

SPECIAL MEETING
JULY 27, 2016
12:00 P.M.

The Lafayette County Commission, continuing a public hearing as the Board of Adjustments, met on the above date and hour for a special meeting. The meeting was held in the County Commissioner's Meeting Room in Mayo, Florida. The following members were present: Commissioner Lance Lamb, Dist. 1; Commissioner Thomas E. Pridgeon, Jr., Dist. 2; Commissioner Donnie Hamlin, Dist. 3; Commissioner Anthony Adams, Dist. 4; Commissioner Earnest Jones, Dist. 5; and Lafayette County Attorney Leenette McMillan-Fredriksson.

CONTINUATION OF PUBLIC HEARING ON 7/25/16

The Board held a public hearing, that was continued from July 25, 2016, regarding the following property:

LEG 0150.00 ACRES W1/2 OF NW1/4 LYING E. OF SOUTHERN RAILROAD RIGHT OF WAY; W1/2 OF SW1/4 LYING E. OF SOUTHERN RAILROAD RIGHT OF WAY; SE1/4 OF SW1/4 LYING E. OF SOUTHERN RAILROAD RIGHT OF WAY. OR BK 53 P. 243. LESS ROAD RIGHT OF WAY AS DESC. IN OR BK 61 P 788. (FL GAS TRANSMISSION CO. PIPE- LINE EASEMENT OR BK 63 P. 819) OR BK 66 P. 277; OR BK 94 P. 540; OR BK 96 P. 36; OR BK 120 P. 434; OR BK 130 P. 457; OR BK 138 P. 188-189 OR BK 139 P. 307-308; OR BK 141 P. 483-484. THE W. 20 FT. OF NW 1/4 SUBJECT TO EASEMENT FOR INGRESS & EGRESS OR BK 220 P. 422-424. LICENSE AGREEMENT OR BK 220 P. 425-427. OR BK 329 P 61 OR BK 329 P 462 AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP NOT DW MH/ NOT LAND OWNERS 911-1185 NW HAROLD WINBURN RD.

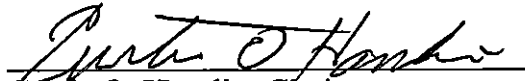
Before the Board voted on this issue the following citizens addressed the Board and once again reiterated their opposition to the resolution being considered: Ronnie Milton, Bruce Lawson, and Joe Hart spoke in regards to comprehensive plan issues and the nuisances involved with this being approved. After hearing additional comments from the public, and after each Commissioner addressed the concerns of all of the landowners involved, the Board voted the following way: Lamb – approve; Pridgeon – approve; Hamlin – approve; Adams – approve; and Jones – deny. The Resolution was approved by a 4-1 majority vote.

Closing comments were held by the following landowners: Hal Thomas, John Nemcovic, and Kenny Hart. All three addressed their dissatisfaction with the vote that took place, and their concerns with the effect it will have on their land values. Mr. Jones informed the public that they are free to appeal the decision the Board made at the


Building Department and have it come before the Board of County Commissioners for further review and discussion.

ADJOURN

On a motion by Mr. Jones and a second by Mr. Adams, the Board voted unanimously to adjourn the special meeting.


Curtis O. Hamlin, Chairman

Attest:


Ricky Lyons, Clerk



Approved this 8th day of August 2016.

RESOLUTION NO. SE16-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 3.2 OF ORDINANCE NO. 2000-5, ENTITLED LAFAYETTE COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN THE AGRICULTURAL "A" ZONING DISTRICT AS PROVIDED WITHIN SECTION 4.5.5. TO PERMIT THE LOCATION OF POULTRY HOUSES ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF LAFAYETTE COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2000-5, entitled Lafayette County Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Lafayette County, Florida, serving as the Board of Adjustment of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 3.2.4 of the Land Development Regulations;

WHEREAS, a petition for a special exception, SE16-01, as described, below has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrency Management Analysis Report concerning said petition for a special exception, as described below;

WHEREAS, The Board of County Commissioners, serving as the Board of Adjustment, has found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant within the AGRICULTURAL (A) zoning district;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of the said petition for special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for pedestrian safety and convenience, in a manner that will not have an undue impact on traffic flow and control, and access in case of fire or catastrophe;

Whereas, THE Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the special exception, as described below, is generally compatible with adjacent properties, other property in the district and natural resources; and WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) the proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;**

- (b) the proposed use is compatible with the established land use pattern;
- (c) the proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- (d) the proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (e) the proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- (f) the proposed use will not create a drainage problem;
- (g) the proposed use will not seriously reduce light and air to adjacent areas;
- (h) the proposed use will not adversely affect property values in the adjacent areas;
- (i) the proposed use will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- (j) the proposed use is not out of scale with the needs of the neighborhood or the community

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, THAT:

Section 1. Pursuant to petition, SE16-01 by Chris & Kelly Lyons Agent for Carl & Gail Wainwright on June 29, 2016 requesting a special exception be granted as provided for in Section 4.5.5. Of the Land Development Regulations, the Lafayette County Commissioners serving as the Board of Adjustments, Lafayette County, Florida, grants a special exception to permit the location of Poultry houses in accordance with a site plan dated June 29, 2016 submitted as part of a petition dated June 29, 2016 and located on property described as follows:

A parcel of land in Section 34, Township 04 South, Range 11 East, Lafayette County, Florida, being more particularly described as follows:

LEG 0150.00 ACRES W1/2 OF NW1/4 LYING E. OF SOUTHERNRAILROAD RIGHT OF WAY; W1/2 OF SW1/4 LYING E. OF SOUTHERN RAILROADRIGHT OF WAY; SE1/4 OF SW1/4 LYING E. OF SOUTHERN RAILROAD RIGHT OFWAY. OR BK 53 P. 243. LESS ROAD RIGHT OF WAY AS DESC. IN OR BK 61 P788.(FL GAS TRANSMISSION CO. PIPE- LINE EASEMENT OR BK 63 P. 819) ORBK 66 P. 277; OR BK 94 P. 540; OR BK 96 P. 36; OR BK 120 P. 434; ORBK 130 P. 457; OR BK 138 P. 188-189 OR BK 139 P. 307-308; OR BK 141 P.483-484. THE W. 20 FT. OF NW1/4 SUBJECT TO EASEMENT FOR INGRESS &EGRESS OR BK 220 P. 422-424.

