

ORDINANCE NO. 97-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR HOLMES COUNTY, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR A TITLE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY ON FILE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes, empowers the Board of County Commissioners of Holmes County, Florida, to prepare, amend, and enforce comprehensive plans for the development of the County; and

WHEREAS, the Holmes County Planning Commission as the Local Planning Agency (LPA) for the County held a public hearing on the Comprehensive Plan Amendment on July 22, 1997, after due public notice, and considered the findings and advice of all interested parties; and

WHEREAS, the Board of County Commissioners held an adoption public hearing on Wednesday, December 17, 1997, to consider Comprehensive Plan Amendment 97-1, pursuant to Section 163.3187, Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and,

WHEREAS, in exercise of its authority, the Board of County Commissioners of Holmes County, Florida, finds it necessary and desirable to adopt and does hereby adopt this Comprehensive Plan Amendment 97-1, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that result from the use and development of land within Holmes County, Florida, as follows:

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida, as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan Amendment for Holmes County, Florida, shall be entitled "Holmes County Comprehensive Plan Amendment 97-1."

Section 3. Comprehensive Plan Amendment Adopted

The Holmes County Comprehensive Plan Amendment 97-1, attached hereto as Exhibit "A" is hereby adopted in the following parts:

Element Being Amended: Future Land Use Element - Future Land Use Map.

The Amendment changes the Future Land Use Map land use category on all that portion of the North 1/2 of the Southwest 1/4 and all that portion of the South 1/2 of the Northwest 1/4 lying South of Railroad Right-of-way and North of Highway 90, Section 3, Township 4 North, Range 14 West, Holmes County, Florida, from Agriculture to Industrial (19.0+/- acres).

Section 4. Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Copy on File.

An official, true correct copy of Holmes County Comprehensive Plan Amendment 97-1 as adopted shall be maintained by the Board of County Commissioners of Holmes County, Florida.

Section 6. Effective Date.

In accordance with Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment.

This Ordinance shall become effective upon issuance of a final order by the Florida Department of Community Affairs determining the adopted amendment to be in compliance, or when the Administration Commission issues a final order determining the adopted amendment to be in compliance.

DONE AND ENACTED by the Board of County Commissioners of Holmes County, Florida this
17th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: *Rick Cree*
Chairman

ATTEST: CODY TAYLOR
CLERK OF THE CIRCUIT COURT

By: *Cody Taylor*

(SEAL)

ENACTED:
FILED WITH DEPARTMENT OF STATE:
EFFECTIVE:

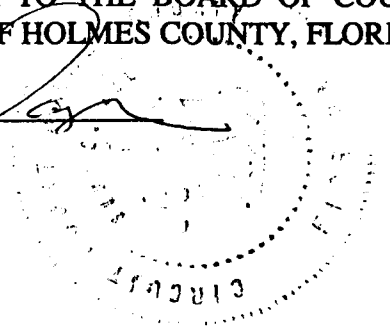
STATE OF FLORIDA
COUNTY OF HOLMES

I, CODY TAYLOR, CLERK OF THE CIRCUIT COURT, and ex-officio Clerk to the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance as the same was duly adopted and passed at a Meeting of the Board on the 17th day of December, 1997, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 17th day of December, 1997.

CODY TAYLOR, CLERK OF THE CIRCUIT COURT AND
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS OF HOLMES COUNTY, FLORIDA

By: Cody Taylor



(SEAL)

Holmes County

COMPREHENSIVE PLAN

**AMENDMENT
Request**

May 1997

Holmes County
PLANNING COMMISSION

PLAN AMENDMENT REQUEST NO. 97-1

PETITIONER: Couch Inc. (Agent: Larry Deariso)

PUBLIC HEARING DATE:

DESCRIPTION: Hwy 90 East
Section 3, Township 4 North, Range 14 West

PARCEL SIZE: 19 acres approximately

CURRENT LAND USE DESIGNATION: Agricultural

REQUESTED LAND USE DESIGNATION: Industrial

Analysis:

1. **Consistency with Comprehensive Plan**

The proposed use (Ready Mix manufacturing plant) is a non-permitted use in the Agricultural Land Use Category.

