

JANUARY 4, 1982

PUBLIC HEARING

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Monday, January 4, 1982 at 7:30 p.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Vernon E. Vickers, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
Edward W. Chance

Also present were:

Mary Greenwood, County Attorney
David B. Collier, County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Libby Allison, The Sarasota Herald-Tribune; Greg Spears, The Bradenton Herald, and others who entered during the meeting.

The meeting was called to order by Chairman Glass.

COMPREHENSIVE PLAN AMENDMENT

Public hearing was declared open to consider, act upon, reject or adopt Ordinance 82-2 - Comprehensive Plan Amendment, Special Treatment (ST) Overlay District and Ordinance Z-81⁶³ - Zoning Atlas Amendment. (Notice published December 14 & 30, 1981 in the Bradenton Herald.)

STAFF PRESENTATION

Bill Earl, Environmental Counsel, made an introductory presentation, pointing out that this is the last meeting required on the Special Treatment Zoning District, and the proposed ordinance, if adopted, will establish a Special Treatment District to Lake Manatee and Ward Lake Watersheds and Special Treatment designations for approximately 238 acres of archaeological and historical sites; it also establishes a rebuttal presumption against mining once an area is designated Special Treatment.

Diana Frazier, Planning Department, submitted proofs of publication of the notices of public hearing as published in the Bradenton Herald on December 14 & 30, 1981.

Dick Eckenrod, Mining Coordinator, submitted the Index to the Manatee County Special Treatment Overlay District Ordinance together with Exhibits:

EXHIBIT NO.

- I. Drafts of ST Overlay District & Staff Recommendations
 1. Section I, G. Mining and Reclamation Ordinance Draft #1, Page 5.
 2. Section I, G. Mining and Reclamation Ordinance Draft #2, Page 6.
 3. Section I, H. Mining and Reclamation Ordinance Draft #3, Page 9.
 4. Section I, H. Mining and Reclamation Ordinance Draft #4, Page 13.
 5. Staff Recommendations to Mining and Reclamation Ordinance, Draft #5, Page 14.
 6. Draft Ordinance 203Y
 7. Drafts of Ordinance 81-_____.
 8. Memorandum from Planning and Development Department regarding consistency determination (11/9/81).
 9. Zoning Ordinance Amendment Z-81-63 and staff reports.

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10. Staff responses to questions raised at Commission Public Hearing on ST Ordinance (11/25/81).
11. Memorandum from Planning and Development Department regarding ST revised draft (12/2/81).
12. List of Items entered into the Record at the December 21, 1981 Public Hearing.
13. Staff Report to Board of County Commissioners dated December 23, 1981.

II. Board Resolutions

1. Resolutions initiating text and atlas amendments to the Manatee County Comprehensive Zoning and Land Development Code, Ordinance 81-4.

III. Additional Documents Supporting ST Designation

1. "Final EPA Environmental Impact Statement, Central Florida Phosphate Industry"
 - a. Volume I - Impacts of Proposed Action
 - b. Volume II - Background and Alternatives Assessment
 - c. Volume III - Responses to Comments on DEIS
2. Direct Testimony from Manatee County's Witnesses at the Final Hearing in Manatee County v. State of Florida, Department of Environmental Regulation, et al. Held in Palmetto, Florida June 22-July 9, 1981
3. Certified Copy of Amendment to Rule Section 17-3.161, Florida Administrative Code, reclassifying the Manatee River to its sources, as Class I-A, Potable Water Supplies.
4. "Final Report to ERC on Proposed Reclassification of the Manatee River and Other Tributaries to Lake Manatee from Class III to Class I-A," May 1, 1981, prepared by Department of Environmental Regulation.
5. "Lake Manatee Watershed Water Resource Evaluation, Phase I, Baseline Analysis of Existing Watershed," dated April, 1981.
6. "EPA Indoor Radiation Exposure Due to Radium-226 In Florida Phosphate Lands," February, 1979.
7. "Effects of Phosphate Mineralization and the Phosphate Industry on Radium-226 in Ground Water of Central Florida," prepared by the U.S. Environmental Protection Agency, Office of Radiation Programs, Las Vegas Facility, dated October, 1977 (entered by reference only. Document entered into record at previous meeting).
8. "Study of Radon Daughter Concentrations in Structures in Polk and Hillsborough Counties," prepared by Department of Health and Rehabilitative Services, Central Operations Services, Radiological Health Services, dated January, 1978.
9. Letter from Ronald N. Armstrong, P.E., Camp, Dresser & McKee, Inc. to the Board of County Commissioners, regarding need for Special Treatment Overlay District dated December 31, 1981.
10. Other Mining and Reclamation Data, Correspondence and material.
11. List of property owners potentially affected by proposed Special Treatment Overlay District rezoning and notified of public hearing.

