# 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

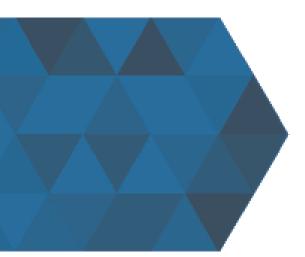


#### BACKGROUND

- 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

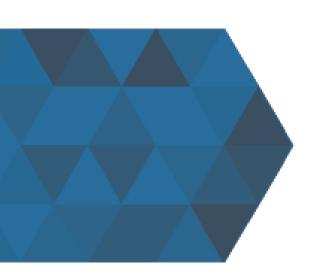
- ► Article 4, Division 8 Excavating, Filling, and Mining The proposed amendment of Division 8 primarily clarifies the applicability of an Excavation and Fill Permit.
  - Clarify the language in general;
  - Remove redundant and conflicting provisions;
  - Add a glossary to define frequently used terms;
  - 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

upon filing with the State.

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