2. **Consistency with Existing and Proposed Land Uses**

The property is currently undeveloped. Industrial designation would allow commercial and light industrial trade and service activities, industrial support services and public utilities. The applicant proposes to construct a Ready Mix manufacturing plant. Industrial designation will allow maximum development of 703,484 square feet in structural development (434,460 sq ft x 19 x.85).

The adjacent properties are designated Agricultural and Silviculture and Commercial. There are two existing Commercial developments immediately east of the subject 19-acre parcel: a mobile home dealership and a construction business.

Demands on Public Facilities

Roads - The property is located on Highway 90 East which is a two-lane undivided Principal Arterial. Projected level of service for the segment of US Highway 90 between the

beginning of the 55 MPH zone to Washington County line is "C". The 1993 average annual daily traffic count was 3900. Using the maximum allowable development, 4527 new trips would be added to this segment, resulting in a volume of 8427 which does not exceed the volume allowed to maintain level of service "C".

Approval of Industrial development should be made conditional upon maintaining the adopted level of service standards for traffic circulation.

Sewage facilities - The site is not served by a central sewer system. Sewage treatment and disposal requires use of a package treatment plant or septic tank system.

Potable Water Supply - The site is not located in an area with a central water system. A private water well is used for potable water.

Solid Waste - Waste generated by the development will be disposed of in the Springhill Regional Landfill in Jackson County.

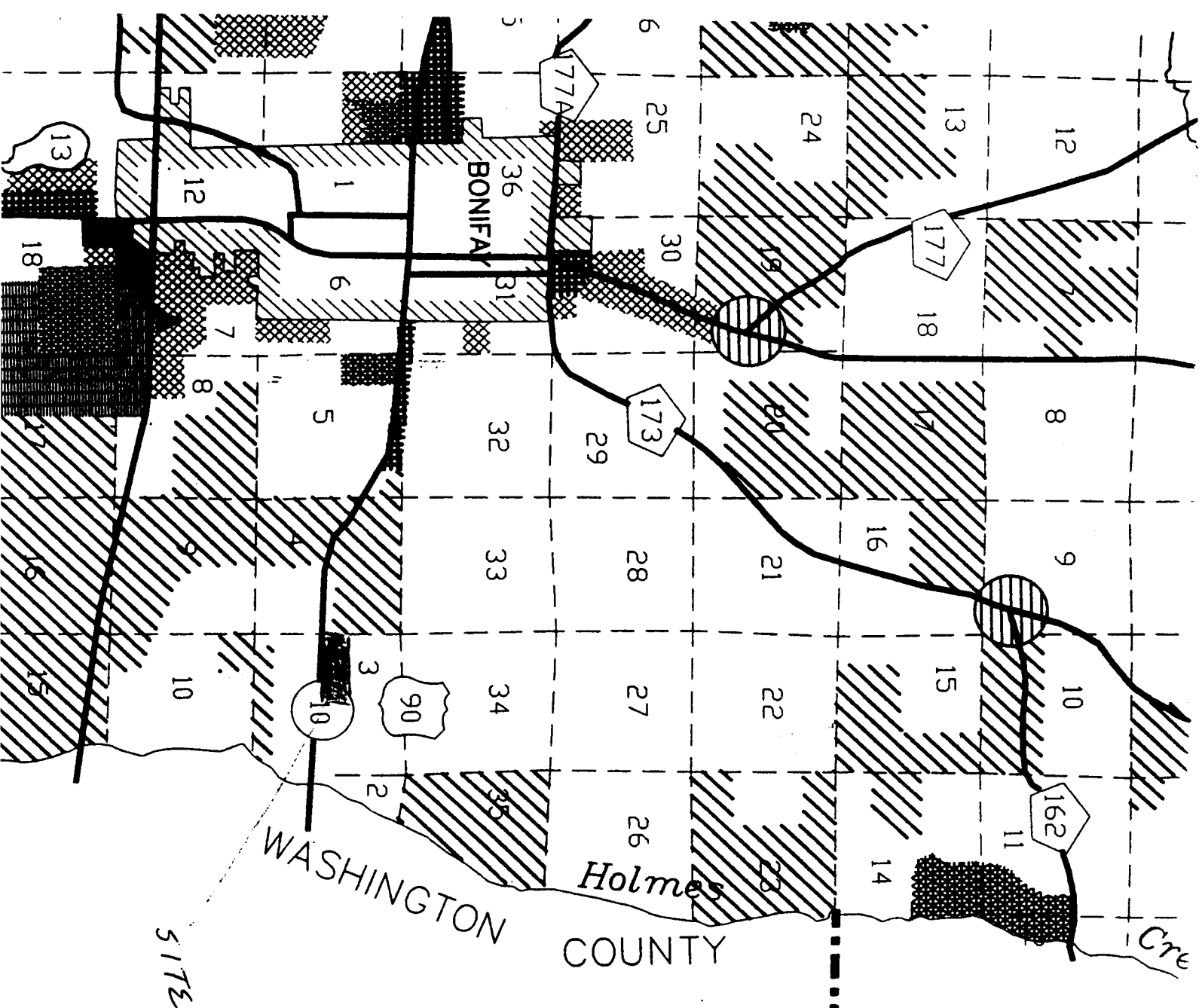
Parks and Recreation - The proposed development would place no additional demand on the supply of recreation facilities in Holmes County.

