

MARTIN COUNTY ►
PUBLICWORKS
@WORK

JUNE 22, 2021
PUBLIC HEARING
BOARD OF COUNTY COMMISSIONERS

REGULATORY AMENDMENTS

- EXCAVATING, FILLING, AND MINING
- WETLANDS AND SHORELINE PROTECTION
- STORMWATER MANAGEMENT
- ADEQUATE PUBLIC FACILITIES
- DEVELOPMENT REVIEW PROCEDURES



PURPOSE

▶ Amendment Request

- ❖ Martin County received a request to create a specific Mining Development application for approval of a Mine.
- ❖ Staff suggested additional amendments to clarify the language and applicability of obtaining an Excavation and Fill Permit.
- ❖ Land Development Regulations proposed in this amendment:
 - Article 4, Division 8 – Excavation, Filling, and Mining
 - Article 4, Division 1 – Wetland and Shoreline Protection
 - Article 4, Division 9 – Stormwater Management
 - Article 5, Division 2 – Adequate Public Facilities
 - Article 10 – Development Review Procedures



BACKGROUND

▶ Current Development Process for Mines

❖ Article 4, Division 8, Section 4.349 – Mining Standards

An application for mining shall comply with the major or other conditional development provisions of article 10 and the applicable excavation and filling standards.

❖ Article 10 – Development Review Procedures

Major Development Provisions :

- Review Time of 60 days
- Reviewed by County Administrator and LPA (public meeting)
- Approved by BCC (public hearing)

❖ Article 5, Division 2 - Adequate Public Facilities

Timeframe of Major Developments

- Up to 3 years
- Up to 2 extensions of up to 2 years each

PROPOSED AMENDMENTS REQUESTED BY APPLICANT

- ▶ **Creation of Mining Operation Development**
 - ❖ **Article 4, Division 8 – Excavation, Filling, and Mining**
 - Add definitions for Mine and Mining Operation
 - Replace the subjective threshold for Major Development with Mining Operation development.
 - ❖ **Article 10 – Development Review Procedures**
 - Create a Mine Operation Application that follows Major Development provisions
 - Require a Pre-application meeting for Mine Operation developments
 - Require additional standards to Annual Reporting requirements
 - ❖ **Article 5, Division 2 – Adequate Public Facilities**
 - Create a Timetable for Mine Operation development
 - Up to 5 years
 - Up to 2 extensions of up to 5 years each



PROPOSED AMENDMENTS SUGGESTED BY STAFF

▶ Article 4, Division 8 – Excavating, Filling, and Mining

The proposed amendment of Division 8 primarily clarifies the applicability of an Excavation and Fill Permit.

- ❖ Clarify the language in general;
- ❖ Remove redundant and conflicting provisions;
- ❖ Add a glossary to define frequently used terms;
- ❖ Clarify the applicability of when an Excavation and Fill Permit is required;
- ❖ Replace the subjective threshold for Major Development with Mining Operation development;



PROPOSED AMENDMENTS SUGGESTED BY STAFF

- ▶ Article 4, Division 8 – Excavating, Filling, and Mining
 - ❖ Replace the bona fide agricultural standards with the Martin County Property Appraiser’s determination;
 - ❖ Codify the requirement for a renewal and a hauling fee;
 - ❖ Establish Excavation and Fill Permit application review procedures and timeframes;
 - ❖ Limit dewatering to twenty (20) feet;
 - ❖ Relocate provisions for wetland protection to Division 1; and
 - ❖ Relocate provisions for lake area management plan and littoral and upland transition plantings to Division 9.



PROPOSED AMENDMENTS SUGGESTED BY STAFF

- ▶ **Article 4, Division 1 – Wetland and Shoreline Protection**

The proposed amendment relocates the wetland protection requirements found in Division 8 to the more applicable Division 1 of Article 4.

- ▶ **Article 4, Division 9 – Stormwater Management**

The proposed amendment relocates the littoral and upland transition plantings requirement found in Division 8 to the more applicable Division 9 of Article 4.





ISSUES

▶ Issues

- ❖ The applicant requested the amendment establish a ten (10) year timeframe with two (2) optional extensions of five (5) years each for Mining Operation development.
- ❖ Staff finds a five (5) year timeframe with two optional extensions of a five (5) years each more consistent with other applications.



RECOMMENDATION

- ▶ Staff recommendation

Recommend adoption of the ordinance amending Division 8 of Article 4 - Excavating, Filling, and Mining, Division 1 of Article 4 – Wetland Protection, Division 9 of Article 4 – Stormwater Management, Article 10 – Development Review Procedures, and Division 2 of Article 5 – Adequate Public Facilities of the Land Development Regulations and establish an effective date upon filing with the State.

