

ORDINANCE #2018-03

AN ORDINANCE AMENDING THE CALHOUN COUNTY COMPREHENSIVE PLAN, BY AND THROUGH PROCEDURES REQUIRED FOR LARGE-SCALE AMENDMENTS PURSUANT TO AUTHORITY UNDER STATE STATUTES SECTION 163.3184, SPECIFICALLY APPROVING CHANGES TO THE FUTURE CONSERVATION ELEMENT, AND PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Calhoun County, Florida:

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of Calhoun County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements to portions thereof, to guide the future growth and development of the county; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Calhoun County have designated themselves as the Local Planning Agency for the unincorporated area of Calhoun County; and

WHEREAS, supporting data and analysis documentation was prepared as background and justification for the Comprehensive Plan amendment; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, acting as the Local Planning Agency, has prepared the proposed amendment to the Calhoun County Comprehensive Plan, and held a public hearing on the proposed amendment on October 24, 2017 at 4:30 p.m. and recommended approval of the amendment to the Board of County Commissioners; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on October 24, 2017 at 6:05 p.m., the Board of County Commissioners of Calhoun County, Florida, held a public hearing, with due public notice having been provided, on the adoption of Comprehensive Plan amendment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Calhoun County, Florida, held a public hearing on January 9, 2018, at 6:00 p.m. on the adoption of an ordinance for the Comprehensive Plan amendment, with due public notice having been provided, to obtain public comment, and having

considered all written and oral comments received, including the data collection and analysis packages and recommendations of the Local Planning Agency, and comments of the appropriate State agencies; and

WHEREAS, in exercise of its authority the Board of County Commissioners of Calhoun County, Florida, has determined it necessary and desirable to adopt the Comprehensive Plan amendment to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future issues that may result from the use and development of land within Calhoun County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calhoun 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 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended;

Section 2. Calhoun County 2010-2025 Comprehensive Plan amendment.

THE CALHOUN COUNTY 2010-2025 COMPREHENSIVE PLAN IS HEREBY AMENDED specifically approving changes to the Conservation Element (see Exhibit A).

Section 3. Copy on File.

A certified copy of the enacting ordinance, as well as certified copies of the Calhoun County Comprehensive Plan as revised shall be filed with the Clerk of the Circuit Court of Calhoun County, Florida, and copies shall be made available to the public for a reasonable publication charge.

Section 4. Transmittal to Department of Economic Opportunity.

The Board of County Commissioners for Calhoun County has, pursuant to Section 163.3184, Florida Statutes, transmitted the amendment to the Calhoun County 2010-2025 Comprehensive Plan to the Department of Economic Opportunity for review and determination of Compliance of the Plan with the provisions of Chapter 163, Part II, Florida Statutes and has received no objections to the Ordinance.

Section 5. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date.

Pursuant to Section 163.3184, Florida Statutes, this Ordinance and the amended version of the Calhoun County 2010-2025 Comprehensive Plan shall not become effective until the 21 day period for affected parties to file a petition has expired and the Ordinance has been officially filed with the Secretary of State.

The foregoing ordinance was adopted by a vote of 4 to 1 by the Board of County Commissioners, Calhoun County, Florida, after due notice and publication and on motion, second and discussion at the regular meeting of January 9, 2018.

CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY:

Danny Ray Wise
Danny Ray Wise, Chairman

ATTEST:

Carla Hand
CARLA HAND, Clerk of the Circuit Court

EXHIBIT A

CONSERVATION ELEMENT

MINERAL RESOURCES

MINING

OBJECTIVE 8A: Mining activity shall be regulated to ensure no adverse effect upon the quality of air, groundwater, surface water and wildlife.

Policy 8.1: A mining operation water use plan must be prepared and approved before new mining operations are permitted.

Policy 8.2: A minimum 50 foot natural setback shall be established and maintained for all mining activities. In addition, the County may require a vegetative or structural buffer between mining activities and adjacent existing and future uses.

Policy 8.3: A reclamation plan shall be approved by the County before mining activities are permitted.

Policy 8.4: The natural function of wetlands, and flood plains of the Chipola River and the Apalachicola River shall be protected by prohibiting mining in 100 year flood plain areas, wetlands and within 100 feet of the Apalachicola River.

OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION

OBJECTIVE 8B: Oil and gas exploration, development, and production shall be regulated consistent with state and federal permitting requirements.

Policy 8.5: In those areas of the County where oil and gas exploration, development, and production facilities are an allowable use, such use shall be subject to all applicable regional, state and federal requirements for drilling, production, and transportation. Drilling, operations, site design and stormwater management activities are regulated by the Florida Department of Environmental Protection (FDEP). This requirement shall be deemed satisfied upon issuance of the applicable FDEP permits, in compliance with Part IV of Chapter 373, F.S., Chapter 62-330 Florida Administrative Code and the criteria established in Chapter 62C-25 through 62C-30, Florida Administrative Code, as those rules exist as of January 9, 2018, the adoption date of this amendment to the County's Comprehensive Plan.

Policy 8.6: Notwithstanding other provisions of this Comprehensive Plan and the Land Development Code, oil and gas exploration, development, and production is permitted subject to the following requirements:

- a. May be allowed in or near wetlands where activities and/or development mitigates any unavoidable impacts to wetlands consistent with state and federal standards as determined by the appropriate state and federal agencies through FDEP or the United States Army Corps of Engineers;
- b. May be allowed in the floodplain and shall comply with the Calhoun County Floodplain Management Ordinance. To the extent development is proposed in the floodplain, the applicant shall demonstrate that proposed development, including well heads and onsite storage, will be designed to operate safely in the floodplain. Further, the storage of crude oil, or the use or storage of the drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas, which are regulated under chapter 377, Florida Statutes, may be allowed in the floodplain.
- c. May be allowed in high or prime aquifer recharge areas subject to review by the Northwest Florida Water Management District for appropriate safeguards to protect aquifer zones. The developer shall provide documentation demonstrating coordination during the conditional use review process.
- d. May be allowed where activities and/or development provides the highest protection to the Apalachicola and Chipola Rivers, state designated Outstanding Florida Waters, in conformance with the Florida Department of Environmental Protection's policy under section 62-302.700, Florida Administrative Code.
- e. Shall be subject to the conditional use review requirements of the Land Development Code.