Schools - The proposed development would place no additional demand on schools with Holmes County.









4. **Impact on Natural Environment**

No endangered or threatened species have been identified on the site.

No historic or archaeological resources have been identified on the site. National Wetland Inventory Maps and USGS Topographic Maps do not indicate the presence of wetlands on the site.



**FUTURE LAND USE
MAP 2001**

-  RESIDENTIAL (LOW DENSITY)
-  COMMERCIAL
-  CROSSROADS MIXED
-  INDUSTRIAL
-  PUBLIC/SEMI-PUBLIC
-  RECREATION/OPEN
-  CONSERVATION
-  SILVICULTURE

Holmes County

**Proposed
Comprehensive Plan**

AMENDMENT 97-1

RESPONSE TO DCA

**OBJECTIONS, RECOMMENDATIONS
AND COMMENTS (ORC) REPORT**

December, 1997

**Holmes County PROPOSED AMENDMENT 97-1
Response to DCA Objections, Recommendations, and Comments Report**

I. Consistency with Rule Chapters 9J-5 and 9J-11, F.A.C.

Future Land Use Map Amendment

DCA Comment:: The amendment proposed to change 19 acres from Agriculture to Industrial in order to construct a Ready Mix manufacturing plant. The parcel is located in the Holmes Creek floodplain approximately one mile from Holmes Creek. The soils in this region are characterized by nearly level, loamy, poorly drained soils. Also, the parcel will be served by septic tank and well. However, the amendment does not analyze the suitability of the parcel for industrial use and demonstrate that wetlands, creeks, soils, floodplains, groundwater and other natural resources will be protected from the impacts of industrial development. In addition, considering the nature of the proposed industrial land use, the impacts to air quality are not addressed. (Rules 9J-5.005(5), 9J-5.006(2)(b)2.,3. And 4., (3)(b)1. And 4., and (3)(c)6.; 9J-5.013(2)(b)1., 3. And 4.; (2)(c)3., 5. And 6; 9J-11.011(5), F.A.C.)

Response: Wetlands on the parcel are identified on Exhibit A where the parcel is shown in red. The wetland area located on the site is Palustrine Forested Deciduous Intermittently Exposed. Holmes County Ordinance #92-01 establishes resource protection standards including wetland buffer requirements. Specifically Section 4.01.01 of the ordinance states "A thirty (30) foot buffer of native vegetation, subject to site plan approval, shall be required around and along all wetlands. Such buffer shall be measured from the DER wetlands jurisdictional line or the Northwest Florida Water Management District jurisdictional line, whichever is greater." 17-2).

Federal Emergency Management Agency Flood Insurance Rate Map (Exhibit B) shows that approximately 14.69 acres of the site are located in Zone X, an area determined to be outside side the 500-year flood plain. The remainder of the site is located in a Special Flood Hazard Area where base flood elevations have been determined. The Holmes County Ordinance #92-01 Section 4.05.03 requires new industrial or other non-residential structures have the lowest floor, including basement, elevated to the level of the base flood elevation. A professional engineer or architect registered in the State of Florida shall certify that the flood hazard reduction standards adopted by Ordinance #92-01 are satisfied. Such certification shall be provided to the County Building Official prior to issuance of a building permit.

There are no creeks on the property.

