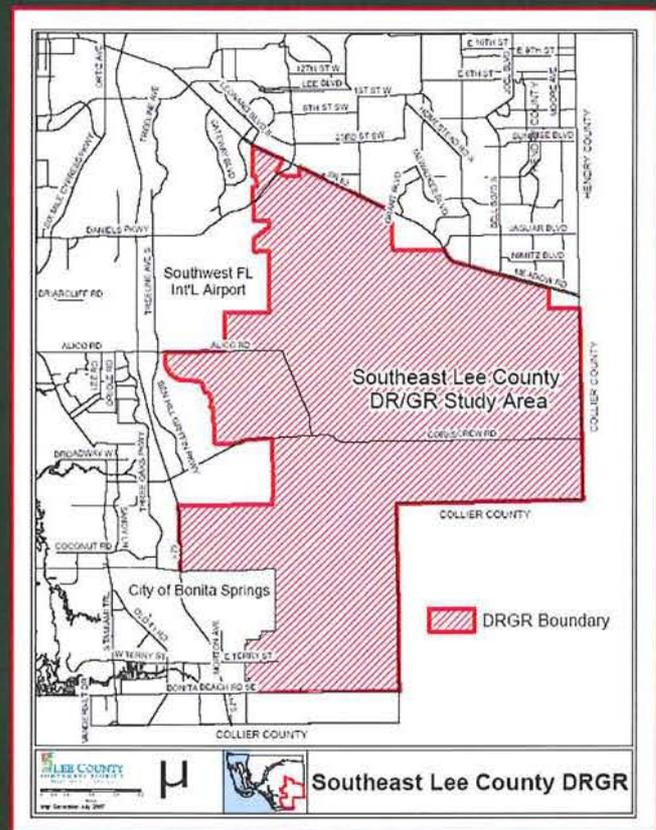
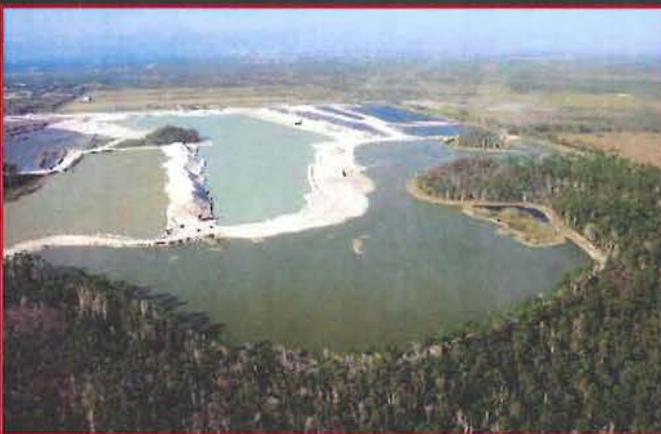


Review and Summary of Mining Regulations of Florida Counties

For the Lee County DR/GR Action Plan



Prepared by
Lee County
Community
Development

January 2008



***Review and Summary
of Mining Regulations of
Florida Counties***

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**Prepared by the Division of Planning
Lee County Department of Community Development**

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Background | 1 |
| Southeast Lee County DR/GR Study Area Map | 2 |
| Executive Summary | 3 |
| Trends and Themes | 3 |
| Restoration of Roadway Infrastructure | 4 |
| Reclamation | 4 |
| Post Reclamation Land Use | 5 |
| Summary of Selected County Regulations | 5 |
| Lee County Mining Regulations | 7 |
| Conclusion | 7 |
| Mining Regulation Comparison Spreadsheet | 8 |
| Summary of Post-Reclamation Regulations by County | 16 |
| Summary of Mining Regulations by County | |
| Alachua County | 19 |
| Broward County | 19 |
| Charlotte County | 20 |
| Citrus County | 21 |
| Collier County | 21 |
| DeSoto County | 22 |
| Dixie County | 23 |
| Escambia County | 24 |
| Flagler County | 25 |
| Glades County | 25 |
| Hendry County | 26 |
| Hernando County | 26 |
| Hillsborough County | 27 |
| Indian River County | 28 |
| Lake County | 29 |
| Levy County | 29 |
| Manatee County | 30 |
| Marion County | 31 |
| Miami-Dade County | 32 |
| Osceola County | 33 |
| Palm Beach County | 33 |
| Pasco County | 34 |
| Polk County | 35 |
| Putnam County | 36 |
| Sarasota County | 37 |
| Sumter County | 38 |
| Taylor County | 38 |

BACKGROUND

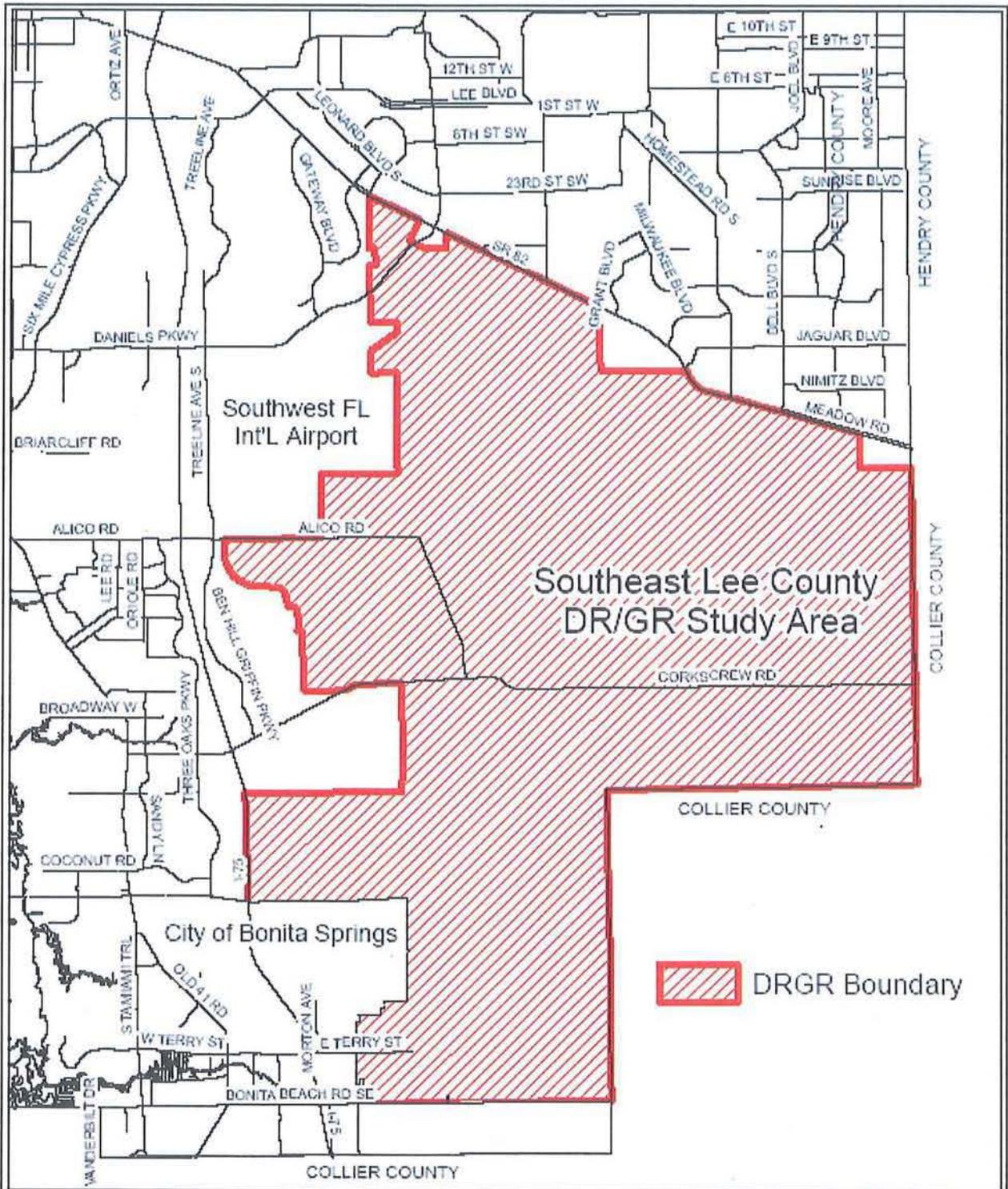
The Density Reduction/Groundwater Resource (DR/GR) area in southeast Lee County is located generally south of State Road 82, southeast of the Southwest Florida International Airport, east of Interstate 75 and borders Collier County and the City of Bonita Springs to the south and east. This 83,500 acre area is comprised of conservation lands, agricultural uses, large commercial mining operations, public wellfields, scattered areas of low density residential uses and regionally significant wildlife habitat and wetland areas. The area is rich in environmental diversity, important water resources and natural mineral deposits.

Rapid growth and development in Southwest Florida makes this relatively undeveloped area attractive to competing development interests. This tension exists because the area encompasses public potable water wellfields, construction grade mineral/aggregate deposits, jurisdictional wetlands, viable wildlife habitat and connectivity opportunities, and is compounded by the State's need for aggregate to construct roadway infrastructure.

In recognition of the need to understand the value of this area and foster a balance among competing development interests, the Lee County Commission started by compiling the various scientific studies of this area prepared in previous years. This report, known as the McLane Study, was accepted by the Board in June 2007 (see <http://lee-county.com/dcd/Downloads/DRGR.htm>). After reviewing this report, the Board determined that a comprehensive study of the southeast DR/GR area was necessary to develop a "master plan" for future growth in conjunction with protection of the rich environmental opportunities in the DR/GR area.

Lee County Commissioners approved the DR/GR Action Plan on September 11, 2007 in furtherance of the Board's desire to create a "master plan" for this area. This Action Plan proposes review of 14 items to assist in identifying and exploring the opportunities and conflicts attributable to the competing interests of mining, water resources, residential development and environmental preservation/protection. The intent of the Action Plan is to provide a basis to move forward in the future with development in the manner most beneficial to the citizens of Lee County.

One of the elements of the plan requires Lee County Department of Community Development staff to survey land development regulations and requirements of other Florida counties to assist in the drafting and adoption of state-of-the-art mining regulations in Lee County. This report contains an overview of what the survey revealed.



Southeast Lee County DRGR

EXECUTIVE SUMMARY

Lee County Planning staff contacted 33 Florida counties known to have mining operations regarding their land use regulations pertaining to mines. As part of this survey, county staff also obtained information regarding proposed and recent changes to these regulations, methods used by the counties in implementing the regulations, such as moratoriums, and other mine-related activity issues. Information received from 27 counties forms the basis for this in-depth review.

It is clear that other Florida counties face similar growth and development pressures recognized by the Lee County Commission. Along with Lee County these other counties have imposed measures such as moratoriums to allow review and adoption of mining procedures, comprehensive plan updates, amendments to land development regulations, and revisions to administrative codes. For example, Citrus and Indian River counties currently have declared moratoriums on approval of mines. DeSoto County replaced its previously limited mining regulations in May 2007 with comprehensive regulations using a new system of bonus excavation areas and transfer of excavation rights. Indian River and Osceola counties are currently updating their comprehensive plans to include new mining regulations. Charlotte County now requires cumulative impacts to be reviewed.

Of the counties surveyed, there are different ways mining is treated. Some counties specifically address mining in their comprehensive plan, while the majority have specific zoning requirements, such as conditional use in certain zoning districts.

TRENDS and THEMES

Several important trends emerge from a statewide review of mining regulations.

- General regulations applying to all types of mining are being replaced by regulations and fees that recognize specific classes and types of mining operations.
- Excavation by unit or cell is being required, as opposed to one large lake, as a means to regulate the pace and expansion of mining activity while allowing phased-in reclamation
- Phased-in or "rolling" reclamation plans are required to allow completed phases to be reclaimed while mining continues in other areas.
- Deadlines for completion of reclamation activity are being imposed and enforced.
- Specific fees and policies are being approved to ensure that damage to roads and natural features are addressed.

RESTORATION OF ROADWAY INFRASTRUCTURE

Counties updating their mining regulations are enhancing the general requirements for restoring/repairing roadways and other property to include methodologies for determining these costs and implementing the repairs of roadway infrastructure used to support mine activity. Many of these regulations include requirements related to the provision of surety instruments, cash deposits and payment of fees directly related to the mining activity. These scenarios are typically based upon actual or proposed truckloads of excavated materials or acreage mined. For example:

- Palm Beach County requires mines to guarantee road maintenance and repairs at a minimum of \$50,000 per mile.
- Sarasota County requires a surety bond in the amount of \$2,500 or more per acre of land to be disturbed in order to indemnify the county against any damage to its roadways.
- Charlotte County charges a Roadway Service Life Reduction Fee of \$1 per truckload of excavated material leaving the site.
- Hernando County allows mine operators to choose between accepting responsibility for the maintenance of a specific road segment or paying up to 15 cents per cubic yard of material removed from the site.

RECLAMATION

The need to ensure that reclamation occurs as part of the mining activity has become significant across the State and has fostered a variety of regulations establishing surety requirements related to reclamation activity including:

- Requiring a bond covering 110% of the estimated cost of the reclamation plan. [Alachua]
- A reclamation fee based on cubic yards of fill or aggregate material removed. [Broward]
- A cash deposit of \$3,000 per acre of proposed littoral zones resulting from the mine activity. [Charlotte]
- A performance bond based upon a specific dollar amount for each acre mined plus an additional amount for littoral plantings. For example, \$1,000 per acre for a sand pit plus a minimum of \$10,000 for littoral plantings. [Palm Beach]
- Financial security to cover established mine performance requirements along with payment for required monitoring. [Pasco]
- A surety bond, updated annually, to cover the costs of proposed reclamation. [Sarasota]

- Submittal of a bonafide reclamation plan with the mine application and environmental impact statement. [Charlotte]

The growing trend is to require reclamation plans that include separate and specific standards addressing the geology and topography encompassed by the area to be mined including drainage, agricultural uses, wetlands, lakes and other water bodies, soils, vegetation, radiation and site clean-up issues along with a relevant time line for execution of the reclamation plan. Ideas include:

- Reclamation plans that are continuous, that commence immediately after mining activity in a certain area ceases, and that require the vegetation to be planted no later than 90 days after other aspects of the reclamation (i.e. littoral shelves) are complete. [Alachua]
- Requiring reclamation activities to be completed within three years after the approved mining activity has been completed/ceases on any a segment of the mine site. [Hernando]
- Unit-by-unit reclamation that begins as mining ceases in the specific unit and requiring the reclamation to be complete within a year. [Pasco/Palm Beach]

POST RECLAMATION LAND USE

At the present time there are few regulations that have been adopted to specifically cover post-reclamation land use. The regulations that do exist generally focus on engineering requirements geared toward enabling development on previously mined land. In most counties, the mined land reverts to its previous use, often agriculture, and rezoning is required prior to development.

