



Updated 6/13/14

# Earthmoving Code



# EARTHMOVING CODE Major Changes

## No Hearing Officer

- Approval by Excavation Administrator
  - Application approval is based on whether it meets code; therefore Hearing Officer not necessary
  - Initial Concern – No Public Hearing
  - New Excavation Permits
    - FLUM Amendment and Rezone to MRE
    - Both have Public Hearings



# EARTHMOVING CODE

## Major Change

### Roadway Service Life Reduction Fee

- Roundtable came to conclusion to keep the \$1 per truckload for Roadway Service Reduction Fee
  - Could not agree on how to come up with Bond amount
  - Suggestion is to keep \$1 per truckload
- Staff suggest keeping this for now until more research can be done
  - Fee resolution can be brought to the BCC at a later date.



# EARTHMOVING CODE Fees

- **Application Fees**
  - Standard Earthmoving
    - Exact Costs (not to exceed \$2,400)
  - Specific Earthmoving
    - Exact costs (not to exceed \$15,000)
    - Groundwater Analysis Review (if needed)
      - Exact costs (not to exceed \$20,000)
  - Annual Report and Inspection Fees
    - \$4,016 (based on Excavation Coordinator)



# EARTHMOVING CODE

## Board Decisions

### **Ag Excavations (non exempt)**

Requirement to leave all material on-site

- Roundtable is ok with material leaving site
  - Roadway Service Life Reduction Fee



# EARTHMOVING CODE

## Board Decision

### Hours of Operation – Ag

- ANRAC has requested that the hours of operation for Ag farms needs to have flexibility.
  - Request that either a map including those properties that have no restrictions on hours of operations
  - All Ag properties have no hours of operation
  - Limit hours of operation for truck traffic only



# EARTHMOVING CODE

## Board Decision

### Ag Exemption Notifications

- ANRAC requests that Ag exemptions do not have to notify the County if the pond is exempt
  - Or a short form is established with no fee for Ag exempt ponds



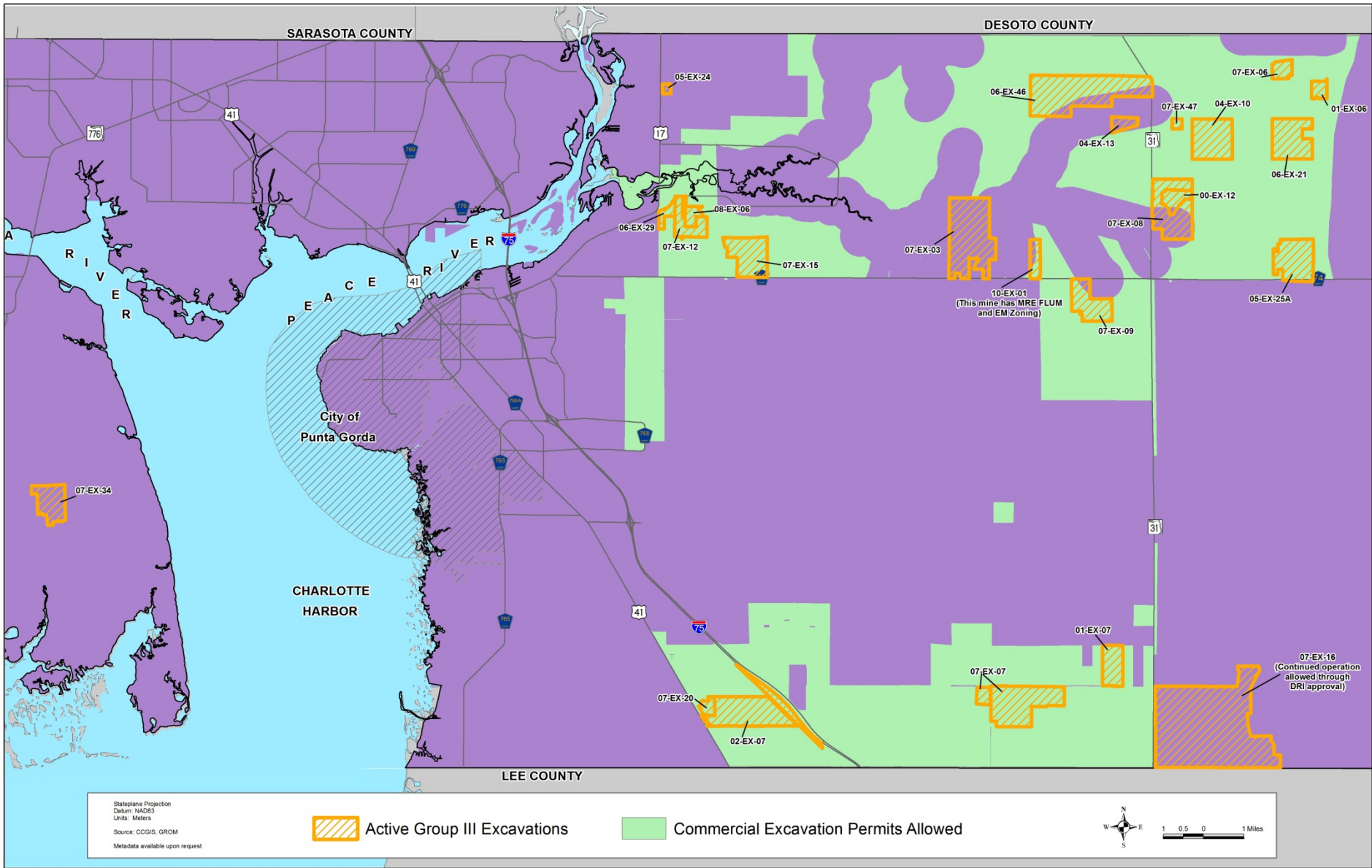
# EARTHMOVING CODE


## Board Decision


### Permit Renewal

- Request – Allow for a renewal process provided the following are met:
  - The operation is in compliance with the standards, requirements, and conditions under which the permit was issued.
  - There are no changes to the operation.
  - All local, State, and Federal permits are valid.
  - The operation shall comply with any new fees.
- Currently a new permit is required which would require the following
  - Plan amendment (FLUM to MRE)
  - Rezoning to EM
- There are four permits that are entirely in the area that would be prohibited to do a plan amendment and rezoning and five permits that are partly in the prohibited area.





 Active Group III Excavations

 Commercial Excavation Permits Allowed



- 05-EX-24
- 06-EX-46
- 07-EX-06
- 01-EX-06
- 04-EX-10
- 06-EX-21
- 04-EX-13
- 07-EX-47
- 00-EX-12
- 07-EX-08
- 07-EX-03
- 10-EX-01 (This mine has MRE FLUM and EM Zoning)
- 07-EX-09
- 05-EX-25A
- 07-EX-16 (Continued operation allowed through DRI approval)
- 07-EX-16
- 07-EX-07
- 01-EX-07
- 07-EX-07
- 07-EX-20
- 02-EX-07
- 07-EX-12
- 08-EX-06
- 07-EX-15
- 06-EX-29
- 07-EX-34



# EARTHMOVING CODE Comment Changes

## Babcock Ranch

### Section 3.5.458 Applicability

Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order is approved for a 13,630 acre community (“the DRI Boundary”). The developer has obtained state and federal permits for a series of lakes to be constructed during the development of the community within the DRI Boundary. Charlotte County shall issue permits and or permit extensions for those lakes permitted by the state or federal agencies in accordance with the state and federal permits, provided that the fill from those lakes currently permitted under EarthSource Mine Permit #07-EX-16 or an extension or modification thereof may be removed from the DRI Boundary, but those lakes not yet under a County earthmoving permit shall retain the fill material within the DRI Boundary.



# EARTHMOVING CODE

## Comment Changes

### Wetland setbacks

An earthmoving operation shall protect wetlands and other surface waterbodies.

a. There shall be a minimum setback of 50 feet, **or as approved by the state permit**, vegetated with native species, from any activity associated with an earthmoving operation to:

- 1) Any on-site wetland, unless mitigation for its destruction is approved, and any on-site waterbody that is not integral to the earthmoving operation.
- 2) Any off-site wetlands or waterbodies.



# EARTHMOVING CODE

## Comment Changes

### Group 2

- **Section 3.5.465 Standard Earthmoving and Construction Permits.**
- The following activities shall require County review and approval prior to the commencement of any earthmoving activity; review and approval by the Earthmoving Administrator is not required. No earthmoving activity shall occur on-site prior to the approval of the permit. ~~A maximum of 10 percent or 15,000 cubic yards, whichever is greater, of the total amount of cubic yards to be executed may be removed from a development site approved under a Standard Earthmoving or Construction Permit.~~ **If excavated material is to be removed from the site, the roadway service life reduction fee will be assessed.** [For a Development of Regional Impact, the development site shall mean any of the area within the DRI boundary.] Stockpiling is considered an accessory to these earthmoving activities but shall only be allowed for material used on the development site and cease when there is no longer a valid permit for the site.



# EARTHMOVING CODE Comment Changes

## Environmental Impact Statement

**Replace 3.5.468 H, 1 and 2a with:**

The EIS shall include all drainage calculations, signed, sealed, and dated by an appropriate registered professional, and supporting documentation demonstrating that the proposed project meets the requirements under Environmental Resource Permit (ERP) rules 62-330.301.