

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20031385

1. REQUESTED MOTION:

ACTION REQUESTED: Provide direction with respect to drafting of the blasting ordinance amendment and extension of the existing development blasting moratorium along Winkler Road Extension; direct moratorium extension ordinance to public hearing on December 16, 2003 at 9:30 a.m. or as soon thereafter as it may be heard.

WHY ACTION IS NECESSARY: Board direction is necessary to determine appropriate course of staff action.

WHAT ACTION ACCOMPLISHES: Provide the necessary direction regarding the amendment to the development blasting regulations.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A12B

3. MEETING DATE:

12-02-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION
- BY: Timothy Jones
Chief Assistant County Attorney

7. BACKGROUND:

In July 2003, the Board adopted a six month moratorium on development blasting on property within the Winkler Extension area. The purpose of the moratorium is to provide county staff with the time and opportunity to review, reevaluate and amend the county blasting ordinance (LCO 02-026) to implement safeguards that will afford greater protection against the ill effects of development blasting on existing residential uses.

Since adoption of the moratorium ordinance, County staff has had several meetings with the developers and citizens to discuss their concerns and proposed regulations. Staff has also collected information and research necessary to draft an appropriate ordinance to meet the goals set by the Board. In order to draft the ordinance, staff is requesting Board direction with respect to the following alternatives:

CONTINUED

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
				<i>Timothy Jones</i>	<i>Approved 11/20/03</i>				
					OA	OM	RISK	GC	
					<i>RK 11/18</i>	<i>11/20/03</i>	<i>11/20/03</i>	<i>11/18/03</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

- 1) Revise the ordinance to prohibit development blasting within unincorporated Lee County except for public facilities when approved by BOCC. This option is recommended by the County Attorney's Office.
- 2) Revise the ordinance to provide the following:
 - (a) blasting limit lowered to .3PPV;
 - (b) increased notice provisions (notice to all persons within a half mile of the blasting site boundary);
 - (c) increased opportunities for pre- and post-blast inspections;
 - (d) prohibit blasting within 600 feet of any structure;
 - (e) establish a one-strike rule that prohibits further blasting on a project after violation.

This option is recommended by DCD.

- 3) Retain the status quo. This is accomplished by allowing the moratorium to expire and not pursuing an ordinance amendment.

If the board desires to pursue Option 1 or 2, the County staff recommends that the development blasting moratorium be formally extended. (The present moratorium expires January 1, 2004.) Depending on the Board's direction with respect to amendment of the current blasting ordinance, the moratorium extension can be tailored in one of two ways:

- 1) Adopt an ordinance extending the moratorium within the Winkler Road Extension area only.
- 2) Adopt an ordinance establishing a blasting moratorium in all unincorporated areas of Lee County.

County staff recommends that the moratorium be extended for an additional six months. A public hearing on the moratorium extension will be required. The soonest available date is December 16, 2003. Staff requests direction to public hearing as appropriate.