SUMMARY OF SELECTED COUNTY REGULATIONS

Some of the more innovative regulations are summarized below by county. A more detailed list is included in the Appendix.

Alachua County

- Requires a reclamation bond of 110% of the estimated cost of a reclamation plan to ensure that the plan is completed without problems.
- Reclamation begins immediately when activity ceases in any area of the mine. Includes deadlines for completion of phases of reclamation; for example, final vegetation planting must be complete in 90 days after the last phase of reclamation.

Broward County

- Charges a reclamation fee based on cubic yards of fill and quarrying.

Charlotte County

- Creates a fourth category for mining. The new category deals with excavation and off-site transportation of material for agricultural purposes.

- Has methodology based on truckload of excavated material for protecting the county against road damage caused by mines.
- Ensures that reclamation plans are followed by requiring a secured cash deposit of \$3,000 per acre of littoral zone.
- Requires a complete reclamation plan at the time of the application.

Desoto County

- Lists seven elements that qualify the applicant/owners for bonus excavation: donation of public right-of-way; donation of property after reclamation; provision of at least 20 percent of the stormwater capacity of the post-excavation pond for public use; donation of 10 cents per cubic yard of all material excavated to be used for road upgrades and maintenance; approval of an applicant's project for a valid South Florida Water Management District "FARMS" project; approval of post-excavation projects for development of a subdivision incorporated with at least 75 percent of the potential development density for the site; and certified use of at least 75 percent of the excavated materials.
- Has detailed reclamation standards that address side slopes, ground surfaces above the seasonal high water table, and stormwater management.

Hernando County

- Addresses road damage by requiring mines to either assume responsibility for upkeep of specific roads or pay a fee based on cubic yards of area mined -- up to 15 cents per cubic yard.
- Reclamation must be completed within three years after mining has ceased on any segment of the mining area.

Indian River

- Has a size limit on each phase.
- Reclamation bonds are \$1,000 per acre with a \$5,000 minimum. Permit fees are in addition to this. The reclamation plan must include littoral zones and water quality management plans. The restoration plan must include a description of the eventual future use of the site.
- Mines are subject to an impact fee of \$1,277.18 per acre.

Palm Beach County

- Has a methodology for assessing road maintenance and repair for damage caused by mines that begins with a minimum of \$50,000 per mile.
- Requires a scale of performance bonds for different types of mining based on the acreage mined.
- Has separate reclamation standards for each type of mining, and each has its own set of specific deadlines.

Pasco County

- Passes on the cost of monitoring mine compliance.
- Reclamation must be unit-by-unit as mining ceases in that unit. The reclamation plan for that unit must be completed in one year.

Sarasota County

- Has methodology for protecting the county against road damage caused by mines. It requires surety bonds based on acreage being mined.
- Requires annual updating of the reclamation plan and a review of the surety bond and its ability to cover reclamation and future problems.
- Initiates water-related baseline monitoring a minimum of one year prior to construction to establish a snapshot of water quality criteria for the mine to uphold.

LEE COUNTY MINING REGULATIONS

Lee County's Comprehensive Plan allows mining in most Land Use Categories. All mine operations require rezoning to a Planned Development.

Zoning sets forth general requirements for mining activities, which at a minimum address:

- development blasting
- dewatering
- noise, dust and vibrations associated with crushing operations
- impacts from associated cement and asphalt batch plants, cement product plants, and significant truck traffic
- requirements for ground and surface water analysis include a pollution prevention plan
- reclamation standards, which require at least 25% littoral shelves, and standards for commencement and completion of reclamation
- bonding is required for 110 percent of the site reclamation cost
- phasing
- general compatibility with surrounding land uses
- mining activities for NPDES compliance
- mining activities within wellfield protection zones

In addition to zoning, commencement of mining activity requires approval of a Mining Operations Permit. The Mining Operations Permit is reviewed through the development order process. It is valid for two years. If mining activity exceeds 10 years or 500,000 cubic yards, it is valid for five years and is renewable.

No fee for road damage or maintenance is currently assessed.

CONCLUSION

Lee County, like other counties across the State, is searching for a means to address the myriad of issues related to the mining of commercial and construction material. As county staff moves forward with its study, it will be dealing with the same issues addressed by the counties that are the basis of this study. Some of the ideas used by these other counties could form the basis for drafting and adoption of regulations to address the issues highlighted by the DR/GR study.

