

ORDINANCE NO. 98-01

AN ORDINANCE ADOPTING AND EXTENDING A MORATORIUM ON THE PROCESSING OF APPLICATIONS FOR COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR REZONINGS, APPLICATIONS FOR SITE-PLAN APPROVALS, AND APPLICATIONS FOR THE ISSUANCE OF DEVELOPMENT ORDERS OR BUILDING PERMITS REGARDING THE LOCATION, SITING, OR CONSTRUCTION OF LANDFILLS WITHIN HOLMES COUNTY, FOR ONE YEAR OR UNTIL SUCH EARLIER TIME AS THE COUNTY'S EVALUATION AND APPRAISAL REPORT ("EAR") IS FOUND SUFFICIENT AND COMPREHENSIVE PLAN AMENDMENTS ARE ADOPTED AND FOUND IN COMPLIANCE AND IMPLEMENTING LAND DEVELOPMENT REGULATIONS ARE ADOPTED WITH REGARD TO PROVISIONS FOR LANDFILLS IN THE COUNTY AND ADEQUATE STANDARDS AND CRITERIA FOR THE LOCATION, SITING, AND CONSTRUCTION OF LANDFILLS IN HOLMES COUNTY; PROVIDING FOR EXCEPTIONS FROM THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR HOLDING TWO PUBLIC HEARINGS; PROVIDING FOR PUBLICATION; 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's Comprehensive Plan does not adequately address the issue of whether the County should provide for landfill use in the County or establish adequate standards and criteria for the 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 classifications; and

WHEREAS, the County, in adopting the Holmes County Comprehensive Plan, contemplated only the possible 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, Holmes County has concerns about the wisdom of providing for landfills within the County and the compatibility of additional or expanded landfill facilities near existing or potential areas of residential, agricultural, and commercial development and their impact on the environmental and natural resources of Holmes County; and

WHEREAS, Holmes County is concerned that applications for landfill facilities other than the 83-acre Holmes County Landfill site will be presented to the Board of County Commissioners for their 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 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, Holmes County adopted Ordinance 97-02 which imposed a limited one-year moratorium on the processing of applications for comprehensive plan amendments, rezonings, site plan approvals, development orders and building permits relating to landfill facilities in order to afford the County with sufficient time to adopt comprehensive plan amendments that would

establish appropriate locational, siting and design standards and criteria for landfill facilities, and for those amendments to be found in compliance with state law pursuant to Chapter 163, Part II, Florida Statutes, which moratorium expires on or about March 25, 1998; and

WHEREAS, pursuant to Section 163.3191, Florida Statutes, and Rule 9J-33.005(31), Florida Administrative Code, Holmes County is required to submit its Evaluation and Appraisal Report ("EAR") to the Department of Community Affairs by May 1, 1998; and

WHEREAS, Holmes County has not completed the preparation and adoption of new comprehensive plan amendments to establish appropriated locational, siting, and design standards and criteria for landfill facilities, and because of time requirements set forth in chapter 163, Part II, Florida Statutes, will not be able to complete and adopt such amendments prior to the date for adoption of its EAR; and

WHEREAS, pursuant to Section 163.3187(6), Florida Statutes, Holmes County cannot amend its Comprehensive Plan after submittal of its EAR to the Department of Community Affairs until the Department determines that the Holmes County EAR is sufficient; and

WHEREAS, the purpose of the EAR is to assess and evaluate the County's adopted Comprehensive Plan as it relates to major problems of development, the location of land uses, comprehensive plan objectives as compared with actual results, the condition of each element in the County's Comprehensive Plan, and to recommend actions the County will need to take to address the planning issues identified in the report; and

WHEREAS, the County now has concerns about whether the County should provide for landfills in the County or whether the County should continue to use the Springfield landfill in

Jackson County, Florida, and has directed County Staff to consider these issues as a part of the EAR process; and

WHEREAS, the provision for landfill use and/or the establishment of adequate standards for the location, siting, and construction of landfills involve issues that the County will address through the EAR process, and that such process will facilitate resolution of these issues and the adoption of such standards; and

WHEREAS, following a determination that its EAR is sufficient, the County will adopt comprehensive plan amendments to implement the recommendations contained in its EAR regarding provision for landfills in Holmes County and/or standards for the location, siting, and construction of landfills; and

WHEREAS, Holmes County otherwise wishes to maintain the status quo regarding landfill facilities in the County during the time needed to complete its EAR and adopt comprehensive plan amendments concerning the provision of landfills in Holmes County and /or appropriate locational, siting and design criteria for landfill facilities; and

WHEREAS, the preparation and obtaining of the state approval of the EAR and the preparation and adoption of comprehensive plan amendments and any implementing land development regulations may take at least a year;

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

SECTION 1: The aforementioned "Whereas" clauses are hereby ratified and confirmed and incorporated herein.

SECTION 2: Adoption of Moratorium. That a one-year moratorium on 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 construction of landfills is hereby adopted. All 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; provided, however, that the moratorium will be terminated by the Holmes County Board of Commissioners at any earlier date on which, following state approval of the sufficiency of the County's EAR, comprehensive plan amendments are adopted and found in compliance and implementing land development regulations are adopted with regard to provisions for landfills in the County and adequate standards and criteria for the location, siting, and continuation of landfills in Holmes County.

SECTION 3: Exemption. The moratorium imposed by this ordinance shall not apply to applications for site-plan approvals, or applications for development orders and building permits relating to landfill development of any portion of the existing 83-acre parcel of property located in Section 23, Township 15 North, Range 15 West, which is known as the Holmes County Landfill site, which is designated Public/Semi-Public/Educational by the existing Holmes County Comprehensive Plan, and which is the subject of ongoing litigation, if it is finally determined by a court of law that the County is required to process and act on any such application for any portion of said property.

SECTION 4: Publication. That this ordinance shall be published in accordance with Section 125.66, Florida Statutes. The Holmes County Board of County Commissioners shall hold two

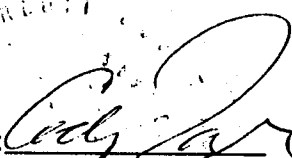
(2) advertised public hearings on the proposed ordinance. The first advertisement shall appear at least seven (7) days before the first public hearing. The second advertisement shall appear at least five (5) days before the second public hearing. The second public hearing shall be held at least ten (10) days after the first public hearing. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the Board of County Commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day.


SECTION 5: 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 6: 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 7: 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 18th day of March, 1998.

ATTEST:  (SEAL)
Cody Taylor
Clerk

HOLMES COUNTY, FLORIDA
BY: 
Chairman