minutes using Uber at a cost of $13 to $16. She reiterated that the cost to the customer was an issue and remarked that the existing partnerships were being subsidized by local governments to reduce this outlay. She showed a list of some nearby cities which were exploring this such as the Cities of Lake Mary, Altamonte Springs, Longwood, Maitland and Sanford. She elaborated that these cities had a pilot program and together over a 10 month period, paid about $330,000 to fund a portion of approximately 185,000 trips. She commented that the Pinellas Suncoast Transit Authority in the City of St. Petersburg had also used two programs including Late Shift for the transportation disadvantaged population, which was a partnership with Uber and allowed residents to use the system for work. She elaborated that non-federal local funding was used for this and that the service was focused toward evening work shifts. She noted that their Direct Connect program was in cooperation with Uber, United Taxi and wheelchair transport to provide discounts to individuals who require transport services with wheelchair assistance.

Ms. Hoke explained that other emerging opportunities which were mostly based in cities included bike share, e-scooters, zip cars, gold taxis and trolleys. She stated that they were examining dovetailing LakeXpress with other systems, and she mentioned the FDOT program ReThink which provided assistance with setting up vanpools primarily for commuters. She stated that there were currently 20 commuter vanpools which originated in Lake County and that there were at least four participants required per van.

Ms. Aldridge mentioned smart technology and said that small cell antennas were gaining popularity due to using transit stop real estate to generate revenue and provide Wi-Fi and other services including lighting, security cameras and other sensors. She commented that the County could own pre-fabricated poles where carriers could install and pay rent to the County; furthermore, it could be tied into smart signage which could be updated in real time with changes to bus schedules, bus locations and advertising.

Ms. Hoke indicated that they had also examined methods to reach non-riders and mentioned that a greater number of riders would generate more federal funding. She mentioned possibly accomplishing this through Facebook and social media, and she mentioned that students were able to utilize Lake County transit for free and that the service could be advertised to them through the school transportation website. She suggested that linking to the city websites could be useful and that Xpress Yourself surveys could be offered in this manner. She stated that they had given the BCC a ride challenge with trip recommendations and ride passes for the Board to use and hand out to riders. She encouraged them to try the RouteShout app and provide feedback to her group within 30 days so that it could be included in their report. She then listed these next steps for completing project activities: completing on-ride surveys; route and system analysis; considering cost and benefit funding implications; and providing the Board options and coming back on May 21, 2019 for their feedback on the final presentation.

RECESS AND REASSEMBLY

The Chairman called a recess at 7:59 p.m. for one minute to restart the recording equipment for the meeting.

TRANSIT WORKSHOP CONTINUED

Commr. Sullivan expressed that he liked the presentation and its information about revenue. He believed that the transit system should be as efficient as possible and noted their observations that the County was doing well with this. He recognized that over 50 percent of the ridership was using the system to reach work, and he expressed an intent to take their challenge to ride the bus and provide feedback. He felt that transit was an important service provided by the County and that he was glad to see the financial numbers for what was provided versus what was being spent, which he opined was atypical. He noted that a large population used the transit system and mentioned that there were challenges with the size of the county, its water bodies and its protection areas.

Commr. Breeden said that she was glad to see the progress made with innovations and improvements with technology which make it easier for riders to use the system. She thought that paratransit would continue to be the most challenging service to find innovative solutions for, but felt that the County was on the right track. She said that she would also ride the bus.

Commr. Parks indicated concerns about the system and felt that Lake County was in the middle or slightly ahead of it regionally, though he asked if the County could improve. He acknowledged that transit was expensive and that paratransit service was important and necessary. He expressed an interest in improving paratransit and inquired if using Uber Health or a similar service would allow the County to help more people as opposed to the current model.

Ms. Clare responded that Uber Health had only been launched in certain large cities and was not yet in Lake County. She noted that it was a for-profit company and would be considering a business model to facilitate this. She commented that it would be subsidized and that it was unknown how great the subsidy would be.

Commr. Parks clarified that he was speaking generally and that there could be smaller businesses to provide similar services.

Ms. Clare noted that the Federal Transit Administration (FTA) had been subsidizing taxis for this service and that while it could be more expensive, her organization would be considering options to lessen the cost.

Commr. Parks asked if they could consider the size of buses for fixed route transit and felt that this could be used for cost savings on less used routes.

Ms. Koch stated that they would consider asset management and the age of assets, and she commented that smaller buses had a shorter life than those which were larger; however, a smaller vehicle could navigate winding roads and residential areas, along with being more cost effective.