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|-----------|--|--|---|---|
| ALACHUA | Unified Land Development Code, Chapter 404, Article 23, Mining or Excavation and Fill Operations / Code of Ordinances, Chapter 400, Article XXIV, Mining or Excavation and Fill Operations / Comprehensive Plan, Conservation and Open Space Element, Goal 4.3, Mineral Resources | Fees for processing Special Use Permit and final site plans, Annual Permit Fee for all fill and excavation operations, and Reclamation Bond in amount of 110% of the estimated cost. Owner/operator shall have absolute liability and financial responsibility for any damages to public and private property. | Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation shall be accomplished no later than 90 days after completion of other aspects of reclamation. | Permitted only within areas designated Rural/Agriculture Land Use and requires a Special Use Permit. |
| BROWARD | Comprehensive Plan, Objective 9.06.00, Mining and Minerals and Conservation Element, Objective 13.4] / Administrative Code, Environmental Department Fee Schedule, Section 40.23 / Code of Ordinances, Chapter 27, Article VI, Solid Waste and Article XI, Aquatic and Wetland Resources Protection | Construction/Operation License Fees for borrow pit reclamation and dredge and fill are based on cubic yards of fill and quarrying. | Addresses the need for the Comprehensive Plan and Land Development Regulations to address reclamation of completed mining operations. The Code of Ordinances discusses borrow pit reclamation using clean debris as fill. | Permitted in Agricultural, Industrial and Mining Uses on the Future Unincorporated Area Land Use Map Series. There are currently no pit or mining operations in the County, but that may change if a parcel of neighboring property from Palm Beach is annexed which contains at least one minimally active quarry and one borrow pit that could be active again. |
| CHARLOTTE | Ordinance No. 2007-054 amends Article XXIII, Excavation and Earthmoving, Code of Laws and Ordinances / Resolution No. 2007-096, Section 3-5-486 (b) (9) (c), Fees | Requirement for Performance Assurance for Land Reclamation, (secured cash deposit of \$3000 per acre of littoral zone), Roadway Service Life Reduction Fee (\$1 per truckload of excavated material), Permit Application Fee, Monitoring Fee, Administrative Amendment or Permit Transfer Fee. | Requires plan to be submitted with Application and Environmental Impact Statement. | Four categories of excavation with Group I and II permitted in any zoning district, and Group III and IV permitted only in Agricultural Zoning Districts AE and AG. On November 20, 2007 the Charlotte County Board of County Commissioners approved a tentative compact regarding phosphate mining. On November 27, 2007 the Sarasota County Board of County Commissioners voted to reject the same compact. |
| CITRUS | Comprehensive Plan, Land Use Element, Objective 17.13, Mining and Mine Reclamation and Conservation Element, Objective 3.13, Commercial Uses of Natural Resources / Land Development Code, Chapter 4, Sections 4632 (EXT District) and 4659 (Mining and Excavation Standards) / Code of Ordinances, Section 66-1 | No mining fees, but impact fees will be applied to any new or expanding mine. In Administrative Regulation AR:13.04-2, III (E), fees for mines are calculated by individual assessment in accordance with procedures outlined in the Ordinance. | County relies on the State to oversee reclamation. | Staff has been directed to develop a comprehensive mining ordinance by year's end. Until then, there is a moratorium on permitting new or expanded mines through March 2008. County has a Land Use District (EXT) for mining. |
| COLLIER | Code of Laws and Ordinances, Chapter 22, Article IV, Excavation, Sections 22-106 to 22-120 / Comprehensive Plan, Conservation and Coastal Management, Policy 5.1.2 | Fees for blasting, applications, permit/review, time extensions, reapplications, annual renewals, and monthly inspections. The Damage Fee was challenged and the County discontinued it. County no longer collects Impact Fees. Requires Performance Guarantees for excavations performed in conjunction with a PUD or subdivision or independent special-purpose government such as a CDD. All other excavation shall have a performance guarantee that shall not act to limit any guarantees required for off-site road impacts. | Relies on 1986 State of Florida Resource Extraction Reclamation Act. | Excavations can be an accessory use in Rural Agriculture or Estate Zoning. Earthmining can be an accessory use in Rural Agricultural and Public Use, or a conditional use in Rural Agriculture, Estate, Conservation and Public Use. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|----------|--|---|--|--|
| DESOTO | Ordinance 2007-10 known as the "Desoto County Excavation Ordinance" also amends and replaces Sections 14700 through 14719 of the Desoto County Land Development Regulations. The Land Use, Drainage and Conservation Elements of the Desoto County Comprehensive Plan discuss mining and/or minerals. | Includes fees for Applications, Annual Excavation Reports, Administration/Enforcement (\$0.03 per cubic yard), Transfer of Ownership or Operator, Revision to Type IV Excavation Permits, Extensions of Excavation Area, Voluntary Bonus Excavation, and Voluntary Amounts in Lieu of Sureties. Reclamation Fees can take the form of cash escrow, construction bond or irrevocable letter of credit in the amount of \$7,500 for each acre of land approved within the Excavation Limits. Road improvement fees either require a surety bond equal to 150% of the cost of road improvements or an additional \$0.10 per cubic yard of excavated material removed for each road mile or fraction thereof. | Reclamation standards state that Reclamation should be, to the extent practical, carried out concurrently with Excavation, however, Reclamation shall begin no later than when 50% of the excavated area has been excavated or 50% of the permit life has expired, whichever occurs first. Reclamation shall be completed within 6 months from the expiration of the Excavation permit, cessation of Excavation for 180 days, or permanent cessation of Excavation, whichever occurs first. Types II, III and IV permits require an Assurance Agreement with the County to assure complete Reclamation of the excavation site. | There are four types of excavation applications and permits based on the amount of excavation and removal: Type 1 (8,000 cubic yards in less than 6 months/Permitted in all land uses and districts); Type II (8,000 - 80,000 cubic yards in less than 18 months/Permitted only as a Special Exception in Rural Agricultural and Rural Residential located in A-5 and A-10 zoning districts); Type III (80,000 - 500,000 cubic yards in less than 42 months/Permitted only as a Special Exception in Rural Agriculture in A-5 and A-10 zoning districts); Type IV (500,000+ cubic yards in less than 60 months/Permitted only as a Special Exception in Rural Agricultural in A-10 zoning). Type IV is eligible for a bonus excavation area/density if any of seven elements are met. The County requires certain entrance/access public road improvements which vary depending on the Type of Excavation. |
| DIXIE | Land Development Code, Section 1.8, Fees and Section 14.8, Special Permits for Land and Water Fills, Dredging, Excavation, and Mining / Comprehensive Plan, Policy 1.6.3 | Requests for Special Permits shall be submitted to the Land Development Regulation Administrator with payment of such reasonable costs as the BOCC may determine. | None | Mining, borrow pit operations, excavation and activities which involve dredging and filling of land and water areas 1/2 acre or more must obtain a Special Permit. Mining is limited to areas on the FLUM designated as Agricultural. |
| ESCAMBIA | Code of Ordinances, Part I, Chapter 42, Article VIII, Borrow Pits and Reclamation; Code of Ordinances, Part II, Comprehensive Plan, Chapter 11, Policy 11.B.3.3, Mineral Extraction; Code of Ordinances, Part III, Land Development Code, Article 7, Sections 7.07 & 7.11 - Borrow Pits and Reclamation Activities | Fees are described in Code of Ordinances, Part I, and include a general permit surety, and a reclamation surety equal to 110 percent of the reclamation cost. | The Reclamation Plan for all excavation/mining activities, including borrow pits, must meet all state and local requirements (F.A.C. ch. 62C-39, and F.S. chs. 378 and 403). No more than five acres of mined-out land are exposed at any one excavation site, unless the terms of the development order provide for an exception. Reclamation shall commence within one year of cessation of mining. Future land use and/or zoning changes shall be obtained prior to the issuance of a development order. | Borrow pits, mineral extraction, and/or reclamation activities can be a permitted or conditional use depending on the zoning. Reclamation activities to restore previously mined lands to intended post-mining uses are allowed in Rural Residential, Low Density Residential, Residential, Urban Residential, and certain Rural Activity Areas. An application for mining, borrow pit operations and/or reclamation activities will be processed as a major development site plan requiring an approved county development order. Borrow pit access shall be limited to routes having the least impact on residential areas and shall be subject to all traffic concurrency requirements. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|--------------|---|--|---|---|
| FLAGLER | Land Development Code, Section 3.03.02 (C) 7 / Comprehensive Plan, Conservation Element, Objective 8 | Application and Site Plan Fees | None | Allows for mining as a Special Exception in the Agriculture (AC) District. As a condition of the Special Exception, the Planning Board may and has usually applied conditions such as responsibility for the maintenance/repair of roadway at intersections with driveways to mining activities. |
| GLADES | Land Development Regulations, Zoning | Only Special Exception Fees | None | Mining is a conditional use in AG and Industrial Zoning. |
| HENDRY | Comprehensive Plan, Policy 2.7.4, Minerals / Land Development Code, Chapter 1-53, Zoning | Currently no fees assessed. Must post a Performance Bond or issue a letter of credit for improvements to roads that may be damaged by trucks. | Upon completion of excavation, the property shall be restored as required by the 1986 State of Florida Resource Extraction Reclamation Act. | Mining is permitted by Special Exception in A-2, I-2 and a PUD/3 following an approved PUD development plan. |
| HERNANDO | Code of Ordinances, Chapter 19, Mining Regulations / Comprehensive Plan, Chapter 1, Future Land Use, Objective 1.11, Goal 1.12, and Chapter 2, Mining | Fees are charged for the following: Special Exception Use Permits, Master Mining Plan Permit, Master Operation Plan, Annual Inspections, and Excavation Permits (required for mining of less than 40 acres which also requires a Conditional Use Permit). The excavation permit process sometimes requires either the contractor to maintain affected roadways or charge up to fifteen cents per cubic yard for road maintenance. Most contractors elect to do the roads themselves. A security deposit is required for reclamation. | Reclamation activities shall be completed within 3 years after mining has been completed on any segment of the mining area. Reclamation is given extensive coverage in the Code of Ordinances and Comprehensive Plan. | Code of Ordinances, Appendix A, Zoning, Article IV, Section 7 gives the uses and regulations governing the Mining District (M). On September 25, 2007, the BOCC discussed dust control for limerock roads. |
| HILLSBOROUGH | Land Development Code, Part 8.01.00 (Land Excavation) and Part 8.02.00 (Phosphate Mining Regulations) | Fees are in the Planning & Growth Management Department Fee Schedule established by resolution of the Board. Fees for the Phosphate Mining permit, amendments and reviews are based on a fixed amount plus \$.10/acre or portion thereof. Land Excavation includes an application fee and a fee based on the number of cubic yards of material removed from the excavation. | Reclamation Plans for Land Excavation shall comply with the Florida Department of Environmental Protection (FDEP) Requirements for Solid Resources other than Phosphate, Limestone, Heavy Minerals, and Fuller's Earth. Phosphate Mining reclamation standards must be in accordance with FEDP requirements (Florida Administrative Code, Chapter 62C-16) unless more strict standards are established by the County. Upon completion of mining or processing operations, the Board may request the deeding of a percentage of reclaimed land or any permanent roads or rights-of-way or drainage easements to the County for public use. | Land Excavation requires a Special Use Permit which is reviewed every three years. A phosphate mining unit shall not exceed 2,500 acres in size. If an offsite haul route contains a dirt segment of a public road, the land excavation property owner shall pave the dirt segment, and shall control dust within 500 feet of any residence. Ingress/Egress aprons are required for all land excavations from which material is transported on a public road. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|--------------|---|--|---|--|
| INDIAN RIVER | Land Development Regulations, Chapter 934 (Excavation and Mining) and Section 971.22 (Administrative Permit Requirements) | Bond amounts include compliance, reclamation bonds of \$1,000/acre with a \$5,000 minimum, and permit fees. Mines are also subject to an impact fee of \$1,277.18/acre. | The Reclamation Plan must include littoral zones and water quality management plans. The Restoration Plan must include a description of the eventual future use of the site. | Any request for a mining permit is considered an application for site plan approval. Mining activities shall not exceed 20 acres per phase. Currently, all mines are classified as Administrative Permit Use which is a conditional use in all Agricultural Districts. No mining shall occur within 150 feet of a public road. There must be a 300 foot setback from adjacent occupied structures to mining pits and on-site haul roads. All mining sites shall have access to a collector or arterial road that only serves nonresidential uses in an area designated for nonresidential uses. If private roads or easements are to be used, written permission must be obtained from the owner of said road or easement. If any of the hauling route is county maintained, unpaved roads, the permittee must maintain that portion and provide a security based on the number and frequency of trips not to exceed \$10,000 per mile. The County is contemplating a 6-month moratorium on sand mine applications in order to update the Code requirements. |
| LAKE | Comprehensive Plan, Objective 7-13, Conserve Mineral Resource 9J-5.013(2)(b)(3) / Land Development Regulations, Chapter 6, Resource Protection Standards, Section 6.06, Mining | Fees are required for administration, review, processing, annual progress report, review, permitting and inspection. | Meet the minimum requirements required by the Florida Department of Environmental Protection permit. Additional requirements approved by the BOCC are incorporated into the subsequent Operating Permit approved by Development Review staff. | Mining and quarrying is a conditional use in agricultural uses across all zoning districts except RV. |
| LEVY | Land Development Code in Code of Ordinances, Chapter 50, Article XIII, Zoning, Section 50-850, Mining and Excavation of Minerals, Resources, or Natural Resources, and Site Reclamation | Currently does not impose Mitigation Fees, Road Damage Fees or Impact Fees. The County does place the liability on the owner, operator, and hauler for any damages. There are provisions for Performance Bonds related to mining reclamation and settling or thickening ponds. There are charges for a Special Exception Application, fees for a Major Mining Operation Permit or a Minor Excavation and Fill Permit. There are also fees for a Public Notice Requirement. | Part of any application for a Major Mining operation shall include a letter of confirmation from the Florida Department of Environmental Protection that a reclamation plan or notice has been reviewed and found sufficient. | Major mining operations and excavation and fill activities are permitted in Forestry/Rural Residential (F/RR) and Agricultural/Rural Residential (A/RR) Zoning Districts as a special exception. Quarrying, mining, and processing of raw materials are permitted in the Industrial District as a special exception. Major mining and excavation not including fill is permitted in the Rural residential (RR) Single Family District as a special exception. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|-------------------|---|---|--|---|
| MANATEE | Land Development Code, Section 732 / Ordinance 04-39 / Resolution 06-227 | Applicants for phosphate mines are responsible for providing the following: Certified Financial Statements for each acre of land disturbed; Certificates of Insurance for personal injury, property and environmental damage; General Surety Bond for each acre of land insured; and Reclamation/Wetland Mitigation Bond equal to 110% of the reclamation cost for each acre of land. Resolution 06-227 is a fee schedule for borrow pits and phosphate mines. An Earthmoving (Major) borrow pit requires evidence of financial responsibility in an amount based upon the total number of acres disturbed, haul road length, and subsequent reclamation. Evidence of financial responsibility shall consist of Reclamation Surety Bonds equal to 130% of the reclamation costs per acre and roadway section. | No later than five years after cessation of phosphate mining extraction activities the applicant shall have completed the backfilling, contouring, and initial planting in accordance with the requirements set forth in Appendix E of the Phosphate Mining Reclamation Manual, and the requirements imposed by the Florida Department of Environmental Regulation. Earthmoving (Major) borrow pits require a reclamation plan which gives the requirements for reclaimed land, water, and rights-of-way (includes a map indicating proposed haul route, turning radii, width of pavement, and method of periodic maintenance and dust control). Revegetation shall be considered complete upon demonstrating 90% perennial vegetation cover one year after reclamation. | An Administrative permit allows Earthmoving (Minor), 200-1000 cubic yards involving 2-10 acres, in all zoning categories except Conservation. Earthmoving (Major), 1,000+ cubic yards involving 10+ acres in one year, is a Special Permit in A and A-1, Administrative Permit in LM and HM, and Permitted in an Extraction District. Prior to any road construction for phosphate mining, the applicant shall furnish a performance bond and a transportation analysis, to include estimates of vehicular and rail traffic and other modes of transportation, with emphasis on any disruption of normal traffic movement. Excavation (Major) borrow pits likewise require a similar transportation analysis including an estimated number of haul trips for any 24 hour period. Special Treatment and Watershed Protection Overlay Districts are defined in the Land Development Code. |
| MARION | Land Development Code, Section 5.5.18, Mining and Excavation / Comprehensive Plan, Future Land Use Element, Policy 4.5 | The only fee is a Special Use Permit Fee of \$300.00 | Resource extraction shall be conducted in accordance with federal and state statute. All regulations of the Florida Department of Environmental Protection must be adhered to. | Existing mines will be allowed to continue operations in rural and urban areas provided that the mining within the same ownership or leasehold, has been actively pursued within the three year period prior to June 11, 1992. New mines will be allowed in any zoning classification by Special Use Permit. |
| MIAMI-DADE | County Code, Chapter 13 (Explosives and Blastng), Chapter 24 (Environmental Protection...) and Chapter 33 (Zoning) / Administrative Code, Administrative Order 4-42 and 4-111 / Florida Statutes, 373.41492 and 378.401-378.503 | There are Rockmining/Lake Excavation Application and Permit Fees based on acres. Operating Permit Fees are based on number of tons/day. If applicable, a Performance Bond and Mitigation Bond may be required. There is a Mitigation Fee and Water Treatment Plant Upgrade Fee on each ton of rock and sand extracted from Lake Belt Area (Florida Statutes, 373.41492). | Florida Statutes, 378.401-378.503 directs the Department of Planning and Zoning to work with the Miami-Dade County Department of Environmental Resources Management to obtain certification to implement the reclamation program for limerock mining activities in the Lake Belt Area. The County Code has some reclamation standards regarding grading, leveling, and sloping. Permit conditions add additional requirements for site restoration. | Only the Open Land Use category allows limestone mining that includes the Lake Belt Area. Rockmining uses are permitted in all zoning districts within the ROZA (Rockmining Overlay Zoning Area) without a public hearing. Rockmining shall not be permitted in any other area of unincorporated Miami-Dade County unless approved after a public hearing pursuant to Section 33-13 of the Code. A federal judge in July 2007 ordered mining to stop in a portion of the Lake Belt Region. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|------------|--|--|--|---|
| OSCEOLA | Land Development Code, Section 4 / Comprehensive Plan, Conservation, Section 1.7 | There is a Reclamation, Surety Fee of 120% of the amount necessary to complete reclamation. Fees are established by resolution of the Board for administration, review, processing, permitting, and inspection. | Reclamation must comply with the Florida Department of Environmental Protection reclamation requirements for solid resources other than phosphate, limestone, heavy minerals, and Fuller's Earth. A Reclamation and Reuse Plan requires existing and proposed contour lines, water courses and bodies, utility lines, man-made and natural features. | Medium and large soil excavations shall only be allowed as a conditional use within rural and agricultural development and conservation zoning districts. Mineral excavation, mining, or processing that involves more than 25 acres shall require re-designation to the Natural Resource Utilization Future Land Use Map category. A bond may be required in the amount of 125% of the estimated cost to level, overlay, and perform repairs to shoulders and ditches for the first 5 miles of roadway, or to the first major arterial roadway, whichever is closest. To mitigate the effects of off-site hauling on existing neighborhoods may include a contribution by the applicant to the cost of road improvements and the development of alternative haul routes. The County is scheduled to adopt a new Comprehensive Plan on December 10, 2007. |
| PASCO | Land Development Code, Article 600, General Land Development Standards, Section 609, Mining / Article 300, Administration and Enforcement, Section 313.4(E) (Application for Permits) and 313.7 (Fees) / Comprehensive Plan, Future Land Use and Conservation Elements | Plan Review Fees vary based on the Class of the mine (Class 1 fees are based on acreage while Class 2 and 3 are a flat rate). Financial security is required for reclamation, completion of off-site performance requirements, and maintenance and/or monitoring associated with the mining permit or plan. | Reclamation will begin promptly upon ending of excavation of each unit and be satisfactorily completed within one year unless otherwise permitted. | Mines are categorized as Class 1 (commercial mines that are hauling off site), 2 or 3 (typically lake/pond maintenance and agricultural pond installations). Mining is permitted as a conditional use in the following: Agricultural Districts (A-C, AC-1), Agricultural Residential Districts (A-R, AR-1, AR-5), Agricultural Mobile Home District (AR-5MH), General Commercial District ((C-2), Commercial/Light Manufacturing District (C-3), Light Industrial Park District (I-1) and General Industrial District (I-2). |
| PALM BEACH | Comprehensive Plan, Future Land Use Element, Mining and Excavation, Objective 2.3 / Ordinance 2006-048 / Unified Land Development Code, Article 4, Use Regulations, Chapter D, Excavation and Article 300, Section 313.4 and 313.7 and Article 600, Section 609 (D), Reclamation | All four types of excavation require a Performance Guarantee. For Agricultural and Type II Excavations the guarantee for excavated areas is \$1000/acre and \$10,000 minimum for littoral plantings. The Land Development Division administers guarantee requirements for road maintenance and repair (\$50,000 minimum per mile). | There are four types of reclamation standards based on the type of excavation activity. Reclamation will begin promptly upon ending of excavation of each unit and be satisfactorily completed within one year unless otherwise permitted. | Permitted in the following land use designations: Rural residential 10 and 20; Commercial categories; Commercial Recreation; Industrial categories; and Agricultural Production. The BOCC wants a comprehensive environmental impact study completed by December 1, 2008. A moratorium on new mine operations in the Everglades Agricultural Area took effect on November 2006. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|-----------------|--|---|---|--|
| POLK | Comprehensive Plan, Future Land Use, Division 2.100, Section 2.114 (Phosphate Mining), Section 2.25 (Non-Phosphate Mining) / Land Development Code, Section 130, Administrative Fees / Code of Ordinances, Chapter 3, Conditional Uses, Section 303, Mining, Non-Phosphate and Mining Phosphate; Chapter 10, Mining Operations, Article II (Limerock), Article III (Phosphate Mining), Division 4, Reclamation | Land Development Code, Section 130 authorizes Application Fees, Review Fees, Inspection Fees, Appeal Fees. Resolution No. 01-28 revises the Land Development Fee Schedule which includes fees for Mining Operating Permits, progress reports, and new DRI Mining Fees. The County Codes Compliance Division handles fees for Phosphate Mining Operating Permit Application, and Phosphate Mining Conceptual Mine Application or Change. | All areas affected by mining shall be substantially reclaimed within one year for limerock and two years for phosphate. All applicable state regulations for reclamation and restoration as promulgated by Florida Department of Natural Resources shall be adhered to by the applicant. | There is a land use classification for Phosphate Mining (PM) which is a conditional use in the Rural Development Area (RDA). Specialized uses include non-phosphate mining which is a conditional use in all land use categories except Preservation. The County has a Mineral Resource Protection Overlay District for the purpose of protecting known deposits. |
| PUTNAM | Land Development Code, Article 2, Section 2.03.17 (Mining); Article 3, Section 3.02.09 (Borrow Pits); Article 3, Section 3.02.31 (Mining) / Comprehensive Plan, Future Land Use Element and Conservation Element | A performance bond or other surety in the amount not less than 100% of the cost of reclamation may be required for borrow pits and mines. Other fees, such as permit fees, are established by resolution by the Board. | Reclamation of borrow pits and mines must adhere to state law (Chapter 38, Florida Statutes and Chapter 62C, Florida Administrative Code). In the case of a conflict between state and local laws for mines, the more stringent standard shall apply. Borrow pits must complete reclamation within 12 months of the expiration of a permit or closure. Part or all of an excavated borrow pit may be reclaimed as a pond subject to supplemental regulation of ponds. Reclamation shall mean a reshaping of the land as close as possible to the original or to an alternate land use established in the Reclamation Plan that is compatible with the surrounding topography and land uses. | A borrow area or mine shall not be located on a parcel less than five acres in size. Borrow areas in excess of 30 acres or are intended to operate for more than 10 years are treated as mines, and like mines, shall be allowed only where both the future land use and zoning are designated Mining. Excavation of borrow pits and mines shall be completed in phases. A borrow area permit is in addition to a Special Use Permit that may be required by a particular zoning district. Before a borrow permit is issued, the applicant must obtain a driveway permit, and provide a design for connecting driveways to minimize road damage. The site for a mine shall have legal access to a public right-of-way that will insure the ingress and egress for the mining operation does not take place on a local road in an established neighborhood. The mining site must be 100 feet from any public roadway. |
| SARASOTA | Code of Ordinances, Chapter 54, Article X, Sections 54-281 to 54-301 (Mining Code) and Article XII (Earthmoving Code) | Fees are required for the following: Annual Progress Report Fee; Application for Master Mining Plan; Operating Permits (Applicant files with the Board a Surety Bond or bonds in the amount of \$2,500 for each acre of land to be disturbed. This includes a bond sufficient to indemnify the County of any damage to roads. Also, applicants annually post a Reclamation Surety Bond). | Specifies standards for topography and drainage, agricultural lands, wetlands, lakes and other water bodies, soils, vegetation, radiation, and site cleanup. | The Open Use Mining District (OUM) is the only zoning district in which resource extraction is permitted. Only areas designated as Rural on the FLUM can have OUM zoning. |

