

# Earthmoving

9/15/2020



CHARLOTTE COUNTY  
FLORIDA

# Discussion Points

- Department responsibilities
- History of Current Ordinance
- Types of Excavations
- Permit Process and requirements
- New Inspection form and tracking
- Proposed changes to ordinance
- Proposed enforcement enhancements

# Responsibilities

- Community Development
  - Future Land Use Map (MRE) Amendment
    - Agriculture (AG) to Mineral Resource and Extraction (MRE)
  - Rezoning
    - Agriculture (AG) to Excavation and Mining (EM)

# Responsibilities

- Public Works
  - Mining Permit
    - Article XXIII - Earthmoving

# History of Current Ordinance

- Between May 2013 - August 2014
  - 2 Board workshops (5/21/13 & 6/16/14)
  - 2 Agriculture and Natural Resources advisory committee (ANRAC) meetings
  - 3 Roundtable meetings
    - Engineers, attorneys, Southwest Florida Water Management District (SWFWMD), environmental groups, farmers, miners

# History of Current Ordinance

- 8/11/14 – Ordinance approved by Planning & Zoning
- 9/23/14 – Ordinance adopted by BCC
- 4/28/15 – Comp plan amendment adopted by BCC
- 12/8/15 – Settlement agreement with City of Punta Gorda on Comp Plan challenges approved by BCC
- 2/12/16 - Settlement agreement with City of Punta Gorda on Comp Plan challenges finalized by all parties
- 11/14/17 – Excavation fee schedule approved by BCC

# Types of Excavations

- Residential ponds & lake reconfiguration
- Agriculture excavations
  - Standard (3-15 acres)
    - Exempt with notification, material must stay on site
  - Specific (greater than 15 acres or material leaving site)
    - Must have approval by state or federal agency involved in cost sharing program (ex. SWFWMD, FARMS program)
- Commercial Excavation