Charles Hunsicker summarized the Staff Report (ref. Exh. I.13) and was available to answer questions.

Sandy Nettles, Gee & Jenson, Consulting Engineers, commented on the report by Gee and Jenson (Exh. III.5) and stated that the primary concern of the engineers is the quality and quantity of ground water and how land use can impact them.

Mr Earl concluded Staff presentation by citing an excerpt from the opinion letter from Camp, Dresser & McKee, Inc (Exh. III.9): "the application of best possible technology to industrial mining or

major earthmoving activities should provide Manatee County with the assurances necessary prior to these activities commencing. The types of activities which these rules seek to control can be a major environmental destructive force if proper rules are not established and enforced. These rules will complement the State and Federal environmental regulations by emphasizing the unique local environmental conditions of Manatee County."

PUBLIC COMMENT

Claudia McKenzie, on behalf of M-Plus Ranch, Fort Meade, Florida, spoke in opposition to the proposed ordinance because it depreciates the value of her family's land which lies within area of the Special Treatment District.

Gloria C. Rains, Manasota 88, stated that although Manasota 88 takes the position there should be no mining within the watersheds, the Staff should be complimented on having done the best job possible.

Katherine Fernald, representing Save Our Bays, expressed concern about "the best possible technology" and urged the Board to work on this aspect.

Doris Shemberg, League of Women Voters, expressed the opinion of that there should be no mining in the watersheds and urged all possible stringency in application of the restrictions.

Mary Greer, Longboat Key, commented on adverse effects of phosphate mining on health, clean air and water.

Dewey Dye, representing owners of the Turner Ranch Duette, Florida, wanted to be on record as strongly opposing the ST rezoning and that, in view of the mining ordinance, this additional restriction is redundant. It was his opinion that this is a clear case of governmental power being exercised by the County in furtherance of proprietary activity, namely the sale of water.

Richard Nelson, representing Sarasota County, strongly supported Manatee County in its effort to protect the watersheds and felt that the ST Ordinance was a step in the right direction.

Nicholas F. Albritton, Fort Meade, representing Jefferson Groves, Ltd, went on record as opposing the proposed ordinance for the same reasons as stated by Mr Dye.

There being no further public comment, the public hearing was declared closed.

ORDINANCE 82-2; ORDINANCE Z-81-63

Upon motion by Mr Vickers and seconded Mr Chance the following ordinances (2) were unanimously adopted:

(1) ORDINANCE 82-2

- AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE TEXT OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE RELATING TO THE ESTABLISHMENT OF A SPECIAL TREATMENT OVERLAY DISTRICT; RELATING TO THE REGULATION OF MAJOR EARTHMOVING, MINING, AND INDUSTRIAL LAND USE ACTIVITIES IN AREAS OF THE COUNTY REQUIRING SPECIAL PROTECTION; MAKING CERTAIN FINDINGS OF FACT; PROVIDING A LEGISLATIVE PURPOSE; PROVIDING DEFINITION: PROVIDING EXEMPTIONS FOR ALL AGRICULTURAL ACTIVITIES; PROVIDING FACTORS TO BE CONSIDERED IN THE REVIEW OF ATLAS AMENDMENTS; PROVIDING RESTRICTIONS ON MAJOR EARTHMOVING, INDUSTRIAL AND MINING ACTIVITIES; PROVIDING CONDITIONS FOR APPROVAL OF MAJOR MINING ACTIVITIES; PROVIDING CONDITIONS FOR APPROVAL OF MAJOR EARTHMOVING, INDUSTRIAL, AND MINING ACTIVITIES; AND PROVIDING FOR DETERMINATION OF BEST POSSIBLE TECHNOLOGY; ESTABLISHING ITS RELATIONSHIP TO OTHER LAWS.

RECORD ORDINANCE S31-783

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(2) ORDINANCE No. Z-81-63

- AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND BY ADDING THE SPECIAL TREATMENT OVERLAY DISTRICT CLASSIFICATION TO EXISTING PROPERTY ZONING; PROVIDING AN EFFECTIVE DATE.

RECORD ORDINANCE

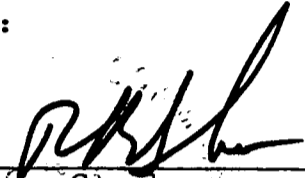
Zoning
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MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:



Clerk



Chairman 7/27/82

Adj: 8:15 p.m.

