

Minutes

**Agricultural & Natural Resources Advisory Committee
Thursday, March 8, 2012, at 9:00 am
Charlotte County Administrative Center
18500 Murdock Circle, Room #B-207
Port Charlotte, FL 33948-1094**

MEMBERS PRESENT

Mike Jones, Chairman
Andy Dodd, Vice Chairman
Chris Hencher
Matthew Sullivan, Jr.
Fred Walters, Secretary
Orrin Webb

MEMBERS EXCUSED

Dan Ryals
Wes Brumback

MEMBERS ABSENT

GUEST

Mr. Ron Hamel

STAFF

Joanne Vernon, Assistant County Engineer
Matt Trepal, Staff Liaison
Inga Williams, Principal Planner
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **March 8, 2012**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:11 a.m. by ***Chairman Jones*** who noted that there was a quorum present with the imminent arrival of Mr. Hencher.

ADDITIONS/DELETIONS TO AGENDA

Chairman Jones noted the intended additions to the Old Business agenda category, as well as some updated materials which were handed out by the Chair.

APPROVAL OF MINUTES

Mr. Sullivan moved approval of the minutes of the January 12, 2012 meeting, second by ***Mr. Hencher***. The motion carried with a unanimous vote.

NEW BUSINESS

Comment was provided by ***Chairman Jones*** on the handout materials from the EPA on the water quality / nutrient standards for lakes and flowing waters. The second handout item concerned the SWFWMD materials on the petition to EPA to forego the TMDLs on Prairie Creek and Myrtle Slough, saying that they are really not necessary.

COMMISSIONER COMMENTS

Chairman Jones responded to a question from Commissioner Duffy, saying that the group had committed to follow up with her on their support for funding the FARMS program and that background information was still due from Committee to her so that she could discuss this at a Commission meeting.

OLD BUSINESS

Revamping the Excavation and Earthmoving Ordinance

Excavation Administrator Joanne Vernon presented the materials, with particular reference to the comparison charts, noting that her primary aim was to speak on the differences between exemptions in staff's proposed ordinance and the exemptions under SWFWMD FARMS. **Ms. Vernon** discussed some of these details (slope, material leaving the site, etc.,) and then took comments and questions from the group, noting that there would be additional time for comments available as proposals go up online.

Chairman Jones asked if May was still the target for this material to go before Commission? **Ms. Williams** responded that staff was hoping to have the material posted online for public comment shortly and to have it available for at least three weeks; however, she did note that there are technical issues to be overcome by County IT staff first. **Chairman Jones** noted that the next ANRAC meeting was scheduled for May 10th and indicated that he hoped the Committee would have another chance to look at it as a committee before it went to the Commission. **Commissioner Duffy** suggested the BCC meeting of May 22nd would be preferable for this matter to go before the Commission.

Commissioner Duffy asked Ms. Vernon to repeat the information previously stated about dirt leaving the site. **Ms. Vernon** noted that SWFWMD has said that a construction permit would be required if the excavating entity wanted the material to leave the site, adding that the County doesn't care. She said that the County's concerns would be based on the condition of the road and the amount of material leaving the site; in some cases, a performance assurance for roadway maintenance would be required. **Commissioner Duffy** asked if it mattered whether the dirt was sold or given away; **Ms. Vernon** indicated that it did not matter.

Mr. Dodd had further questions, in particular where the exempted activities "may require" the performance assurance. **Commissioner Duffy** said that more decisive language than "may require" was preferable; **Ms. Williams** responded on this point, speaking to the guidelines. **Ms. Vernon** noted that "may" was used because as many as 90% of projects will not need it and staff wants the flexibility to tell people that they don't need to come in. Further discussion ensued on requirements for the bond.

Mr. Sullivan asked if there was any provision, for someone digging with no intent to sell the material, for stockpiling on your own site; **Ms. Williams** responded that such stockpiling of excavated material was an accessory use to the excavation.