# What do they Excavate for?

- Fill Dirt
- Rocks and Aggregate

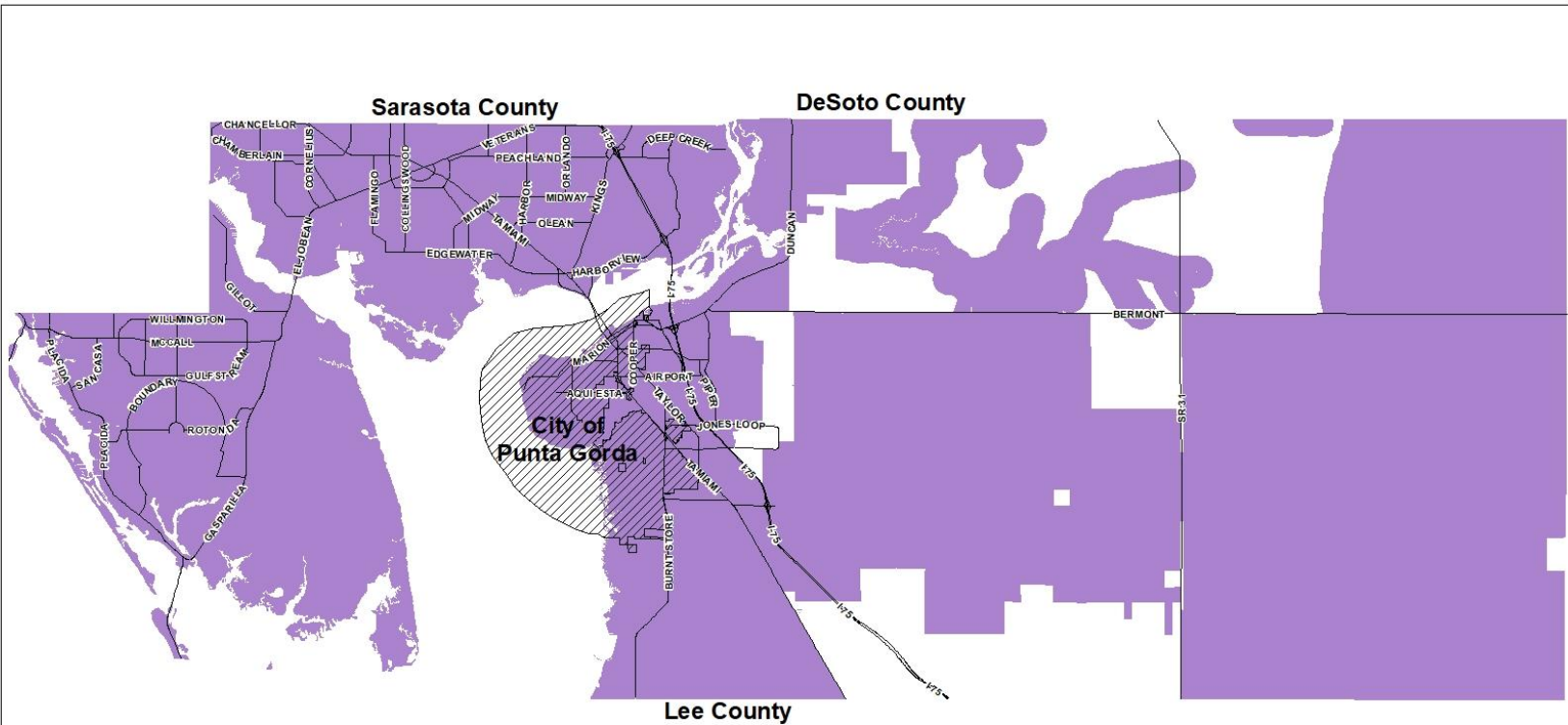


# Comp Plan Requirements

- The Future Land Use Map (FLUM) Designation must be Mineral Resource and Extraction (MRE)
  - Location limitations
  - Procedures
  - Special Provisions
- Existing Group III allowed to remain under existing permits
  - New or modified must undergo FLUM Amendment and Rezone

# Zoning Code Requirements

- The Zoning Map Designation must be Excavation and Mining (EM)
  - Setbacks
  - Certain dimensional standards
- May then apply to modify, or create new, mining operation



Areas prohibited from being designated Mineral Resource Extraction



(Not To Scale)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

# Application Requirements for Commercial and Specific Ag

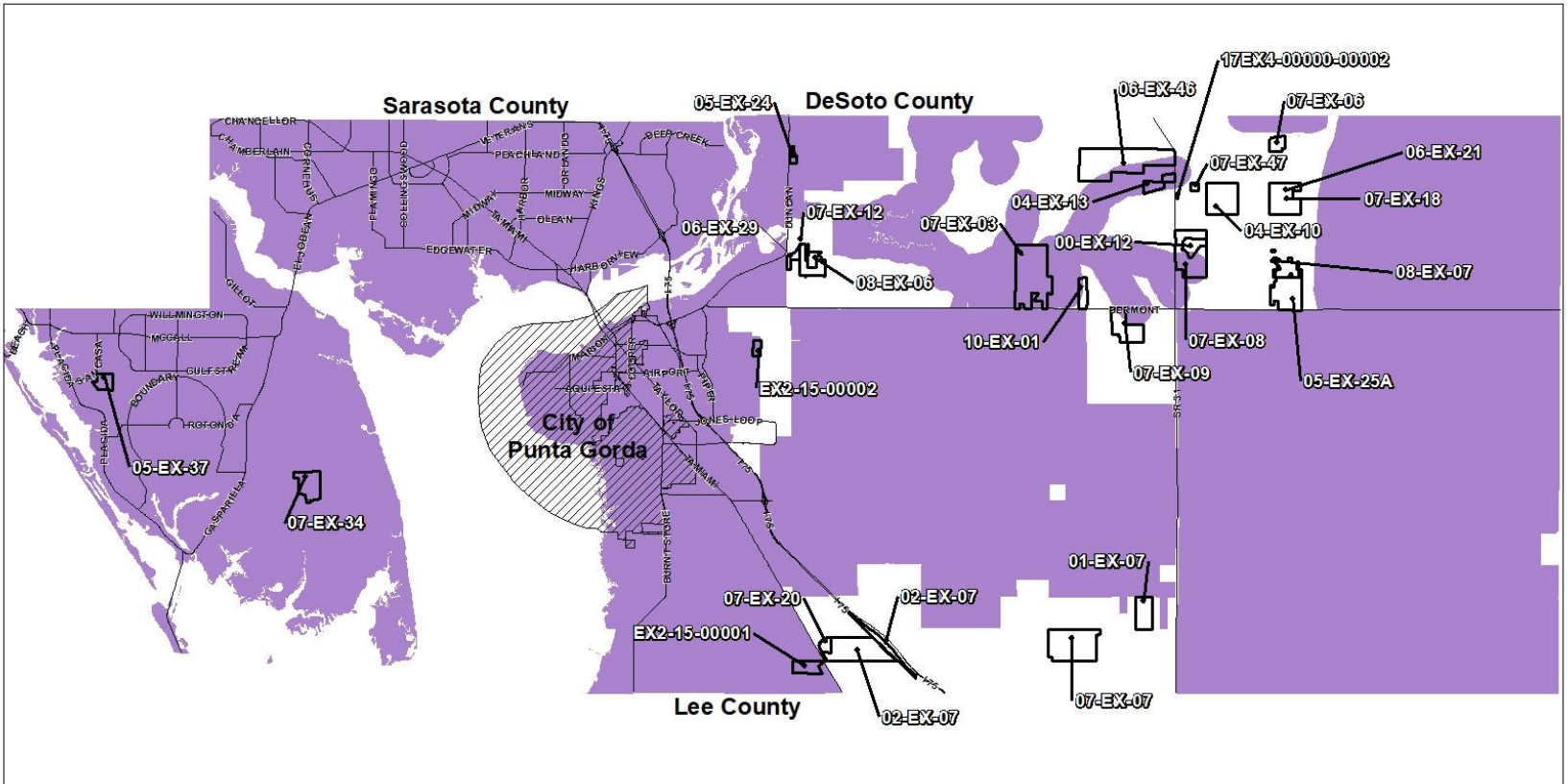
- Excavation plans
- Soil Boring report
- Reclamation plan
- Environmental Surveys
- Env. Impact Statement
- Hazardous Material Assessment
- Traffic Impact Analysis
- Blasting plans (if applicable)
- Crushing plan (if applicable)

