

MEMORANDUM

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To: Planning & Zoning Board
From: Anita Greiner, Chief Planner *AG*
Through: Amye King, AICP, Director, Growth Management Department
Brian T. Sheahan, AICP, Planning Manager *BTS*
Date: February 1, 2013
Subject: Recommended changes to the Mining Ordinance

This memorandum is submitted as an addendum to the Mining Ordinance, which is on the agenda for the February 6, 2013, Planning & Zoning Board meeting.

The following changes are recommended after review with stakeholders:

Borrow activities and borrow pit are defined in the Lake County 2030 Comprehensive Plan, we would like to add those definitions to the ordinance as shown below:

Borrow Activities. Mining activities with no onsite processing of excavated materials.

Borrow Pit. An area of land on which borrow activities have been conducted, are being conducted or are planned to be conducted.

Amend 6.06.01 (I) (3) to remove the word River as shown below:

3. New mining in the Wekiva River Protection Area, Wekiva River Study Area and Wekiva-Ocala Rural Protection Area is prohibited, unless exempted as shown in 6.06.01.I (7), below. All new mining is to be prohibited in the Wekiva River Protection Area.

Prime Aquifer Recharge Areas is not defined or identified by the Water Management Districts and is not referenced in the Lake County 2030 Comprehensive Plan. We would like to delete the definition of prime aquifer recharge areas as shown below and amend 6.06.01 (J) Mining in Prime Aquifer Recharge Areas, to delete references to prime aquifer recharge areas as show below:

Prime Aquifer Recharge Areas. Areas with a natural potential for an average annual recharge rate to the Floridan aquifer of greater than 12 inches.

J. Mining in Prime Aquifer Recharge Areas. No mining Shall be allowed to be conducted in Prime Aquifer Recharge areas as identified by the SJRWMD/SWFWMDC, pursuant to S. 373.0395 (3) F.S. and provided for within the East Central Florida Regional Planning Council Policy 54.2, except as described herein. Small-scale, public purpose Mines are allowed when limited in size and duration of operation. Where mining is Permitted, mining activity Shall not Significantly alter the quality and quantity of ground and Surface Waters. Where

~~required, the costs of water monitoring activity Shall be the responsibility of born-by-the extractor and all requirements of the Mining Conditional Use Permit and Operating Plan shall be met. strict Reclamation procedures and bonding requirements Shall be required to ensure complete restoration of these areas. Notwithstanding the foregoing:~~

- ~~1. Phosphate and peat mining shall be prohibited in most effective recharge areas.~~
- ~~2. Phosphate and peat mining shall be prohibited in protected recharge areas.~~

Amend 6.06.02 (B) (2) to add hydrologic reclamation as shown below:

2. Wetlands. Wetlands Shall not be altered or disturbed by mining operations except in accordance with the applicable provisions of ~~Section 6.01.00 of the Lake County Code~~ and any other applicable Lake County rules, regulations and ordinances. Appropriate methods of ~~reclaiming restoring~~ the functions and values of Mined areas with special regard to vegetative ~~and hydrologic reclamation restoration~~ to ensure that viable Wetlands are established free of exotic and noxious plant species Shall be taken.

Amend 6.06.02 (B) (5) to remove language referencing wetlands from the floodplain section and to base floodplain elevations on information from the Federal Emergency Management Agency as shown below:

5. Floodplain. No mining activity, with the exception of approved peat and muck mining, Shall be conducted within the 100-year Floodplain ~~floodway of waterway, Lake or Stream if such mining activity would have an adverse affect on the 100-year Floodplain. Floodplain elevations Shall be based upon the information from the U.S. Geological Survey, the St. Johns River Water Management District, Southwest Florida Water Management District or the Federal Emergency Management Agency, whichever is more Site specific, or in the absence of data from these agencies, the Florida Department of Environmental Protection Regulation jurisdictional area as determined by its vegetation indices.~~

Amend 6.06.02 (C) (9) to allow the visual screening to be shown on the reclamation plan, instead of requiring a separate landscape plan as shown below:

9. Tree Removal. ~~Upon application During the approval of the Operating Plan a tree removal permit shall be submitted for approval for the entire mining site. The reclamation plan shall include replanting requirements for each phase of the mine and. The landscape plan for each phase of the mine shall address visual screening.~~

Amend 6.06.02 (D) (4) (d) to allow other approved methods (in addition to berms and swales) of retaining at least the first one (1) inch of runoff from entering wetlands or waterbodies as shown below:

- d. A berm, ~~or Swale, or other approved method~~ Shall be constructed around each Water Body which is of sufficient size to Retain at least the first one (1) inch of runoff from entering created or altered Wetlands or waterbodies. The berm, ~~or Swale, or other approved method~~ Shall be constructed above the seasonal high water elevation and be set back from the edge of the Water Body so that it does not interfere with the other requirements of this Section.