The above described parcel contains 150 ACRES Parcel: 34-04-11-0000-0000-00600

Section 2. A site plan filed with a petition filed June 29, 2016 is herewith made a part of this resolution by reference, shall govern the development and use of the above-described property. Any deviation from the petition shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.

Section 4. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

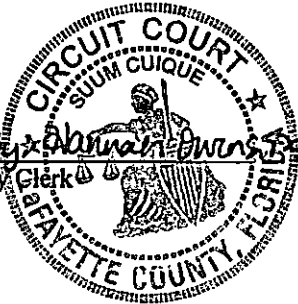
Section 5. This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Board of Adjustment, this 27th day Of July 2016

BOARD OF COUNTY COMMISSIONERS OF
LAFAYETTE COUNTY, FLORIDA
SERVING AS THE
BOARD OF ADJUSTMENT OF
LAFAYETTE COUNTY, FLORIDA

Attest:

Ricky Lyons
Ricky Lyons, County Clerk



Curtis O. Hamlin
Curtis O. Hamlin, Chairman

RESOLUTION NO. 2016-8-1-1

A RESOLUTION FINDING THAT A PROPOSED AGRICULTURAL EDUCATION AND PROMOTION FACILITY WOULD SERVE A VALID PUBLIC PURPOSE AND BENEFIT THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF LAFAYETTE COUNTY.

WHEREAS, the Lafayette County Board of Commissioners is submitting a grant application by October 1, 2016 to the Florida Department of Agriculture and Consumer Services for construction of an agriculture education and promotion facility under applicable Florida statutes, and

WHEREAS, the Board of Lafayette County Commissioners ("Board") finds that, due to the rural nature of the County, agriculture and agriculture activities are critically important to the **economy** of the County and the welfare of its citizens: and

WHEREAS, the Board finds that agricultural education and the promotion of good and sustainable agricultural practices are important goals in furthering the health, safety, and welfare of the public; and

WHEREAS, THE Board finds that the facilities used for agricultural education and equestrian activities are inadequate for the county's needs, but that the County lacks funds and public property to improve such facilities; and

WHEREAS, a collaboration between the Suwannee River Water Management District, the R O Ranch, Inc. Board and the Lafayette County Board of Commissioners can make such facilities possible; and

WHEREAS, grant money may be available from the state for the construction of an agricultural education and promotion facility: and

WHEREAS, public hearing on the issue of the public purpose and benefit of an agricultural education and promotion facility was held by the Board in its regular meeting on August 8, 2016,

NOW THEREFORE BE IT RESOLVED, that:

1. **Finding of Public Purpose.** The Board finds that an agricultural education and promotion facility would serve a public purpose and benefit the health, safety, and welfare of the citizens of Lafayette County.
2. **Authorization to see grant money.** The R O Ranch Board, Inc. is authorized to see grant money for the construction of an agricultural education and promotion facility.

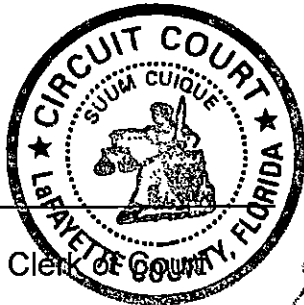
PASSED AND ADOPTED in regular session by the Board of County Commissioners of Lafayette County, Florida, on the 8th day of August, 2016.

BOARD OF COUNTY COMMISSIONERS OF
LAFAYETTE COUNTY, FLORIDA

By: *Curtis O. Hamlin*
Curtis O. Hamlin, Chairman

Attest:

Ricky Lyons
Ricky Lyons
Lafayette County Clerk



John and Katherine Nemcovic

946 NW CR 536
Mayo, FL 32066

8/4/2016

Land Development Regulation Administrator

RE: Cattle feed lot in violation of Land Development Regulations of Lafayette County, Florida

This letter is a formal complaint to address the cattle feed lot operated by Triple L Cattle and Henry B. Lawson II located at 868 NW County Road 536, Mayo, FL 32066.

This operation is in violation of the county LDR Article 4.5.5 line 34. "Intensive Agriculture." The definition per the LDR in Section 2.1 states: "Intensive Agriculture. Intensive agriculture means all areas of concentrated animal density generally associated with milking barns, feed lots, chicken houses and holding pens."

According to LDR article 4.5.5 a Special Exception permit must be issued prior to occupancy of any building or premises. There was no permit application from Triple L Cattle or Henry B. Lawson II, nor a hearing before the Board of Adjustments for any Special Exception of the LDR's in reference to this property.

A list of concerns are as follows but not limited to:

- Property line setbacks
- Standing water and animal waste in 100 year flood plain leaching to the county right of way
- Dumping of dead cattle on neighboring land
- Nuisance odor, flies and rodents (Section 2.1 of LDR's)
- Water Quality

We request an investigation of this complaint and a report of findings.

Sincerely,



John and Katherine Nemcovic

CC: Lafayette Board of County Commissioners
W.C. Hart
Lafayette County Code Enforcement
Leenette McMillan
Lafayette County Clerk of Court