Chairman Jones conveyed some comments offered by Mr. Brumback; one question concerned limitation of operating hours by the Excavation Administrator which he felt was unreasonable, especially in his own case where there is no one living nearby. **Ms. Williams** stated that the operating hours can be flexible; **Ms. Vernon** stated that she would be hesitant to make a general rule on the matter, but noted that there is a process for receiving a variance, which shouldn't be an issue. **Guest Barbara Carlton** suggested differentiating between a rural area and other areas. **Ms. Vernon** noted that the ordinance states 'hours of operation unless otherwise approved' so that this limitation could be adjusted during the application process. Further discussion ensued on this point.

Chairman Jones offered more of Mr. Brumback's comments, the next one asking for a longer term and noting that the SWFWMD extent is 7 years and asking why the County's is 5 years. **Ms. Vernon** responded that Mr. Brumback may not have read entire doc, but in section 474, the document says that a farm excavation permit shall not exceed 10 years; there are also extensions possible.

Chairman Jones offered another of Mr. Brumback's comments, regarding the issue of 24 hour notice for inspections: he lives in Orlando and comes infrequently so he needs more flexibility; **Ms. Vernon** indicated she would look into that.

Chairman Jones inquired whether the group had any other questions. **Commissioner Duffy** raised a related issue regarding the inspection rule from the State, noting that Mr. Brumback had suggested asking the DEP to consider allowing that projects which have had no violations within a specified time period be allowed to have annual inspections every other year. **Ms. Williams** noted that this had already been implemented, **Chairman Jones** confirmed that in SWFWMD it's every other year, while SFWMD is every year, depending on the classification. **Commissioner Duffy** acknowledged she needed to double-check what the comment concerned, and that it may be regarding fuel tank rules.

Mr. Dodd suggested others who should look at the language, such as **Gary Bayne**; he also questioned the process after the online comments were received, wondering if there would be a revised draft released, based on those comments, and how long after that until the work goes to the Board of County Commissioners. **Ms. Williams** said that the document will go directly to the Planning and Zoning Board once a new draft has been produced which reflects the comments received. There followed further questioning regarding the probable schedule.

Commissioner Duffy suggested a stakeholder meeting with Ms. Williams and Ms. Vernon; **Mr. Dodd** said that it seemed the online comments process will be most productive. Chairman Jones countered with the observation that an 'in-person' exchange does offer immediate feedback as to whether a suggestion would be incorporated into the document, which is one advantage over the online commenting. On the other hand, he noted that "stakeholders" is a huge group, and may cause more dissention. Further discussion ensued on the probable timeline for this process.

Chairman Jones noted one technical criteria that is a sticking point, which is the 6:1 slope requirement; he stated that although this has been said to be a public safety issue, there are excavations which are very remote and not accessible to the

general public where this would be unnecessary. He also noted that SWFWMD only requires 4:1 (their only concern is structural integrity.) **Ms. Vernon** said she is looking into greater flexibility on this issue. Further discussion ensued on the actual safety issues addressed by variations in slope. **Ms. Vernon** noted that on page two of the document there is a reference to the permitted slope for an agricultural excavation being 4:1.

Further discussion ensued regarding standards for retention ponds, including slope and fencing.

Ms. Carlton commented on language regarding the FARMS permit and asked if there was any concern that funding will disappear for that program and it wouldn't be in existence in the future; e.g., is it really appropriate to reference that particular program? **Ms. Vernon** thought that it would not be a problem to adjust the language. **Chairman Jones** offered further comments on programs and funding now and in future and the need to have the document language cover the options; he noted that, regardless of the fate of the FARMS program, SWFWMD will still be permitting. **Ms. Vernon** clarified that it was important to distinguish between agricultural and non-agricultural projects, and invited language suggestions from the group that would accomplish this. **Mr. Hamel** noted that since this document would result in a countywide ordinance, it would be good to include references to the South Florida Water Management District as well; **Ms. Williams** said that SFWMD doesn't have any programs, which is why it's not listed. **Mr. Hamel** noted that there are cost-sharing programs they have and DACS also; further discussion ensued.

Chairman Jones then called for any other comments, and receiving none, provided some closing remarks. He addressed a question to Ms. Williams, asking what the main driving principal behind revisions had been; she responded that the goal had been to simplify it and make it easier to administer. General comments were given about the County's efforts to be more customer-friendly.