# Other Permits needed

- Specific Ag
  - (Environmental Resource Permit)ERP or exemption for agricultural excavation
  - Approval from cost sharing program for Ag purposes
- Commercial Excavation
  - ERP Permit for excavation
    - Southwest Florida Water Management District (SWFWMD) and/or Florida Department of Environmental Protection (FDEP)

# Number of Excavations

- 3 Development Mining operations
  - Old Group 2 mines
- 0 Standard Ag Excavation Permits
- 2 Specific Ag Excavation Permits
- 23 Commercial Excavation Permits



-  Active Specific Excavations
-  Areas prohibited from being designated Mineral Resource Extraction



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# Staffing Levels

- Since 2012
  - Only one inspector (Excavation Coordinator)
  - One Excavation Administrator (County Engineer)



# Issues

- 6 other stop work orders have been issued in the past 5 years
  - Working outside of hours
  - Not submitting annual report on time
  - Crushing when not permitted
  - Dust complaints
- All complied immediately

# Inspection Enhancements

- Inspection form
- Started to use Acela for tracking and documenting inspections
- Looking into other means of inspection
  - For example, drones and other technology

# Proposed Changes to Code

- Permits must be issued to land owners and go with the land
- Move specific Ag excavations from exemption
  - Requirements and process to remain the same
- Minimum of three inspections per year
  - Usually do but ordinance only states at least one

# Proposed Changes to Code

- Strengthen language about inspector being able to be onsite at any time without refusal
- Can withhold new permits to permittees with outstanding issues on other permits
- Would like ability to fine sites (outside of code enforcement board) when not in compliance
- Would like ability to shut operation down for a specified period if found in violation

# Requested Position

- Code Compliance Officer
  - For excavations and ROW violations
  - Would work with excavation and ROW staff

# Requested Position

- Excavations
  - Would work with excavation Coordinator
  - Would separate inspection vs enforcement
    - Could fine and/or shut operation down
    - Do investigation and put together code case when needed

# Requested Position

- ROW
  - Would work with ROW staff and M&O
  - Would separate inspection vs enforcement
    - Would contact potential violators
    - Could fine and/or shut operation down
    - Do investigation and put together code case when needed

# Funding for position

- Excavation
  - Half of position
  - Raise annual report and inspection fee
  - Approximately \$1,625 per mine



# Funding for position

- ROW
  - Quadruple fees for after the fact permits
    - 5 after the fact permits since Jan. 2019
    - Would like to track differently
  - Reimbursement of fees for County doing work
    - \$8,635 county expenditures since Jan. 2019
      - Had not been tracking until recently
      - Have only done safety issues

# Questions?