MINING REGULATION COMPARISON

| COUNTY | REGULATIONS | FEES | RECLAMATION STANDARD | NOTES |
|--------|--|--|--|--|
| SUMTER | Comprehensive Plan, (Chapter 3, Conservation, Objective 3.1.11). (Chapter 7, Future Land Use, Objective 7.1.11) / Land Development Code, Division 6, Excavation and Mining Uses, Section 13-771 - 13-780 | Planning/Zoning Development Review Fee Schedule includes a Conditional Use and Operating Permit Fee for limerock mining. | Program and plan must meet requirements of Florida Department of Natural Resources under Rule 16C-36 F.A.C. as required. | Permissible only as a conditional use in areas designated as Agriculture on the FLUM. Allocations for mining are determined by the Comprehensive Plan on a five or ten year basis. Excavation and mining are treated separately in the Land Development Code. New or expansions of limerock mines can only occur if it is adjacent to an existing permitted or legally vested lime rock mine. Any haul road connection to any public road is to be constructed to the satisfaction of the applicable governing agency. |
| TAYLOR | Land Development Code of the Code of Ordinances, Chapter 42, Article II, Subdivision IV, Development Permits, Section 42-189 and Article VII, Resource Protection, Section 42-552 | No specific fees associated with mining. | Must comply with provisions of F.S. Chapter 378 and F.A.C. 16C-36, and revisions thereof. | Road concurrency standards are no different than any other development. Mining is considered a high impact use and is only permitted in Agricultural 1 and 2. |

Summary of Post-Reclamation Regulations by County

| COUNTY | POST-RECLAMATION POLICIES |
|-----------|---|
| ALACHUA | [Unified Land Development Code, Chapter 404, Article 23, Mining or Excavation and Fill Operations, 404.101 (e)(4), Potential Future Land Uses of the Site / Code of Ordinances, Chapter 400, Article XXIV, Mining or Excavation and Fill Operations, 404.101 (e)(4), Potential Future Uses of the Site]: The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan are considered. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed. |
| BROWARD | [Broward Staff]: The post-reclamation regulations in Broward do and have allowed for mixed uses, while following the recommendations of Zoning, Environmental and Construction Engineers providing recommended grades and elevations tied to zoning regulations where prior excavations and slopes were extreme throughout the lake areas. Staff has seen schools, housing, commercial and industrial development on sites once monitored for blasting, with lake elevations and ground slopes adjusted to meet the code of particular zoning designations. [Broward County Land Use Plan, Objective 9.06.02, Mining and Minerals]: Comprehensive Plans and/or Land Development Regulations shall address the reclamation of completed mining excavations and their compatibility with existing surrounding land uses and water resource quality and quantity. |
| CHARLOTTE | [Charlotte Staff]: Currently, the County only allows commercial mining on land zoned for agriculture with an agricultural future land use. After mining is complete, the land is still agricultural until the owner rezones it. The only right the County currently extinguishes on excavated land is to not allow the area of excavation to be counted toward density. For example, if you have a ten acre lot and excavate five acres of it, you will only be left with five acres worth of density (this is a recent change). The County is currently working on revising Ordinances and Land Development Regulations as well as an "Excavation Zoning District." |
| CITRUS | [Comprehensive Plan, Future Land Use Element, Policy 17.13.4, Mining and Mine Reclamation]: Wetlands, rivers, streams, lakes, springs, coastal floodplains, habitats of threatened and endangered species, species of special concern, prime agricultural lands, prime groundwater recharge areas, historically significant sites, or other environmentally sensitive areas which cannot be restored shall be identified and protected by a prohibition on mining activities within those areas and the establishment of buffer zones around them. To restore a site means to put back the same thing that had previously existed, i.e.: restore the type, nature, and function of the ecosystem to the existence prior to mining. |
| COLLIER | [Collier Staff]: The County does not currently have any specific post-reclamation mining regulations. However, Collier does allow residential or commercial development on previously mined land as provided by the property's zoning district. In addition, the property owner is required to seek zoning approval if they wish to develop the site for either residential or commercial purposes. Some residential developments have been approved on the shores of former mines. Because of how Collier County defines a "mine" or, more properly, an "excavation", almost every residential subdivision had a mine ... not always commercial. Property rights are not extinguished and development is allowed pursuant to the requirements of the Land Development Code while mining regulations are provided in the Code of Laws and Ordinances (Chapter 22), Article IV. |
| DESOTO | [Desoto Staff]: The permitted land uses after reclamation are determined by zoning. Most mines are required to be in A-10 or A-5 zoning. [Ordinance 2007-10 known as the "Desoto County Excavation Ordinance"]: Some post-reclamation land uses are suggested in the bonus excavation/density area provisions for Type IV Excavation which includes the following: provision of at least 20% of the stormwater capacity of the post-excavation pond for public purposes; approval of the applicant's project as a valid SWFWMD "FARMS" project; and approval of a post-excavation project for the approval of a development subdivision project incorporating at least 75% of the potential development density for the site. Mined/Excavation areas converted to pond or lake areas should be designed to resemble a natural pond with littoral zone shelves and contours. |
| ESCAMBIA | [Code of Ordinances, Part I, Chapter 42, Article VIII, Borrow Pits and Reclamation, Section 42-323, Reclamation Plan]: The reclamation plan...shall be consistent with the intended post-mining land use. Part III, Article 7, Sections 7.07, Borrow Pits and Reclamation Activities]: Reclamation involving land clearing debris disposal shall only be permitted to the minimum height above ground level that allows for environmental safety and stormwater runoff consistent with the surrounding environment and intended post-mining land use not to exceed six feet. [Comprehensive Plan, Chapter 7, Policy 7.A.4.7, Future Land Use Categories (Densities and Intensities)]: Reclamation activities to restore previously mined lands to intended post-mining land uses are unique nonresidential uses that may be allowed subject to provisions of Policies 7.A.2.2 and 7.A.2.3 for the following land use categories: Rural Residential; Low Density Residential; Residential; Urban Residential; and Rural Activity Areas #1 to #12, #14 and #17. |
| FLAGLER | [Flagler Staff]: Our Land Development Code is silent to post-reclamation mining activities. |
| GLADES | [Glades Staff]: There are no post-reclamation regulations. |
| HENDRY | [Hendry Staff]: The mining regulations do not dictate which type of land uses are allowable after land has been restored. Future uses are dictated by the Future Land Use Map of the Comprehensive Plan and the applicable zoning district in which the land is located. The County does not extinguish rights on land after mining ceases. In fact, several of the mining operations were approved through the Planned Unit Development rezoning process whereby the adopting zoning ordinance dictates which types of land are allowable after the land has been restored. |

Summary of Post-Reclamation Regulations by County

| COUNTY | POST-RECLAMATION POLICIES |
|--------------|---|
| HERNANDO | [Hernando Staff]: Reclamation is approved by the Development Department. Once that approval is given, any further use, changes of use, development is handled through the Planning Department since rezoning, comp plan amendments and such would be needed. The County allows residential, commercial and other uses (Ag. etc.) on reclaimed properties that were formerly mined. Also to consider are Special Protection Areas (SPA's) which are zones delineated around vulnerable features, such as sinkholes, excavations or caves within which land uses are regulated to protect the quality of the groundwater source. [Code of Ordinances, Chapter 19, Mining Regulations, Article IV, Reclamation, Section 19-11 / Comprehensive Plan, Chapter 1, Future Land Use, Goal 1.12, Transition of Mining Lands to Other Land Uses Upon Completion of Mining / Chapter 2, Mining]: When mining lands are proposed for conversion to other land uses, the following shall be considered: The unique environmental aspects of mined areas and the relationship of mining lands to proposed wildlife corridors. Since mining lands result in increased vulnerability to groundwater contamination, land uses which normally include |
| | land management practices such as fertilization, chemical application, stormwater management, and irrigation shall be prohibited; the county will evaluate the fiscal and economic aspects of proposed alternative land uses on local governments and the local economy. As a condition to obtaining a permit to mine, a reclamation plan shall include a planned post-reclamation vegetation and may also address wildlife habitat enhancement and post-reclamation maintenance. The establishment of wetlands on a portion of the reclaimed area, if feasible, shall be considered. Where areas have been utilized as settling ponds, the area may be reclaimed as a wetland, upland or combination. Resource extraction shall not be allowed in areas such as wetlands, floodplains, rivers, streams, lakes or springs which cannot be restored. |
| HILLSBOROUGH | [Hillsborough Staff]: Once mining reclamation has been constructed, approved and released by the County, the property owner is free to pursue any other development options as long as the site meets current criteria. [Land Development Code, Part 8.02.00, Phosphate Mining Regulations]: One of the purposes of the regulations is to ensure that phosphate mining, a temporary land use, is carried out to not preclude future normal uses of mined-out land. |
| INDIAN RIVER | [Indian River Staff]: There are no restrictions on future uses. The restoration Plan must include eventual future use of the site. |
| LAKE | [Lake Staff]: Lake County does not have regulations regarding the development of a former mining site. The County had instances where residential development (subdivisions) were developed on former mining sites (especially sand and peat mining) where surface water bodies were formed or expanded as a result of the mining operation. Some mining operations such as clay and borrow pits have received permission (State and Local) to reclaim these pits with construction and demolition debris back up to the original grade prior to mining. If these pits are reclaimed with C&D material, there are monitoring requirements imposed by the State Bureau of Mining and Reclamation that prohibits development during this monitoring period which may be up to twenty years long. [Comprehensive Plan, Objective 7-13, Conserve Mineral Resources 9J-5.013(2)(b)(3) / Land Development Regulations, Chapter 6, Resource Protection Standards, Section 6.06, Mining]: Mining will be prohibited in Environmentally Sensitive Areas that cannot be restored. Limited small-scale, public purpose mining in Prime Aquifer Recharge Areas requires complete restoration. Regulations also govern the restoration |
| | of wetlands, floodplains, and upland forests unless the operator can show that reforestation is not consistent with proposed future land use of the mining site. Planned water bodies and artificially created wetlands may be incorporated into the final Reclamation Plan. The County shall adopt an inventory of improperly closed mining sites and prepare a strategy to reclaim these areas with native vegetation. |
| LEVY | [Land Development Code in Code of Ordinances, Chapter 50, Article XIII, Zoning, Section 50-850, Mining and Excavation of Minerals, Resources, or Natural Resources, and Site Reclamation]: Major mining operations in Rural residential Zoning District shall meet the requirements and conditions set forth in the Land Development Code to maintain an acceptable condition and final grade of the land to support agriculture and residential development. |
| MANATEE | [Manatee Staff]: The phosphate mining industry is required to rezone the property to Extraction before mining. Once mining is completed and reclamation is finalized it must be rezoned (subject to future use requirements) if further development, such as a subdivision are planned. Borrow pits are zoned ordinarily agriculture and once reclamation is complete, they also, for the most part, need to be rezone if residential is planned. The County has had one public hearing to date that tried to rezone from extraction to residential, but the Board refused the applicant due to concern over potential radon problems. [Land Development Code, Section 732 / Ordinance 04-39 / Comprehensive Plan, Future Land Use Element, Policy 3.4.2.2]: Requires that all applications of new or expanded mineral resource extraction activities include a reclamation plan for the reestablishment of form and function of the appropriate land cover. One of the purposes of the Phosphate Reclamation Manual is to establish performance standards for reclaiming land and release criteria for post reclamation. |
| MARION | [Land Development Code, Section 5.5.8, Mining and Excavation]: To restore a site means to put back the same thing that had previously existed, i.e.: restore the type, nature and function of the ecosystem to the condition in existence prior to mining. |
| MIAMI-DADE | [Miami-Dade Staff]: The County does not have any special land use regulations or requirements regarding post-reclamation mining projects. From the zoning side a hearing would be required to fill an excavation and the underlying zoning would control the uses. For example, if the underlying zoning is IU-1 then all permitted IU-1 uses would be permitted as of right, of course subject to meeting all of requirements of the Code including DERM (Environmental Management) and Water and Sewer, etc. On the Planning side the use would need to be consistent with the underlying Land Use Planning Map and meet all other objectives and goals of the CDMP. |