Commr. Parks expressed support for making the bus stops more visually appealing, and he felt that their comment about the reserves for funding transit was important because the service was expensive. He noted that there had been a situation with LYNX in Orange County, which had been funded by reserves, and he opined that they would have to develop a tax to pay for it; furthermore, he wanted to avoid having to do this in Lake County.

Ms. Hoke agreed and noted that costs were rising each year. She asked if the County wanted to maintain a similar budget while cutting services as costs rose, or if they wanted the system to grow. She requested direction on these items in the future.

Mr. Cole thanked Neel-Shaffer and said that they had been professional throughout the process. He thought that the final report would be beneficial to the County.

Ms. Koch thanked the Board for their feedback.

Ms. Hoke stated that it would be rewarding to give passes to riders and interview them about the transit system.

Ms. Clare indicated an understanding that no riders had negative comments about the system.

ADVERTISING ORDINANCES FOR IMPACT FEE PREPAYMENT AND WAIVERS

Mr. Cole asked if the Board would delay Tabs 18 and 19 for advertising ordinances to the March 12, 2019 BCC meeting.

Commr. Campione asked if there was a desire for the Board to move forward with advertising them and having deliberation at the hearings.

Mr. Cole indicated that staff could present the items at the public hearings.

Commr. Campione noted that one of the requests was to allow for a longer period of time for commercial and industrial uses for the impact fee prepayment, which she felt was a pro-business item that would benefit the community. She said that they had also discussed the impact fee waiver at a recent workshop and that they could receive the presentation at the hearing.

Ms. Marsh clarified that this was not a public hearing and that the Board could utilize a single motion to approve them both for advertising. She added that the public hearings would occur at the first BCC meeting in March 2019.

On a motion by Commr. Blake, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved to advertise two Ordinances amending Section 22-11, Lake County Code, entitled Prepayment of Impact Fees and amending Section 22-8, Lake County Code, regarding a waiver of transportation impact fees for infill development, and approval to allocate $100,000.00 in funding.

APPOINTMENTS TO THE PLANNING AND ZONING BOARD

Mr. Cole relayed that there was a need for representatives from District 2 and District 4, as well as an At-Large Member.

Commr. Breeden asked if Ms. Laura Smith was the current Chairman, and Mr. Cole confirmed this.

Commr. Parks stated that he could keep Ms. Smith's reappointment as a separate motion.

Commr. Campione stated that Mr. Rick Gonzalez could be reappointed from District 4 and that they had discussed some issues with regard to Mr. Gonzalez working more tactfully with staff. She felt that he could meet these concerns and that he brought a good background and knowledge base to zoning cases throughout the county. She opined that he also brought an institutional and historical context, and she supported his reappointment.

Commr. Breeden mentioned that Ms. Jessica Heiny and Mr. Daniel Chancellor had applied for the At-Large Member position.

Commr. Parks proposed Mr. Jim Hamilton from District 1 for this position and stated that he would resign from the Board of Adjustments.

On a motion by Commr. Sullivan, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the reappointments of Ms. Laura Smith as the District 2 representative and Mr. Rick Gonzalez as the District 4 representative, the appointment of Mr.

Jim Hamilton as the At-Large Member, and approved waivers of potential ethical conflict for Ms. Smith and Mr. Hamilton.

COMMISSIONERS REPORTS

COMMISSIONER SULLIVAN – DISTRICT 1

GRAND OPENING OF HICKORY POINT ATHLETIC COMPLEX FIELDHOUSE

Commr. Sullivan mentioned the Grand Opening of the Hickory Point Athletic Complex fieldhouse on the previous weekend and how it had a great turnout. He thanked the attendees and thought that the facility would have a significant positive economic impact on the county.

COMMISSIONER PARKS – DISTRICT 2

THANKING COUNTY STAFF

Commr. Parks thanked Mr. Schneider and Mr. Sean Curry, with the Road Operations Division, for doing a great job at a recent public meeting and for answering many questions about roads.

Commr. Sullivan thanked staff for addressing issues such as those at Sawgrass Elementary School.

COMMISSIONER BREEDEN – VICE CHAIRMAN AND DISTRICT 3

LAKE COUNTY APPLICANT FOR SJRWMD BOARD

Commr. Breeden commented that she had spoken to a Lake County resident who had applied for the SJRWMD Board and that if there was interest, she could bring more information about the applicant to the BCC for a possible letter of support to the Governor's Office.

Commr. Campione asked if Commissioner Breeden could provide information about the applicant and the Board could individually decide if they wanted to send a letter of support so that it would not be a Board action, and Commissioner Breeden confirmed that she could do this.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 8:18 p.m.

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LESLIE CAMPIONE, CHAIRMAN

ATTEST:

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GARY J COONEY, CLERK