

MARTIN COUNTY, FLORIDA INTER-OFFICE MEMORANDUM

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2401 SE Monterey Road, Stuart, Florida 34996

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TO: The Honorable Local Planning Agency **DATE:** June 23, 2021

FROM: Michelle Cullum, P.E.
Development Review Administrator

SUBJECT: Required Public Hearing to consider Adoption of an Ordinance amending Division 8 of Article 4 of the Land Development Regulation regarding Mining Standards

This item was originally scheduled for the June 3, 2021 Local Planning Agency Meeting. Staff requested and the Local Planning Agency moved that the item be continued from the June 3, 2021 meeting agenda to the July 1, 2021 meeting agenda.

Martin County received a request on behalf of Palm City Holdings, LLC to increase the allowable depth of excavation in a Mining Operation from twenty (20) feet to forty (40) feet below the water control elevation. The water control elevation is also known as the wet season water table.

Currently, Division 8 of Article 4 provides for a maximum lake depth of twenty (20) feet below the water control elevation. If the proposed excavation exceeds fifteen (15) feet below the water control elevation, then the applicant is required to provide soil and geological assessments that fully addresses potential impacts upon the water quality of the aquifers and surrounding wells. This provision is found in the Section 4.347.A.6 and is referenced below:

Section 4.347.A.6 Maximum depth. The depth of an excavated body of water shall not exceed twenty (20) feet as measured from the water control elevation to the bottom. For excavation proposed deeper than fifteen (15) feet below the water control elevation, the applicant shall provide soil and geological assessments that fully determine the subsurface soils and groundwater conditions, fully determine the proximity to the subsurface aquifers and confining layers, and address the potential impacts upon the water quality of the aquifers and surrounding wells. All such assessments shall be prepared by a Professional Engineer or Professional Geologist licensed in the State of Florida qualified to provide the required information.

The Board of County Commissioners recently considered an ordinance that created an application for Mining Operations; however, it did not provide separate standards for mining operations. Staff has been working with the applicant and the applicant's professional consultants to propose more stringent standards for excavation when Mining Operations exceed the maximum allowable depth of twenty (20) feet as established in Division 8. This proposed ordinance would further amend Article 4, Division 8 by creating Section 4.348. Mining Standards for mining operations.

Attachments:

1. Proposed Ordinance amending Division 8 of Article 4 - Excavating, Filling, and Mining of the Land Development Regulations and establish an effective date upon filing with the State.
2. Legal Advertisement of Public Hearing

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
ORDINANCE NUMBER _____**

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING EXCAVATING, FILLING AND MINING; AMENDING ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 8, EXCAVATION, FILLING AND MINING, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Land Development Regulations currently include regulations regarding excavating, filling, and mining; and

WHEREAS, pursuant to a request from an applicant to amend the existing regulations, staff prepared Section 4.348 Mining Standards to specify additional restrictions on Mining Operation developments; and

WHEREAS, the Local Planning Agency and the Board of County Commissioners have provided for full public participation in the review of the proposed amendments of the Land Development Regulations; and

WHEREAS, the Board of County Commissioners finds the proposed amendments consistent with the goals, objectives and policies of the Comprehensive Growth Management Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:

PART 1. ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 8, EXCAVATION, FILLING AND MINING, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as followed:

Section 4.348. Mining Standards

All excavation and fill that is associated with a mining operation that proposes to exceed the maximum allowable depth established in Section 4.347.A.6 must meet minimum standards.

4.348.A. General.

1. Minimum site size. No mining operation shall occur on a site that is smaller than forty (40) acres.
2. Minimum soil sampling. The geological and hydrological assessments shall be based on soil sampling to a minimum depth of fifty (50) feet at least once per every acre of the mining operation.

4.348.B. Excavation standards.

1. Minimum distance from rights-of-way. No excavation associated with a mining operation shall be allowed within one hundred (100) feet of any road right-of-way or easement as measured from the water control elevation of the open body of water unless approved by the County Engineer.
2. Minimum distance from property lines. No excavation associated with a mining operation shall be allowed within one hundred (100) feet of any property line as measured from the water control elevation of the open body of water unless approved by the County Engineer.
3. Minimum distance from wetlands. The excavation associated with a mining operation near wetlands shall be designed and operated such that the natural hydroperiod of wetlands shall not be altered, and wetlands shall be protected from siltation and eutrophication. See Divisions 1 and 2 of this Article for more information.
4. Minimum distance from wells and septic systems. No excavation associated with a mining operation shall be allowed within three hundred (300) feet of an existing well or septic system as measured from the water control elevation of the open body of water.
5. Maximum depth. The depth of a mining operation shall not exceed forty (40) feet as measured from the water control elevation to the bottom. The applicant shall provide a certification by a Professional Engineer or Professional Geologist licensed in the State of Florida qualified to provide the required information that certifies the water quality of the aquifers and surrounding wells will not be impacted. Such certification shall be supported by geological and hydrological assessments that fully demonstrate the subsurface soils and groundwater conditions and fully demonstrate the proximity to the subsurface aquifers and confining layers.
6. Maximum side slopes. Excavation associated with a mining operation shall not exceed one foot vertical to four feet horizontal from the top of bank to a depth of three feet below the control elevation. Below

the depth of three feet from the water control elevation, the excavation shall not exceed one foot vertical to two feet horizontal.

8. *Dewatering.* For excavation associated with a mining operation, the maximum depth of dewatering shall be fifteen (15) feet as measured from the control elevation. A dewatering plan in accordance with Section 4.343.B shall be approved by the County Engineer in conjunction with the applicable development approval.

9. *Dredging.* Excavation associated with a mining operation below fifteen (15) feet of the wet season water table shall be dredged. The processing area for the dredged material shall be depicted on a Final Site Plan and shall be designed to retain all silt and water on-site. The processed material shall be directed through a channel around the open body of water and conveyed back to the open body of water.

10. *Blasting.* Blasting is prohibited in a mining operation.

4.348.C. *Fill Standards.* Fill quality and maximum side slopes shall be in accordance with Section 4.347.B.

4.348.D. *Technical consultants.* The County shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for mining operation development and to charge reasonable fees as necessary to offset the cost of such evaluations.

Secs. 4.3489 - 4.380. Reserved.

PART 2. APPLICABILITY OF ORDINANCE

This ordinance shall be applicable in the unincorporated area of Martin County.

PART 3. CONFLICTING PROVISIONS

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning the adoption or amendment of the Comprehensive Plan.

PART 4. SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or

circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 5. FILING WITH DEPARTMENT OF STATE

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART 6. CODIFICATION

Provisions of this ordinance shall be incorporated in the County Code, except parts 6 through 11 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

PART 11. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Department of State.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT
AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

KRISTA A. STOREY, SENIOR
ASSISTANT COUNTY ATTORNEY