Summary of Post-Reclamation Regulations by County

| COUNTY | POST-RECLAMATION POLICIES |
|------------|--|
| OSCEOLA | [Land Development Code, Section 4.7, Reclamation and Reuse Plan]: The Plan shall show existing natural and man-made features, including but not limited to, existing and proposed contour lines at one foot intervals after excavation, water courses, water bodies, wetlands, vegetative communities and concentrations, streets, utility lines, man-made and natural features to be shown when the reclamation plan is completed. |
| PASCO | [Pasco Staff]: The Land Development Code does not specifically state allowable uses on reclaimed land. [Land Development Code, Article 600, General Land Development Standards, Section 609, Mining Conservation Elements]: The Board may, by regulation, require the deeding of a percentage of reclaimed lands to the county for public uses and/or require the deeding of any permanent roads or other transportation rights-of-way to the county upon termination of any mining or processing operations. Mining is considered as reclaimed when it will support conventional farm and agricultural activities or other suitable use so that no unreasonable hazards or limitations are imposed for other ordinary uses of land. |
| PALM BEACH | [Palm Beach Staff]: The County Unified Land Development Code requires the property owner to file a reclamation plan prior to excavation occurring on the property. That Plan is approved by the Development Review Officer as part of the site plan approval process and requires a performance bond to be posed to ensure compliance. The reclamation plan identifies the future use of the land (residential, farm land, commercial, etc.) which is approved as part of the Excavation approval process. |
| POLK | [Comprehensive Plan, Future Land Use, Division 2.100, Section 2.114 (Phosphate Mining), Section 2.125 (Non-Phosphate Mining) / Land Development Code, Chapter 3]: The County shall promote the redevelopment of phosphate mining lands by encouraging master planned developments incorporating land uses permitted within Rural Development Areas. Applications for land use amendments will be reviewed by a "Phosphate Mining Review Group." The applicant will be required to submit appropriate data and analysis as required by the amendment process, a copy of the reclamation plan including a narrative establishing how the proposed land use(s) follows or conforms to the reclamation plan. That includes a description of land altering activity needed to achieve the list of land use activities, such as grading, planting, amendments to the FLUM, paving, access improvements, etc... The proposal shall demonstrate consistency with the goals, objectives, and policies of the plan, including county-wide land use needs, compatibility with adjacent uses, and protection of natural resources. Mineral extraction in the Mineral-Resource Protection District (MRPD) shall not be conducted to |
| | make the mined property impractical or impossible for other future uses. Once extraction activities are completed, the site shall be reclaimed in accordance with the approved Reclamation Plan. Removal of property from the MRPD would allow the property to be developed in accordance to the land use policies applicable to the underlying land use district(s) designated for the property on the FLUM, or those policies applicable to any new land use districts, or those policies applicable to any new land use classification established as a result of an approval of a Plan amendment. |
| PUTNAM | [Putnam Staff]: Reclaimed areas go back to AG land use (upon approved map amendment) and zoning (upon approval of a rezoning petition). |
| SARASOTA | [Sarasota Staff]: In the Earthmoving Code upland areas around excavations are available for development and land may be recreated by filling in a pond or lake, though it rarely occurs. The Mining Code does not prohibit development on post mining upland areas. The Mining Code does not regulate the post mining use of land surrounding any completed excavation. However, the Zoning Code would control, not prohibit, development on post-mined land via a Rezone process. For example, per the Zoning Code, a mine could be approved only in lands zoned Open Use Mining (OUM). Since there are no OUM zoned lands in unincorporated Sarasota County, the land would first need to go through a rezone to convert the zoning from its current designation to OUM, then after completion of the mine, to allow development it would be required that the property again go through a rezone process to convert it from OUM to a residential or commercial zoning designation. Potentially, through these rezone processes or the mining permit itself, areas could be designated no-mine areas or no development areas based on circumstances of the property or mine or development. |
| SUMTER | [Sumter Staff]: The County encourages post-reclamation in order to provide for land forms that are beneficial in either environmentally or economic development related. Current regulations focus more on actual mining regulation than post-reclamation. [Land Development Code, Division 6, Excavation and Mining Uses, Section 13-771 - 13-780]: Upon completion, each excavation shall be reclaimed so as to permit use of the land in conformity with the existing land use zone and usage of the surrounding area. |
| TAYLOR | [Taylor Staff]: The Land Development Code does not address post-reclamation. |

**SUMMARY OF MINING
REGULATIONS BY COUNTY**

ALACHUA COUNTY

Type of Regulation:

Mining or excavation and fill operations are permitted only within areas designated Rural/Agriculture on the FLUM and require a special use permit. [Comprehensive Plan, Conservation & Open Space Element, Goal 4.3, Mineral Resources] addresses the regulation of extraction activities so that they do not adversely affect the quality of air, groundwater, surface water, land and wildlife. This element requires that mining, land excavation and filling activities be consistent with the County Excavation and Fill Ordinance and Surface Mining and Land Reclamation Ordinance. *[Unified Development Code (UDC), Chapter 404, Use Regulations, Article 23, Mining or Excavation and Fill Operations] and [Code of Ordinances, Chapter 400, Land Development Regulations, Article XXIV, Mining or Excavation and Fill Operations]*

Fees:

Fees are required for processing the special use permits and final site plans, and annual permit fees for all fill and excavation operations. The owner and operator of the mining operation shall have absolute liability and financial responsibility for any damages to public and private property, human, animal or plant life, or any mineral or water-bearing geologic formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined-out lands. As a condition of special use permit approval, the BOCC shall require a posting of a reclamation bond in the amount of 110% of the estimated cost to complete all required reclamation, but this amount may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The schedule of fees and charges are established by the BOCC, and appears in the fee schedules for Code Enforcement, Environmental Protection, and Planning and Development. *[Unified Land Development Code, Chapter 404, Use Regulations, Article 23, Mining or Excavation and Fill Operations, Section 404.102.5 (Annual Inspection), Section 404.103 (Bond and Surety Requirements)]*

Reclamation Standard:

Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than 90 days after the completion of other aspects of reclamation. Permanent vegetative cover shall be established in five and ten acre increments. Upon filling of five acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that not more than ten acres of the site is actively being filled. *[Unified Land Development Code, Chapter 404, Use Regulations, Article 23, Mining or Excavation and Fill Operations, Section 404.101 (e) and Section 404.98 (c), Continuous Reclamation]*

BROWARD COUNTY

Type of Regulation:

Mining is permitted in the following Future Unincorporated Area Land Use Element Map Series: Agricultural Use if the mining operation is consistent with existing local regulations and permits as of December 31, 1993, and thereafter with extended, amended or renewed permits; Industrial Use; and Mining Use which is designated on the Future Broward County Land Use Plan Map (Series) to identify mining uses

consistent with Objective 9.06.00. [Chapter 12, Article II of the Code of Ordinances] deals with Explosives. [Code of Ordinances, Chapter 27, Article VI, Solid Waste and Article XI, Aquatic and Wetland Resources Protection] includes provisions for borrow pit reclamation and quarries. There are currently no longer mining or pit operations in Broward County. Mining was discontinued in urban areas years ago. However, Broward may be in the process of annexing a parcel of neighboring property from Palm Beach County that contains at least one minimally active quarry and one borrow pit that could possibly become active again. *[Comprehensive Plan, Objective 9.06.00 - Mining and Minerals amended through Ordinance 2006-58]*

Fees:

Construction/Operation License Fees for borrow pit reclamation and dredge or fill based on cubic yards of fill are found in Chapter 27 of the Broward County Code of Ordinances and the Broward County Administrative Code, Environmental Department Fee Schedule, Section 40.23 (recently revised by Resolution 2007-678 on September 25, 2007).

Reclamation Standard:

These policies state the need for the Comprehensive Plan and/or Land Development regulations to address reclamation of completed mining operations. [Code of Ordinances, Chapter 27, Article VI, Solid Waste, Section 27-216 (c)] discusses borrow pit reclamation using clean debris as fill material. *[Comprehensive Plan, Land Use, Policies 9.06.02 and 9.06.03 and Conservation Element, Objective 13.4 amended through Ordinance 2006-69]*

CHARLOTTE COUNTY

Type of Regulation:

The new Ordinance provides for the following: a new Category Group IV tied to an irrigation facility participating in one of the State's Water Quality programs; revised definition of Group II excavations; revised setback and variance criteria; cumulative impact requirements; species list requirement; revised fees; revised exemption thresholds; new design standards for Reclamation Plan; scale area weighing requirements for most permits; and revised Traffic Impact Analysis. There are four categories of excavation: Group I (for noncommercial purposes) and Group II (off-site transport for commercial purposes in furtherance of a Development Review Committee final approved development activity) are permissible in any zoning district; Group III (excavation and off-site transport for commercial purposes, consisting of extracting material) and Group IV (excavation and off-site transport of material for agricultural purposes) are permissible only in agricultural zoning districts (AE and AG). The Natural Resource and Coastal Planning Element in Comprehensive Plan discusses mining in relation to water resources. On November 20, 2007 the Charlotte County Board of County Commissioners approved a tentative compact regarding phosphate mining. On November 27, 2007 the Sarasota County Board of County Commissioners voted to reject the same compact. The compact is an agreement among Charlotte, Sarasota, Lee, the Peace River Water Authority, and Mosaic regarding safeguards for protecting water quality and environmental impacts. *[Ordinance No. 2007-054 (adopted July 17, 2007) amends Article XXIII, Excavation and Earthmoving, Code of Laws and Ordinances of Charlotte County]*

Fees:

This Resolution covers the Administrative Fee for excavation and earth moving activities by requiring the following: Performance Assurance for Land Reclamation (secured cash deposit of \$3000 per acre of littoral zone); Roadway Service Life Reduction Fee (\$1 per truckload of excavated material); Permit Application Fees; Monitoring Fee; Administrative Amendment or Permit Transfer Fee based on Permit Class (Group 1-IV). [Resolution No. 2007-096, Section 3-5-486 (b) (9) (c)]

Reclamation Standard:

A Reclamation Plan must be submitted with an Application and Environmental Impact Statement. [Section 3-4-483 of Ordinance 2007-054]

CITRUS COUNTY

Type of Regulation:

Staff recently proposed moving the mining setback from the Noise Ordinance back to the Land Development Code, but instead was directed to develop a comprehensive mining ordinance and bring it back by year's end. Until then, there is a moratorium on permitting new or expanding mines through March 2008. The Comprehensive Plan, Land Use Element, Objective 17.13, Mining and Mine Reclamation have a specific Extractive Land Use District (EXT) for mining with some associated Goals, Objectives and Policies as well. Mining and reclamation is also referred to in the Conservation Element, Objective 3.13, Commercial Uses of Natural Resources. The Land Development Code, Chapter 4, includes Section 4632 which defines the EXT District, and Section 4659, Mining and Excavation Standards which requires that mineral extraction uses comply with the County's separate Mining Ordinance, codified as Section 66-1 of the Code of Ordinances. The Citrus County Code (Chapter 66) predominantly deals with blasting which is now pre-empted by the State. According to a May 2006 publication by Duncan Associates titled "Land Development Code Critique: Citrus County, Florida", one issue that is lacking is access to an extractive industry site.

Fees:

No mining fees, but impact fees will be applied to any new or expanding mine. [Administrative Regulation AR:13.04-2, Administrative Guidelines, III (E), Uses Not Requiring a Building Permit] addresses the issue of fees for mines. The fee will be calculated by an individual assessment in accordance with the procedures outlined in the Ordinance.

Reclamation Standards:

None. The county relies on the State to oversee reclamation.

COLLIER COUNTY

Type of Regulation:

Excavations are defined as the removal of any material to a depth greater than three feet below the existing grade, or one foot below existing grade over an area greater

than 10,000 square feet. Commercial excavations are distinguished from private and development excavations. Excavations can be an accessory use in Rural Agriculture or Estate Zoning. Earthmining can be an accessory use in Rural Agriculture and Public Use, or a conditional use in Rural Agriculture, Estate, Conservation, and Public Use. Chapter 55, Article I of the Code of Laws and Ordinances deals with "Regulation of Explosives and Certain Explosions". *[Code of Laws and Ordinances, Chapter 22, Building's and Building Regulations, Article IV, Excavation, Sections 22-106 to 22-120]*

Fees:

Resolution 2007-160 recently amended the Collier County Community Development and Environmental Services Fee Schedule which lists fees under blasting and excavation for applications, permit/reviews, time extensions, reapplications, annual renewals, and monthly inspections. The Damage Fee was challenged and the County discontinued it. The County no longer collects Impact Fees. Section 22-115 of the Code of Laws and Ordinances requires Performance Guarantees for excavations performed in conjunction with a planned unit developments or subdivisions or an independent special-purpose government such as a CDD. All other excavations shall have a Performance Guarantee which shall not act to limit any guarantees required for off-site road impacts that may be necessary in accordance with subsection 22-111(a)(3)(f). *[Code of Laws and Ordinances, Chapter 22, Buildings and Building Regulations, Article IV, Excavation, Section 22-114]*

Reclamation Standard:

Reclamations standards for mineral extraction activities shall be as required by the 1986 State of Florida Resource Extraction Reclamation Act, and as referenced in Section 22-112 (6) of Collier County Code of Ordinances, as amended. *[Comprehensive Plan, Conservation and Coastal Management, Policy 5.1.2] and [Code of Laws and Ordinances, Chapter 22, Buildings and Building Regulations, Article IV, Excavation, Section 22-114]*

DESOTO COUNTY

Type of Regulation:

Ordinance 2007-10, adopted by the Desoto County Board of County Commissioners on May 22, 2007, known as the "Desoto County Excavation Ordinance," amends and replaces Sections 14700 through 14719 of the Desoto County Land Development Regulations in its entirety. Elements in the Desoto County Comprehensive Plan that discuss mining and/or minerals are Future Land Use, Drainage and Conservation. [Ordinance 2007-10, Article IX. Type IV Bonus Excavation Areas] lists seven elements that qualify the applicant/owner for bonus excavation area/density. The elements having applicable bonuses are: donation of public right of way; donation of property after Reclamation (excluding jurisdictional wetlands); provision of at least 20% of the stormwater capacity of the post-Excavation pond for public purposes; a donation of \$0.10 per cubic yard for all material excavated from the project to be used for roadway upgrading and maintenance; approval of an applicant's project as a valid SWFWMD "FARMS" project; approval of a post-Excavation project for the approval of a development subdivision project incorporating at least 75% of the potential development density for the site; and certified use of at least 75% of the excavated material for projects within the County. [Ordinance 2007-10, Article XII. Type II, III & IV Minimum Design

Standards and Requirements (H) Entrance/Access Improvements] lists public road improvements which vary according to Type of Excavation. The County Engineer may alter the requirements based on information submitted or his/her own analysis. Improvements include buffers, entrance roads, right hand decal/turn lanes, left turn lanes, entrances, limited access, additional improvements, shoulders, bridges, box culverts, and drainage pipe improvements.