The next order of business concerned the nominating committee comments; **Mr. Hencher** said that the recommendation was that things stay the way they are now. In response to the Chair's inquiry regarding possible progress made on replacing Arnie Sarlo in the Commodities seat, **Mr. Walters** reported that he had contacted one gentleman who is considering the offer but is still unsure about the proposition. **Commissioner Duffy** suggested getting someone else from Babcock; Steve Smith was suggested and it was noted by **Chairman Jones** that he qualifies, as the manager of an operation within the county. **Mr. Walters** said that he would follow-up on that suggestion.

Chairman Jones stated that the group would have to forego elections today but will revisit the matter in May.

CORRESPONDENCE AND COMMUNICATIONS

The Chair commented on the handout materials distributed earlier.

PUBLIC COMMENTS

Mr. Hamel commented on recent workshop held at Gulf Coast University hosted by the Southwest Florida Regional Planning Council under the statewide strategic plan for economic development. He said it seemed to be a very positive meeting and

elicited excellent response from attendees. Comments were also given about the new head of the RPC, and her commitment to visiting farms and learning about agriculture.

Further conversation concerned the recent redistricting and how that would affect the area under Tom Rooney, who would now be present more in Charlotte County. **Ms. Carlton** and **Commissioner Duffy** both suggested setting up a meeting with Rep. Rooney and people in the agriculture community. **Mr. Sullivan** motioned to set a mutually agreed-upon date to hold a meeting with Rep. Rooney and members of the general AG community; second by **Mr. Hencher**.

The language of the motion was amended somewhat, and **Chairman Jones** offered: ANRAC would like to sponsor a meeting with Tom Rooney, to be set up by Commissioner Duffy. Some discussion then ensued; the question was called and the motion carried by a unanimous vote. **Commissioner Duffy** asked where the group preferred to hold the meeting; the general consensus was that it should be at a location in the rural environment. Further discussion ensued on possible locations; it was agreed that the Commissioner would work on establishing a date, and ANRAC members would select an appropriate location.

Mr. Hamel asked if, due to the association with ANRAC, this event would need to be publicized; Ms. Williams suggested that it might be better to advertise it than not. **Commissioner Duffy** asked whether the meeting would need to be recorded; **Mr. Hamel** suggested that the event be sponsored by someone else and then it would not be necessary to worry about it. It was agreed that the question would be put to the County Attorney's office to settle any considerations of Sunshine Law. Further discussion ensued.

STAFF COMMENTS

Matt Trepal spoke briefly about his quest to find existing standards for Farm Labor Housing; he noted that he had checked out Collier County, as suggested by ANRAC members. He made some comments on integrating these into the new Zoning Code, saying that it appears it would be most appropriate as a conditional use in the AG districts. He said that there were issues still to be worked out, but that the group should have something to show ANRAC by the next meeting. He described the process of the rewrite as trying to simplify, but still cover everything.

MEMBER COMMENTS

There were no additional member comments.

FUTURE MEETING TOPICS

Chairman Jones called for members to suggest any new topics for future agendas, but none were suggested.

Commissioner Duffy spoke briefly regarding the Cheney Brothers project, mentioning a meeting she recently had with the owners of Worden Farms, to discuss their plans for a pond; they offered their excavation dirt to Cheney Brothers, who have need of fill for their site. One outcome of that conversation is that the Commissioner will be going on a tour of the local farms with officials from Cheney Brothers. She mentioned that they will need to buy produce and she called on the

membership who may have ideas about selling to Cheney, to consider setting up a meeting. **Mr. Sullivan** indicated he was enthusiastic about the prospect.

NEXT MEETING

❖ *May 10, 2012 at 9:00 a.m. in Room B-207*

ADJOURNMENT

There being no further business to come before the Committee, **Chairman Jones** called for a motion to adjourn. **Mr. Sullivan** made the motion, seconded by **Mr. Dodd**, and the meeting was adjourned at 10:18 a.m. on a unanimous vote.

**Approved by the Committee on:
May 10, 2012**

And accepted by the Secretary:
