

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.