Fees:

[Ordinance 2007-10, Article XVII. Fees] lists fees for Applications, Annual Excavation Reports, Administration/Enforcement (\$0.03 per cubic yard), Transfer of Ownership or Operator, Revisions to Type IV Excavation Permits, Extensions of Excavation Area, Voluntary Bonus Excavation, and Voluntary Amounts in Lieu of Sureties. [Ordinance 2007-10, Article XI. Type II, III & IV Construction Plan Submittal, (C) and (D)] covers Reclamation Fees which can take the form of cash escrow, construction bond or irrevocable letter of credit in the amount of \$7,500 for each acre of land approved within the Excavation Limits. Improvements outside the Excavation Site shall be in the amount of 150% of the applicant's engineer's estimate to repair or replace said improvements. [Ordinance 2007-10, Article XII. Type II, III & IV Minimum Design Standards and Requirements, (N) Road Improvements] requires that a surety bond shall be provided equal to 150% of the cost of road improvements prior to the issuance of the Excavation Permit. In lieu of surety bonds, the applicant may pay an additional amount of \$0.10 per cubic yard of excavated material removed for each road mile or fraction thereof as a fee to aid in the repair and upkeep of local roads.

Reclamation Standard:

[Ordinance 2007-10, Article XII. Type II, III & IV Minimum Design Standards and Requirements (P) Minimum Reclamation Standards] addresses side slopes, ground surfaces above the Seasonal High Water Table, stormwater management, debris, fences, and time frame for Reclamation. The latter states that Reclamation should be, to the extent practical, carried out concurrently with Excavation, however, Reclamation shall begin no later than when 50% of the excavated Area has been excavated or 50% of the permit life has expired, whichever occurs first. The latter also stipulates that Reclamation shall be completed within 6 months from the expiration of the Excavation Permit, cessation of Excavation for 180 days, or permanent cessation of Excavation, whichever occurs first. [Ordinance 2007-10, Article VIII. Type II, III & IV Preliminary Application Submittal (7) Reclamation Plan and (8) Narrative to Reclamation Plan] includes an Assurance Agreement with the County to assure complete Reclamation of the excavation site and required external improvements.

DIXIE COUNTY

Type of Regulation:

Mining, borrow pit operations, excavation and activities which involve the dredging and filling of land and water areas of ½ acre or more must proceed to obtain a

Special Permit from the BOCC. As stated In the Comprehensive Plan (Policy I.6.3), the County will limit mining activity to those areas designated on the FLUM as Agricultural. *[Land Development Code, Section 14.8, Special Permits for Land and Water Fills, Dredging, Excavation, and Mining]*

Fees:

Requests for Special Permits shall be submitted to the Land Development Review Administrator with payment of such reasonable costs as the BOCC may determine through action in setting fees. *[Land Development Code, Section 1.8]*

Reclamation Standard:

There is not a reclamation standard at this time.

ESCAMBIA COUNTY

Type of Regulation:

Borrow pits and/or reclamation are a permitted use in the following: AG (Agricultural District, Low Density); RR (Rural Residential District, Low Density); AMU-1 (Airfield Mixed Use-1 District); R-1 (Single Family District, Low Density); C-2 (General Commercial and Light Manufacturing District); ID-1 (Light Industrial District); ID-2 (General Industrial District); S-1 and S-1PK (Outdoor Recreation District); VAG (Villages Agriculture District); VR (Villages Rural Residential Districts); VR (Villages Single-Family Residential District); V-4 (Villages Multi-Family Residential District); V-5 (Villages Clustered Residential District); VM-1 (Villages Mixed Residential/Neighborhood Commercial District); GMD (Gateway Business District); GID (Gateway Industrial District); and GMD (Gateway Mixed-Use District). Mineral Extraction is a conditional use in the following: AG and VAG. Borrow pits and/or reclamation are a conditional use in the following: RR; C-1 (Retail Commercial District); VAG and VR. Mining resource extraction and/or reclamation activities constituting unique nonresidential uses may be allowed in Agriculture, Mixed Use-1, Mixed Use-2, Mixed Use-6, Commercial, Industrial, and Public Lands subject to the provisions of Policies 7.A.2.2 and 7.A.2.3. Reclamation activities to restore previously mined lands to intended post-mining land uses are allowed in Rural Residential, Low Density Residential, Residential, Urban Residential, and Rural Activity Areas (#1 to #12, #14 and #17) subject to the provisions of Policies 7.A.2.2 and 7.A.2.3. Borrow pit access shall be limited to routes having the least impact on residential areas and the use shall be subject to all traffic concurrency requirements. Traffic requirements are waived for existing pits when strict application would deny access to pit operations. An application for mining, borrow pit operations and/or reclamation activities will be processed as a major development site plan review requiring an approved county development order. *[Code of Ordinances, Part I, Chapter 42, Article VIII, Borrow Pits and Reclamation; Code of Ordinances, Part II, Comprehensive Plan, Chapter 11, Policy 11.B.3.3, Mineral Extraction; Codes of Ordinances, Part III, Land Development Code, Article 7, Sections 7.07 & 7.11 - Borrow Pits and Reclamation Activities]*

Fees:

Fees are described in Code of Ordinances, Part I, and include a general permit surety, and a reclamation surety equal to 110 percent of the reclamation cost.

Reclamation Standard:

The Reclamation Plan for all excavation/mining activities, including borrow pits, must meet all state and local requirements (reference state requirements or reclamation standards in F.A.C. ch. 62C-39, and F.S. chs. 378 and 403). Reclamation involving land clearing debris disposal shall only be permitted to the minimum height above ground level that allows for environmental safety and storm water runoff consistent with the surrounding environment and intended post-mining land use not to exceed six feet. The reclamation plan shall be consistent with intended post-mining land use. The reclamation plan shall include a process for reclaiming mined-out land in reclamation units so that no more than five acres of mined-out land are exposed at any one excavation site, unless the terms of the development order provide for an exception. Reclamation of mined-out lands shall commence within one year of cessation of mining activities. Future land use and/or zoning changes, if required for reclamation activities, shall be obtained prior to the issuance of a development order.

FLAGLER COUNTY

Type of Regulation:

The Code allows for mining as a Special Exception in the AC (Agriculture) District. As a condition of the Special Exception approval, the Planning Board may and has usually applied conditions such as responsibility for the maintenance/repair of roadway at intersections with driveways to mining activity. The Comprehensive Plan (Conservation Element, Objective 8) provides guidance for mining operations as well. *[Land Development Code, Section 3.03.02 (C) 7]*

Fees:

Application Fee and Site Plan Fee. No regulation fees, no annual growth fees.

Reclamation Standard:

Does not have a Reclamation Standard nor has one been applied as a condition of approval.

GLADES COUNTY

Type of Regulation:

Mining is a conditional use in AG and Industrial Zoning designations. *[Land Development Regulation, Zoning]*

Fees:

Only Special Exception Fees

Reclamation Standard:

None

HENDRY COUNTY

Type of Regulation:

Mining regulations are found in the Future Land Use Element of the Comprehensive Plan (Policy 2.7.4, Minerals) which also covers restoration. As per the Land Development Code, Chapter 1-53, mining is permitted by special exception in A-2 and I-2, and a PUD/3 following an approved PUD development plan. Chapter 1-53, Zoning, 1-53-5.5 provides the standards for mining.

Fees:

Currently no fees are assessed. The [Land Development Code ,Chapter 1-53, Zoning, 1-53-5.5 (e)] requires that mine operators post a performance bond or issue a letter of credit when a mining operation is approved for improvements to roads that may be damaged by trucks. The performance guarantee shall be in the amount of no less than \$10,000 and for excavations in excess of 50,000 cubic yards shall be computed at the rate of \$0.20 per cubic yard.

Reclamation Standard:

The [Land Development Code, Chapter 1-53, Zoning, 1-53-5.5 (13)] states that upon completion of the excavation, the property shall be restored as required by the 1986 State of Florida Resource Extraction Reclamation Act (F.S. ch. 378, pt. IV).

HERNANDO COUNTY

Type of Regulation:

The Code covers mining, permitting, reclamation and enforcement. In the Code, Appendix A, Zoning, Article IV, Zoning District Regulations, Section 7, Mining District (M) gives the uses and regulations governing the Mining District. The Comprehensive Plan, Chapter 1, Future Land Use includes Objectives 1.11 (Analyzing Fiscal Impacts of Mining) and Goal 1.12 (Transition of Mining Lands to Other Land Uses upon Completion of Mining). The entire Chapter 2 of the Comprehensive Plan is dedicated to mining including earthen dam standards, mining setbacks, berms and buffers, reclamation, surface mining permits, mining plans, blasting standards, and protection of ecological features and natural resources. Mining is also covered in elements concerning Drainage and Natural Groundwater Aquifer Recharge Policy 4.10C (3), Coastal Management (Goal 5.02C, Policy 5.04F (4)) and Conservation (Goal 6.03, Policy 6.06C (3)). *[Code of Ordinances, Chapter 19, Mining Regulations]*

Fees:

Special Exception Use Permit Fees are found in the Planning Department Fee Schedule. The Development Department Fee Schedule establishes the following fees for mining: Master Mining Plan (MAMPA) Permit Fees are \$2.00 per acre or \$1,500 minimum and the plan is good for 25 years; Master Operation Plan (MOPA) Fees are \$50 per acre or a minimum charge of \$2,000. The mining permit is renewable every 5 years; Annual inspections are conducted for a \$450 fee; and Excavation Permits for mining of less than 40 acres require a Conditional Use Permit and a \$500 fee which covers 5 years. The excavation permit process

sometimes requires either the contractor to maintain any affected roadways, usually lime rock roads, or charge up to 15 cents per cubic yard for road maintenance. The Maintenance Fee is set by the Department of Public Works through the County Clerk's Office. Most contractors elect to do the roads themselves. Mining operators must deposit with the County an acceptable form of security for reclamation.

Reclamation Standard:

Reclamation activities shall be completed within 3 years after mining has been completed on any segment of the mining area. *[Code of Ordinances, Chapter 19, Mining Regulations, Article IV, Reclamation] and [Comprehensive Plan, Chapter 2, Objective 1.08D]*

HILLSBOROUGH COUNTY

Type of Regulation:

Excavation requires a Special Use Permit for Land Excavation. Every three years after issuance of the operating permit, the Administrator shall review the land excavation for compliance with the conditions of the operating permit. A phosphate mining permit will be issued only after submission and review of a completed application to the Administrator, reviewed by the Phosphate Mining Hearing Master or Zoning Hearing Master, and approved by the Board. A phosphate mining unit shall not exceed 2,500 acres in size. If an offsite haul route contains a dirt segment of a public road, the land excavation property owner shall pave the dirt segment in accordance with the County Highway and Bridge Technical Manual; and shall control dust generated by the land excavation's trucks within 500 feet of any residence. Ingress/Egress aprons are required for all land excavations from which material is excavated and transported on a public road(s). *[Land Development Code, Part 8.01.00 (Land Excavation) and Part 8.02.00 (Phosphate Mining Regulations)]*

Fees:

Fees for land excavation and phosphate mining are covered in detail in the Planning & Growth Management Department Fee Schedule established by resolution of the Board. Fees for the Phosphate Mining Permit, Amendment to the Phosphate Mining Permit, and Annual Review Related to Permitted Phosphate Mining are based on a fixed amount plus \$.10/acre or portion thereof plus cost of Legal Ads. Land excavation fees include the application fee and a fee based on the number of cubic yards of material removed from the excavation.

Reclamation Standard:

Financial security is required for the Reclamation Plans for both land excavation and phosphate mining. Land Excavation shall comply with the Florida Department of Environmental Protection Reclamation Requirements for Solid Resources other than Phosphate, Limestone, Heavy Minerals, and Fuller's Earth. Prior to permit issuance, the applicant must show proof of notification to DEP in accordance with Florida Statutes Chapter 378. Disturbed land as a result of phosphate mining will be reclaimed in accordance with the Rules and Regulations of the Department of Environmental Protection (Florida Administrative Code, Chapter 62C-16) unless more strict standards are established by the County. The reclamation schedule for phosphate mining varies with the beginning and completion of mining involving

settling ponds, sand tailings piles, recirculating water systems, backfilling soil, vegetation, etc. One of the purposes of the Phosphate Mining Regulations is to ensure that phosphate mining, a temporary land use, is carried out so as to not preclude future normal uses of mined-out lands. Upon termination of phosphate mining or processing operations, The Board may request the deeding of a percentage of reclaimed lands or any permanent roads or other transportation rights-of-way or drainage easements or rights-of-way to the County for public uses.