To protect the air quality of Holmes County, sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Protection (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Protection.

Maps provided by the Florida Natural Area Inventory (FNAI) indicate no specific locations of endangered, threatened, special concern and rare species of plants and animals.

II. Consistency With State Comprehensive Plan

The amendment is compatible with and furthers the State Comprehensive Plan.



97-1

Exhibit A

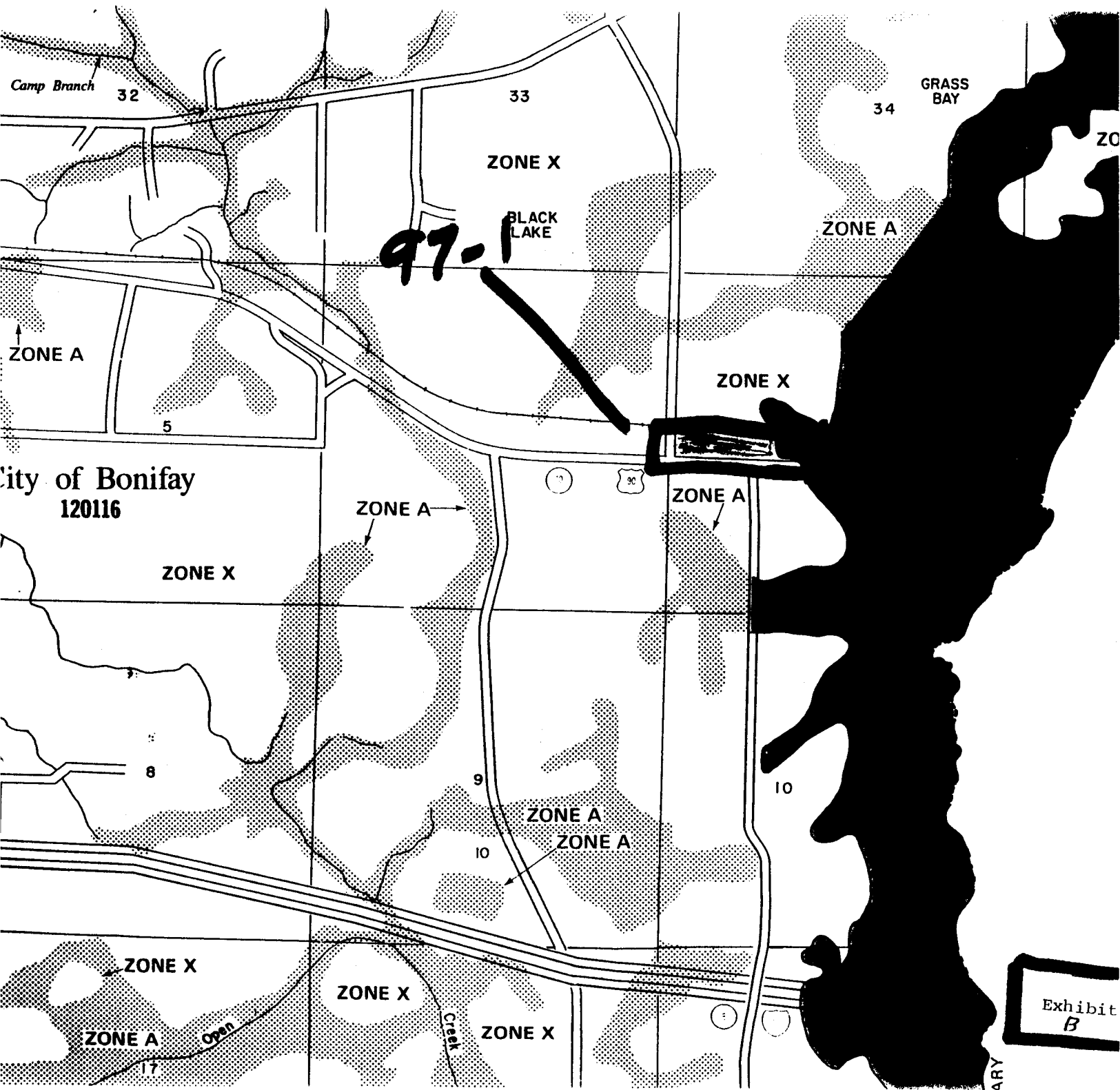


Exhibit
B