

ORDINANCE NO. 97-02

AN ORDINANCE ADOPTING A MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR REZONINGS, APPLICATIONS FOR SITE-PLAN APPROVALS, AND APPLICATIONS FOR DEVELOPMENT ORDERS OR BUILDING PERMITS REGARDING THE LOCATION, SITING, OR DESIGN OF LANDFILLS WITHIN HOLMES COUNTY UNTIL SUCH TIME AS COMPREHENSIVE PLAN AMENDMENTS ARE ADOPTED AND FOUND IN COMPLIANCE AND IMPLEMENTING LAND DEVELOPMENT REGULATIONS ARE ADOPTED WHICH ESTABLISHED ADEQUATE STANDARDS AND CRITERIA FOR THE LOCATION, SITING, AND DESIGN OF LANDFILLS IN HOLMES COUNTY; PROVIDING FOR EXCEPTIONS FROM THE MORATORIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of Chapter 163, Part II, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, Holmes County adopted the Holmes County Comprehensive Plan to guide future development; and

WHEREAS, landfills are an authorized use within the Public/Semi-public/Educational land use classification established by the Comprehensive Plan; and

WHEREAS, the County, in adopting the Holmes County Comprehensive Plan contemplated only the future operation of one landfill in the County on an 83-acre site located in Section 23, Township 15 North, Range 15 West, known as the Holmes County Landfill, which was not in operation when the Comprehensive Plan was adopted; and

WHEREAS, the County's Comprehensive Plan does not establish adequate standards and criteria for the location, siting and design of landfill facilities within the Public/Semi-Public/Educational classification or for the designation of additional lands for landfill use under the Public/Semi-public/Educational land use classification; and

WHEREAS, Holmes County has concerns about the compatibility of additional or expanded landfill facilities with existing or potential areas of residential, agricultural, commercial and public/semi-

public development, and about their impact on property values, community aesthetics; the environmental and natural resources of Holmes County, including but not limited to, wetlands and water resources; and on other county facilities and services; and

WHEREAS, Holmes County is concerned that applications for landfill facilities other than the 83-acre Holmes County Landfill site will be filed for consideration during the period of time needed to prepare and adopt new comprehensive plan amendments that will establish appropriate locational, siting, and design standards and criteria for landfill facilities; and

WHEREAS, the operation of a landfill on the Holmes County 83-acre Landfill site, located at Section 23, Township 15 North, Range 15 West, is the subject on ongoing litigation and settlement negotiations in *City Environmental Services Landfill, Inc., v. Holmes County*, Circuit Court Case No. 95-121-CA; and there is a pending application for a Holmes County development order for construction of an expanded landfill on the 83-acre site; and

WHEREAS, because of the status of the 83-acre Holmes County Landfill site, the pending application, and the ongoing litigation and settlement negotiations, applications regarding the 83-acre site should not be subject to this moratorium; and

WHEREAS, Holmes County otherwise wishes to maintain the status quo regarding landfill facilities in the County during the time needed to establish appropriate locational, siting and design criteria for additional landfill facilities; and

WHEREAS, the community aesthetics, the environmental and natural resources, county facilities and services, property values, and the public health, safety, and welfare of the citizens and residents of the County will be threatened by the approval of additional landfill facilities without proper locational, siting and design standards and criteria; and

WHEREAS, a limited one-year moratorium on the acceptance and processing of applications

for comprehensive plan amendments, rezonings, site plan approvals, development orders and building permits relating to landfill facilities is needed for the County to adopt comprehensive plan amendments and any implementing land development regulations that establish appropriate locational, siting and design standards and criteria for landfill facilities, and for the plan amendments to be found in compliance with state law pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Holmes County Board of Commissioners has voted at a public meeting of the Board to direct County staff to commence preparation of the necessary comprehensive plan amendments and any implementing land development regulations to establish adequate locational, siting and design standards and criteria for landfills.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

SECTION I: Adoption of Moratorium. That a one-year moratorium on the acceptance and processing of all applications for comprehensive plan amendments, applications for rezonings, applications for site-plan approvals, and applications for development orders and building permits relating to the location, siting, and design of landfills is hereby adopted. Except as otherwise provided in Section II below, all land and land use districts within the jurisdictional boundaries of Holmes County, are subject to this moratorium. This moratorium shall be of limited duration and shall expire within one year from the effective date of this ordinance unless it is terminated at any earlier date by the Holmes County Board of Commissioners.

SECTION II: Exemption. The moratorium imposed by this ordinance shall not apply to applications for comprehensive plan amendments, applications for rezonings, applications for site-plan approvals, and applications for development orders and building permits relating to either to existing 83-acre Holmes County Landfill site located in Section 23, Township 15 North, Range 15 West, that is the subject of

the ongoing litigation in *City Environmental Services Landfill, Inc., of Florida v. Holmes County*, Circuit Court case No. 95-121-CA, or to any applications for comprehensive plan amendments initiated by Holmes County for the purpose of establishing new or additional standards and criteria for the location, siting and design of landfills.

SECTION III. Conflicting Ordinances. That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION IV. Severability. That if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

SECTION V. Effective Date. That this ordinance shall take effect immediately upon filing with the Department of State.

Passed and adopted by the Board of County Commissioners in Holmes County, Florida, this 25th day of MARCH, 1997.

ATTEST: Cody Taylor (SEAL)
Cody Taylor
Clerk

HOLMES COUNTY, FLORIDA
BY: Rick Creech
Chairman