INDIAN RIVER COUNTY

Type of Regulation:

Any request for a mining permit is considered an application for site plan approval. Mining activities shall not exceed 20 acres per phase. Currently, all mines are classified as Administrative Permit use in all Agricultural Districts. An Administrative Permit Use is a conditional use requiring approval by the Planning and Zoning Commission (not a public hearing). Any additional LDR changes will likely include reclassifying mines as a special exception use; which would require approval of the Board of County Commissioners via a public hearing process. No mining excavation shall occur within 150 feet of a proposed public road. In addition, there must be a 300 foot setback from adjacent occupied structures to mining pits and on-site haul roads. All mining permit applications must identify an authorized fill hauling route. All mining sites shall have direct access to a collector or arterial roadway or local road that only serves nonresidential uses in an area designated for nonresidential uses. If private roads or easements are to be used, written permission shall be submitted from the person(s) owning said road or easement. No load limits shall be exceeded along the haul route. Where deemed necessary by the county engineer, mats, culvert, ramps, or paved drives shall be placed at entrances and/or exists of haul sites to prevent damage to pavement edges, shoulders, curbs and sidewalks. If any of the hauling route is over county maintained, unpaved roads, the permittee must maintain that section of the hauling route during the hauling operation, and security based on the number and frequency of trips not to exceed \$10,000 per mile of unpaved roadway may be required. Currently, the County is contemplating a 6-month moratorium on sand mine applications in order to update the Code requirements. *[Land Development Regulations (LDR), Chapter 934 (Excavation and Mining); Section 971.22 (Administrative Permit Requirements)]*

Fees:

Bond amounts are specified in 934.07 and 934.09 of the Land Development Code. They include compliance, reclamation bonds of \$1,000 per acre with a \$5,000 minimum, and permit fees. Mines are also subject to an impact fee of \$1,277.18 per acre.

Reclamation Standard:

The reclamation plan must include littoral zones and water quality management plans as indicated in 934.05 of the Land Development Code. The restoration plan must include a description of the eventual future use of the site.

LAKE COUNTY

Type of Regulation:

Mining and quarrying is a conditional use in agricultural uses across all zoning districts except RV. The Lake County Mining and Excavation Ordinance was adopted by the BOCC into the Conservation Element. The Land Development Regulations address mining in Chapter 6.06.00. Florida Department of Environmental Protection permitting is also required through the Bureau of Mining and Reclamation in addition to required permitting through the appropriate Water Management District and/or Army Corps of Engineers prior to approval of the County Operating Permit. *[Comprehensive Plan, Objective 7-13, Conserve Mineral Resource 9J-5.013(2)(b)(3)]*

Fees:

Payment of administrative, review, processing, annual progress report review fee, and permitting and inspection fees associated with the cost of implementing the requirements of the mining regulations is in accordance with the Lake County Fee Schedule established by resolution by the BOCC.

Reclamation Standard:

All standards will need to meet the minimum requirements required by the Florida Department of Environmental Protection permit. Additional requirements approved by the BOCC are incorporated into the subsequent Operating Permit (approved by Development Review staff). *[Land Development Regulations under Section 6.06.02 (D), and Comprehensive Plan Policies 7-13.7 to 7-13.10]*

LEVY COUNTY

Type of Regulation:

Major mining operations (exceeds 1,000 cubic yards of fill removed from or placed on a tract or parcel of 20 acres or less or exceeds 10,000 cubic yards of fill removed from or placed on a tract or parcel greater than 20 acres) and excavation and fill activities are permitted in the Forestry/Rural Residential (F/RR) and Agricultural/Rural Residential (A/RR) Zoning Districts as a special exception if conditions in Section 50-850 are met. Quarrying, mining, and processing of raw materials are permitted in the Industrial District as a special exception. Major mining and excavation not including fill are permitted in the Rural Residential (RR) Single Family District as a special exception. *[Code in Code of Ordinances, Chapter 50, Land Development Code, Article XIII, Zoning, Section 50-850, Mining and Excavation of Minerals, Resources, or Natural Resources, and Site Reclamation]*

Fees:

Currently, Levy does not impose mitigation fees, road damage fees or impact fees for mining. However, [Section 50-850, II (D) (14)] does place the liability on the owner, operator, and hauler responsible for any damages to public and private property, animal or plant life, or any water-bearing geological formations incurred due to mining operations, or any dam, spillway or outlet structure of a settling or thickening pond. There are also provisions for performance bonds related to mining reclamation (\$2,000/acre) and settling or thickening ponds (\$1,000/acre). A special

exception application fee for a major mining operation permit or a minor excavation and fill permit shall be accompanied by the applicable fee set out in the fee schedule maintained by the County Development Department. The applicant is also responsible for the cost of a public notice requirement.

Reclamation Standard:

Part of any application for a Major Mining operation shall include a letter of confirmation from the Florida Department of Environmental Protection that a reclamation plan or notice has been reviewed and found sufficient. *[Land Development Code in Code of Ordinances, Chapter 50, LDC, Article XIII, Zoning, Section 50-850, Mining and Excavation ..., II, Special Exceptions, (d), Specific Criteria, (6), Reclamation Plan]*

MANATEE COUNTY

Type of Regulation:

Borrow Pits (Minor and/or Major Earthmoving) are regulated by Section 732 of the Land Development Code which is currently being updated. An administrative permit allows Earthmoving (Minor), 200-1000 cubic yards involving 2-10 acres, in all zoning categories except Conservation. Earthmoving (Major), 1,000+ cubic yards involving 10+ acres in one year, is a Special Permit in A and A-1, Administrative Permit in LM and HM, and Permitted in Extraction District as defined in 602.1.7 and 602.4 of the Land Development Code. Phosphate mining and reclamation are regulated by Ordinance 04-39 titled "The Manatee County Phosphate Mining Code" which replaces Section 2-20 of the Manatee County Code of Ordinances in its entirety. [Ordinance 04-39, III. Minimum Mining Standards and Requirements (17)] Prior to any road construction, the applicant for phosphate mining shall furnish a performance bond sufficient to indemnify the County against failure of the applicant to complete such construction. [Ordinance 04-39, IV. Application Requirements (12)] Phosphate mining requires a transportation analysis, to include estimates of vehicular and rail traffic and any other mode of transportation of materials and products leaving the applicant's property, and of raw materials entering the applicant's property, with emphasis on any disruption of normal traffic movement caused by, vehicular traffic and road deterioration resulting from, the proposed mining activities. [Land Development Code, 732.4.3.15] Excavation (Major) requires a transportation analysis to identify haul routes with emphasis given to any disruption of normal vehicular traffic movements caused by the proposed activities, and including the estimated maximum number of haul trips for any 24 hour period. [Land Development Code, 604.1.2.4 and 604.2.2.3] defines Special Treatment and Watershed Protection Overlay Districts. In the Manatee Comprehensive Plan mining is a potential use in the Agricultural/Rural Future Land Use (Policy 2.2.1.8.2, Future Land Use Element). Objective 3.4.2 of the Conservation Element covers Mineral Resource Extraction.

Fees:

Applicants for phosphate mines are required to provide the following: Certified Financial Statements for each acre of land disturbed and each acre-foot of above grade storage in the largest of the proposed or existing clay settling areas;

Certificates of Insurance for personal injury, property damage, or environmental damage; General Surety Bond for each acre of land insured; and Reclamation/Wetland Mitigation Bond equal to 110% of the reclamation cost for each acre of land. Manatee County uses the Planning Department Fee Schedule (Resolution 06-227) for borrow pits and phosphate mining (fees are determined in the same way as a DRI for ADA, amendments and annual reports, with remaining fees as per Earthmoving (Major). [Land Development Code, 732.5.12, Financial Responsibility] Prior to issuance of a Operating Permit for Earthmoving (Major), an applicant shall furnish evidence of financial responsibility in an amount based upon the total number of acres disturbed, haul road length, and subsequent reclamation. Evidence of financial responsibility shall consist of Reclamation Surety Bonds equal to 130% of the reclamation costs per acre and roadway section. *[Ordinance 04-39, Appendix C. Financial Responsibility]*

Reclamation Standard:

Post reclamation lands, excluding land reclaimed over clay settling areas or land underlying disturbed areas reclaimed as lakes or wetlands shall meet radiation standards to be eligible for release. Except for clay settling areas, no later than five years after cessation of mining extraction activities on a specific reclamation unit, the applicant shall have completed the backfilling, contouring, and initial planting of the area in accordance with the reclamation plan approved in the master mining plan and operating permit. *[Ordinance 04-39, V. Application Review Procedures (B) (4)]* Reclamation of disturbed land shall be deemed complete after a showing that the specific parcels have been reclaimed in accordance with the applicant's approved master mining plan and operating permit as per the requirements set forth in the Manatee County Phosphate Mining Reclamation Manual (Appendix E) and the requirements imposed by the Florida Department of Environmental Regulation. *[Land development Code, 732.4.3.16]* Earthmoving (Major) requires a reclamation plan which gives the requirements for reclaimed land, water and rights-of-way (includes a map indicating proposed haul route, turning radii, width of pavement, method of periodic maintenance and dust control. Revegetation shall be considered complete upon demonstrating 90% perennial vegetation cover one year after reclamation. *[Ordinance 04-39, III. Minimum Mining Standards and Requirements (5) (12)]*

MARION COUNTY

Type of Regulation:

Existing mines which are permitted in conformance with the requirements of the Florida Statutes and Florida Administrative Code will be allowed to continue operations in rural and urban areas provided that the mining, within the same ownership or leasehold, has been actively pursued within the three year period prior to June 11, 1992. To ensure compatibility, proximate intruding land uses will be required to provide buffers. New mines, properly permitted, that meet criteria set by the Land Development Regulations to establish compatibility with existing land uses, will be allowed in any zoning classification by Special Use Permit. Buffering will be required. All regulations of the Department of Environmental Protection must be adhered to. *[Land Development Code, Section 5.5.18, Mining and Excavation/Comprehensive Plan, Future Land Use Element, Policy 4.5, and Conservation Element]*

Fees:

Submitting of evidence to show the mine to be in compliance is no charge. A Special Use Permit Fee is currently \$300.00.

Reclamation Standard:

To restore a site means to put back the same thing that had previously existed, i.e.: restore the type, nature and function of the ecosystem to the condition in existence prior to mining. Resource extraction shall be conducted in accordance with federal and state statutes.

MIAMI-DADE

Type of Regulation:

Only the Open Land category in the Comprehensive Plan Land Use Element allows specifically limestone rock mining that includes the Lake Belt Area. Regulations concerning mining activities appear in Chapter 24 and 33 of the County Code. Rockmining uses are permitted in all zoning districts within the ROZA (Rockmining Overlay Zoning Area) as per County Code (Chapter 33, Article XLI) without a public hearing, upon obtaining all required wetland permits and approval of the plans by the Department that are in compliance with the specified criteria of this Article, particularly the lake excavation plan criteria enumerated in Section 33-423(5) and Chapter 24 of the Code. Rockmining uses shall not be permitted in any other area of unincorporated Miami-Dade County unless approved after public hearing pursuant to Section 33-13 of this Code (Unusual Uses). Chapter 13 of the County Code deals with the use of explosives and blasting. A federal judge in July 2007 ordered mining to stop on hundreds of acres in the "Lake Belt" region because quarries close to the county's primary public water supply raised serious concerns of chemical and bacterial contamination.

Fees:

The Director of the Department of Environmental Resources Management is responsible for the collection of fees adopted by Administrative Order 4-42 of the Administrative Code. Rockmining/lake excavation application and permit fees are based on the number of acres. The cost of mitigation for mining is based on a cent per ton fee. If applicable, a performance bond and a mitigation bond may be required by the Director of the Department of Environmental Resources Management (Section 24-48.5 (2c)). The cost of providing Department of Planning and Zoning services, such as appeals of administrative decisions of Director and amendments to zoning, is established by Administrative Order 4-111 of the Administrative Code, and is administered by the Director, Department of Planning and Zoning. There is a Mitigation Fee and Water Treatment Plant Upgrade Fee on each ton of rock and sand extracted the Lake Belt Area (Florida Statutes, 373.41492).

Reclamation Standard:

There are some reclamation standards regarding grading, leveling, and sloping of banks and perimeter littoral shelves and permit conditions add additional

requirements for site restoration [County Code, Chapter 33, Article XLI, and Section 33-423 (5)]. [Florida Statutes, Chapter 378, S. 378.401-378.503] directs the Department to work with Miami-Dade County Department of Environmental Resource Management to obtain certification to implement the reclamation program for limerock mining activities in the Lake Belt Area.

OSCEOLA COUNTY

Type of Regulation:

Medium and large soil excavations shall only be allowed as a conditional use within rural and agricultural development and conservation zoning districts. They are located outside the urban service area, are viewed, and assessed as an impact fee the same as any other development. Mineral excavation, mining, or processing that involves more than 25 acres shall require re-designation to the Natural Resource Utilization Future Land Use Map category. Soil excavation permits are handled through the County Engineering Department. The County will consider the capacity, impact, hours of operation, and estimated volume of traffic on the conduct of institutions (schools, hospitals) as one of its review criteria. The off-site haul route shall be designated with the Excavation Permit application. A bond may be required in the amount of 125% of the estimated cost to level, overlay, and perform repairs to shoulders and ditches for the first 5 miles of roadway; or to the first major arterial roadway, whichever is closest. Techniques to mitigate the impacts of off-site hauling on existing neighborhoods, fronting onto collector or arterial roadways, may include restrictions on the hours and days of off-site hauling; contribution by the applicant to the cost of road improvements on the haul route and development of alternative haul routes. The County is scheduled to adopt a new comprehensive plan on December 10, 2007 which will necessitate re-writing the Land Development Code in parts. *[Land Development Code, Section 4 / Comprehensive Plan, Conservation, Section 1.7]*

Fees:

There is a reclamation surety fee of 120% of the amount necessary to complete reclamation. A resolution by the Board of County Commissioners establishes fees for administrative, review, processing, permitting, and inspection.

Reclamation Standard:

Medium and large soil excavations require a reclamation and reuse plan. The Land Development Code, Chapter 4, Section 4.7, Reclamation and Reuse Plan requires that existing and proposed contour lines, water courses, water bodies, streets, utility lines, man-made and natural features be shown when the reclamation plan is completed. Reclamation must comply with the Florida Department of Environmental Protection (DEP) reclamation requirements for solid resources other than phosphate, limestone, heavy minerals, and Fuller's Earth.

PALM BEACH COUNTY

Type of Regulation:

In the Comprehensive Plan, mining and excavation activities are permitted in the following future land use designations subject to the Mining and Excavation

regulations of the Unified Land Development Code: Rural Residential 10 and 20; Commercial categories; Commercial Recreation; Industrial categories; and Agricultural Production.

At a BOCC meeting on September 11, 2007, Palm Beach BOCC voted to accept the in-house mining study which was authored by several county departments, the mining industry and multiple permitting agencies. The report found that an extensive permitting process now ensures that future mining won't hurt Everglades' restoration of or water resources, and that there is room for improved communications among permitting groups including the U.S. Army Corps of Engineers, South Florida Water Management District (SFWMD), and Florida Department of Environmental Protection. County Water Resources Manager Ken Todd authored the study. The report explains that sediment borings don't show rock formations with the kind of porosity in Miami-Dade County. Critics of the Palm Beach study say that does not mean it wouldn't hurt the natural areas that the restoration is meant to preserve, and are therefore, calling for a comprehensive environmental impact study. The Palm Beach BOCC wants to return to the study on October 23 to hear suggestions from staff, the SFWMD and environmental and growth-watchdog groups. The BOCC wants the entire study completed by December 1, 2008. A moratorium on new mine operations in the Everglades Agricultural Area has been in effect since November 2006. *[Comprehensive Plan, Future Land Use Element - Mining and Excavation, Objective 2.3 and Ordinance 2006-048 which amends the Future Land Use Element and other elements as necessary concerning mining and excavation] and [Unified Land Development Code, Article 4 - Use Regulations, Chapter D - Excavation]*

Fees:

The four types of excavation (Agricultural; Type IA, IB; Type II; Type IIIA, IIIB) all require a performance guarantee. Agricultural and Type II Excavations which are monitored by County Environmental Resource Management are required to provide a guarantee for the excavated areas (\$1000/acre) and littoral plantings (\$10,000 minimum and 110% minimum for total estimated cost). The Planning and Zoning Division administers guarantee requirements for reclaimed upland area and upland plantings (\$10,000 minimum and 110% minimum for total estimated cost). The Land Development Division administers guarantee requirements for road maintenance and repair of haul routes (\$50,000 minimum per mile of affected streets within the radius of impact). *[Unified Land Development Code, Article 4 - Use Regulations, Chapter D, Section 8 (D)]*

Reclamation Standard:

There are four types of reclamation standards: excavated area; littoral planting; upland; and upland planting. The standards vary based on the type of excavation activity set forth in Article 4.D, Excavation. *[Unified Land Development Code, Article 4 - Use Regulations, Chapter D, Section 8 (C)]*

PASCO COUNTY

Type of Regulation:

Mines in Pasco are categorized as Class 1 (commercial mines that are hauling materials off site), or Class 2 or 3 (typically lake/pond maintenance and agricultural pond installations) depending on the amount of material removed from the site, the

size of the excavation/grading area and how they are approved. Mining is permitted as a conditional use in the following: Agricultural Districts (A-C ,AC-1), Agricultural Residential Districts (A-R, AR-1, AR-5), Agricultural Mobile Home District (AR-5MH), General Commercial District (C-2), Commercial/Light Manufacturing District (C-3), Light Industrial Park District (I-1), and General Industrial District (I-2). *[Land Development Code, Article 600, General Land Development Standards, Section 609, Mining] [Comprehensive Plan, Future Land Use and Conservation Elements]*

Fees:

Plan review fees vary based on the Class of the mine (Class I fees are based on the acreage while Class 2 and 3 are a flat rate). Rates are provided in the Development Review Division Fee Schedule as per Resolution 94-321 for blasting and mining operations. Financial security is required for reclamation, completion of off-site performance requirements, and maintenance and/or monitoring requirements associated with the mining permit and/or plan. *[Land Development Code, Article 300, Administration and Enforcement, Section 313.4(E) (Application for Permits) and 313.7 (Fees)]*

Reclamation Standard:

Reclamation will begin promptly upon ending of excavation of each unit and be satisfactorily completed within one year unless otherwise permitted. *[Land development Code, Article 600, General Land Development Standards, Section 609 (D), Reclamation]*

POLK COUNTY

Type of Regulation:

Phosphate mining shall comply with County Ordinance 88-19, as amended. There is a land use classification for Phosphate Mining (PM) which is a conditional use in the Rural-Development Area (RDA). Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the County FLUM, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new Agricultural/Residential-Rural (A/RR) Land Use . Phosphate and peat mining shall not be allowed in the Green Swamp Area of Critical State Concern. All other mining must submit a written impact statement that demonstrates that the policies of the Comprehensive Plan are met and include a certification with supporting data by a registered engineer that the requirements of the Green Swamp Overlay District are met (Policy 2.123-F2). Specialized Uses include Non-Phosphate mining which is a conditional use in all land use categories except Preservation, subject to County approval (Section 2.125). Wetland impacts, where unavoidable, and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for mining that meets state and federal regulations in Wetland-Protection Special-Area Overlay (Policy 2.123-C2). Polk County has a Mineral Resource Protection Overlay District (Section 2.124-C) for the purpose of protecting for future mining those known deposits of miners and soils that are in appropriate locations. Mining regulations are also found in [Code of Ordinances, Chapter 10, Mining Operations, Article II, Limerock, Article III, Phosphate Mining] and [Land Development Code, Chapter 3, Conditional Uses, Section 303, Mining, Non-Phosphate and Mining, Phosphate]. *[Comprehensive Plan, Future Land Use, Division 2.100, Section 2.114 (Phosphate Mining), Section 2.125 (Non-Phosphate Mining)]*

Fees:

The Land Development Code (Section 130, Administrative Fees) states that the County may adopt by resolution, administrative fees such as application fees, review fees, inspection fees, and appeal fees. Resolution No. 01-28 revises the Land Development Fee Schedule which includes fees for mining operating permits, progress reports and new DRI mining fees. Additionally, there are fees for Phosphate Mining Operating Permit Application and Phosphate Mining Conceptual Mine Application or Change which are handled by the Codes Compliance Division.

Reclamation Standard:

All areas affected by mining shall be substantially reclaimed within one year for limerock and two years for phosphate. All applicable state regulations for reclamation and restoration of mined lands as promulgated by the Florida Department of Natural Resources shall be adhered to by the applicant. For all mines the Reclamation Plan is submitted as part of the Conceptual Mine Plan. Compliance with Polk County's minimum reclamation standards shall be demonstrated through the annual mine reports. *[Code of Ordinances, Chapter 10, Mining Operations, Article II (Limerock), Article III (Phosphate Mining), Division 4, Reclamation] and [Land Development Code, Chapter 3, Conditional uses, Section 303, Mining Non-Phosphate, 6, 16]*

PUTNAM COUNTY

Type of Regulation:

Zoning Districts that may be allowed in Mining Future Land Use are AE, AG, P1, P2, M, and PUD. A borrow area or mine shall not be located on a parcel less than five acres in size. Borrow pits must be zoned AG or M. Borrow areas in excess of 30 acres or are intended to operate for more than 10 years are treated as mines, and like Mines, shall be allowed only where both the Mining future land use category and Mining zoning district are in place. Excavation of borrow pits and mines shall be completed in phases. A borrow area permit is in addition to a Special Use Permit that may be required by a particular zoning district. The applicant must obtain a driveway permit for State Roads or County Roads for borrow pits before a permit is issued. County Public Works will require a design for connecting driveways to minimize road damage caused by heavy trucks and equipment. A Mining Master Plan must indicate ingress and egress and anticipated traffic routing, roadways within a two mile radius, and a traffic impact and concurrency study. The site for a mine shall have legal access to a public right-of-way that will insure the ingress and egress for the mining operation does not take place on a local road in an established neighborhood. The mining site must be 100 feet of any public roadway. *[Land Development Code, Article 2, Section 2.03.17 (Mining), Article 3, Section 3.02.09 (Borrow Pits) and Section 3.02.31 (Mining)/Comprehensive Plan, Future Land use Element and Conservation Element]*

Fees:

A performance bond or other surety in an amount not less than 100% of the cost of reclamation may be required for borrow pits and mines. Other fees such as permit fees are established by resolution of the Board of County Commissioners.

Reclamation Standard:

Borrow areas must complete reclamation within 12 months of the expiration of a permit or closure of mine operations. Reclamation of borrow pits includes a statement from FDEP regarding compliance with the applicable provisions of Chapter 38, Florida Statutes and Chapter 62C, Florida Administrative Code. Regarding mines: The preparation and implementation of reclamation plans shall, at a minimum, be consistent with State law for the type of resource extracted; and in the case of a conflict between State and local laws, the more stringent standard shall apply. Part or all of an excavated borrow pit may be reclaimed as a pond subject to supplemental regulations for ponds. Reclamation of borrow pits and mines shall mean a reshaping of the land that is as close as is practical to the contours existing prior to the excavating of the land, unless the Reclamation Plan establishes an alternate set of contours that is not contrary to the public interest and leaves the site beneficial for a viable future land use, taking into consideration the type of land use in place prior to the establishment of mining operations, the viable land uses that might be established after reclamation, and the surrounding topography and land uses.

SARASOTA COUNTY

Type of Regulation:

Sarasota administers two Codes regulating excavations within the unincorporated areas: [Code of Ordinances, Chapter 54, Article X, Sections 54-281 to 54-301] is the "Mining Code" which regulates the excavation mining of "extraction of minerals or ores from the earth by whatever method including removal of overburden...". The Open Use Mining District (OUM) is the only zoning district in which resource extraction is permitted. Application for OUM zoning, unless previously obtained, shall be made concurrent with an application for Master Mining Approval. Only areas designated as Rural on the FLUM can have the OUM zoning. The Sarasota Comprehensive Plan prohibits mines within the watersheds of Cow Pen Slough and the Myakka River. [Article XII, Chapter 54, Sarasota County Code] is the "Earthmoving Code" which regulates earthmoving (excavation other than mining, filling, hauling, and stockpiling). EarthMoving Permits greater than 100,000 cubic yards require approval by the Sarasota BOCC. Both codes contain provisions for protection of wetlands and other native habitats, water quality, roadway protection, bonding, reclamation requirements, requirements to obtain permits/approvals from state/federal agencies, requirements to conduct such activities with specified Zoning Districts, etc. Note that Sarasota initiated street groundwater monitoring standards by establishing baseline conditions that begin a year prior to the submission of an application of the Master Mining Approval Plan. The monitoring continues until all reclamation efforts are complete [Section 54-289 (1) (h) (4)].

Fees:

Fees are required for the following: Application for Master Mining Plan; Annual Progress Report; and Operating Permits. Applicants file with the Board a surety bond or bonds in the amount of \$2,500 for each acre of land to be disturbed during the term of the permit. This includes a bond sufficient to indemnify the County for

any damage to roads. Also, Applicants annually post a Reclamation Surety Bond(s) equal to 110 percent of the reclamation cost per Reclamation Unit for each acre of land to be disturbed during the ensuing year and all land previously disturbed for which reclamation has not been approved by the Director. *[Code of Ordinances, Chapter 54, Article X, Section 54-298, Ordinance No. 82-111]*

Reclamation Standard:

[Code of Ordinances, Chapter 54, Article X, Section 54-289 (3)] specifies standards for topography and drainage, agricultural lands, wetlands, lakes and other water bodies, soils, vegetation, radiation, and site cleanup.

SUMTER COUNTY

Type of Regulation:

Mining is permissible only as a conditional use in areas designated as Agriculture on the FLUM pursuant to a mining site plan as provided for in the Land Development Code. No mining operation shall be allowed to mine more than (10) percent of the total ten year allocation permitted by the comprehensive plan in any one-year period. Within any five-year period, no individual mining operation shall receive an operating permit for more than (25) percent of the total ten year allocation permitted by the comprehensive plan in any one-year period. Any land allocation for mining larger than those indicated requires a plan amendment. In the Land Development Code (Division 6, Excavation and Mining Uses, Section 13-771 - 13780) excavation (defined as where at least 2,000 cu. yds, but not more than 50,000 cu. yds. of limerock or other minerals is excavated) and mining (defined as where more than 50,000 cu. yds. of overburden and limerock is excavated) are treated separately. Sumter County requires that new or expansions of limerock mines can only occur if it is adjacent to an existing permitted or legally vested lime rock mine. Section 13-772(5)(b) states that any haul road construction to any public road is to be constructed to the satisfaction of the applicable governing agency. *[Comprehensive Plan, (Chapter 3, Conservation, Objective 3.1.11) and (Chapter 7, Future Land Use, Objective 7.1.11)]*

Fees:

Mining fees are found on the Planning/Zoning Development Review Fee Schedule which includes a conditional use (\$6,000) and operating permit fee (\$6,000) for limerock mining.

Reclamation Standard:

A reclamation program and plan which meets the requirements of Florida Department of Natural Resources under Rule 16C-36 F.A.C. is required. *[Land Development Code, Division 6, Excavation and Mining, Section 13-772, 9]*

TAYLOR COUNTY

Type of Regulation:

Road concurrency standards are no different than any other development. A mining permit is required for a mining and excavation operation that entails the excavation or removal of earth in excess of 100 cubic yards, from one parcel of property or area

to another. Mining is considered a high impact use and is only permitted in Agricultural 1 and 2. *[Land Development Code of the Code of Ordinances, Chapter 42, Article II, Subdivision IV, Development Permits, Section 42-189 and Article VII, Resource Protection, Section 42-552]*

Fees:

No specific fees are associated with mining.

Reclamation Standard:

There is not a reclamation standard at this time, but proposed mining activities shall comply with the provisions of F.S. ch. 378 and F.A.C. 16C-36, and revisions thereof.