

Union County Comprehensive Plan Text Amendment Staff Report

Date: February 7, 2018

Application No: CPA 17-02

Applicant/Agent: Board of County Commissioners of Union County, Florida

Subject: Comprehensive Plan Mining Text Amendment

Recommendation: Approve transmittal of CPA 17-02 to the Florida Department of Economic Opportunity, other state agencies, and regional agencies for review and comment.

Prepared by: North Central Florida Regional Planning Council staff and Alachua County Environmental Protection Department staff

Background:

At a public meeting held on February 15, 2016, the Board of County Commissioners of Union County, Florida, hereinafter referred to as the Board of County Commissioners, expressed the need to review and consider amending the policies in the Union County, hereinafter referred to as the County, Comprehensive Plan and the provisions within the implementing County Land Development Regulations related to mining. At said public meeting, the Board of County Commissioners adopted a motion directing the County Attorney to draft a moratorium ordinance for review and approval by the Board of County Commissioners prohibiting the submittal and review of special use applications for phosphate mining operations for a period of one year in order for the County to review the current County Comprehensive Plan mining policies and map, and current Land Development Regulations.

At an advertised public hearing on March 7, 2016, the Board of County Commissioners serving as the Local Planning Agency of Union County, Florida and the Planning and Zoning Board of Union County, Florida, hereinafter referred to as the Local Planning Agency and Planning and Zoning Board, considered and recommended approval of a phosphate mining moratorium ordinance. The Board of County Commissioners held two advertised public hearings for the consideration of the proposed moratorium on phosphate mining. The first advertised public hearing was held on March 7, 2016. The Board of County Commissioners adopted the phosphate mining moratorium ordinance (Ordinance No. 2016-01) at the second advertised public hearing on April 18, 2016 for a period of one-year, retroactively beginning on February 15, 2016 thru February 15, 2017.

Prior to amending the provisions in the Comprehensive Plan related to mining, the County needed to first complete the Evaluation-based amendment process. The County's Evaluation-based amendments were due March 2016. The Evaluation-based amendments are the required statutory updates to the County Comprehensive Plan that were passed by the legislature over the past several years but were not yet added to the County Comprehensive Plan. Section 163.3191 of the Florida Statutes prohibits local governments from amending their comprehensive plan until the Evaluation-based amendments have been transmitted to the State Land Planning Agency. Therefore, North Central Florida Regional Planning Council, hereinafter referred to as the Regional Planning Council, staff worked on preparing two separate amendments, the Evaluation-based amendments and the mining comprehensive plan amendment.

At an advertised public hearing on December 19, 2016, the Local Planning Agency and Planning and Zoning Board considered and recommended approval of extending the moratorium on the acceptance of applications and processing of applications for mining special permits and issuance of mining special permits for a period of one year from February 15, 2017 to February 15, 2018. The Board of County Commissioners held two advertised public hearings for the consideration of the extension of the moratorium on phosphate mining. The first advertised public hearing was held on December 19, 2016. The Board of County Commissioners adopted the phosphate mining moratorium ordinance (Ordinance No. 2016-03) at the second advertised public hearing on January 17, 2017 for a period of one-year from February 15, 2017 to February 15, 2018.

On January 17, 2017, a proposed Comprehensive Plan Mining Areas Map Amendment workshop was held by the Board of County Commissioners during which a draft proposed Mining Areas Map and methodology, prepared by Regional Planning Council staff with input from the Alachua County Environmental Protection Department, hereinafter referred to the Environmental Protection Department, was presented to the Board of County Commissioners. At that workshop, an explanation of the Comprehensive Plan amendment process and Land Development Regulation amendment process was also provided. Public comment was provided at the workshop.

On August 21, 2017, a Comprehensive Plan workshop was held by the Board of County Commissioners during which the proposed Comprehensive Plan Evaluation based amendments were presented and proposed Comprehensive Plan mining text amendment was presented. The proposed mining text amendment was prepared by Regional Planning Council staff with input from the Environmental Protection Department. Public comment was provided at the workshop.

The Local Planning Agency and Planning and Zoning Board held an advertised public hearing on September 18, 2017 to review, consider and recommend approval of the Evaluation-based amendments (CPA 17-01) being transmitted to the State Land Planning Agency. The Board of County Commissioners held an advertised transmittal public hearing on September 18, 2017 for the Evaluation-based amendments (CPA 17-01) and approved the transmittal of the amendments to the State Land Planning Agency.

An advertised public hearing on September 18, 2017 by the Local Planning Agency and Planning and Zoning Board was held to review and consider the proposed mining text and map amendment (CPA 17-02). However, after public comment regarding the proposed map and text, the amendment (CPA 17-02) was tabled.

On December 18, 2017 a mining Comprehensive Plan workshop was held for the Board of County Commissioners during which revised language was presented based on public input and comment received at the Local Planning Agency and Planning and Zoning Board public hearing held on September 18, 2017. The revised amendment was presented in the form of two options. Option 1 included a revised proposed Mining Areas map excluding areas surrounding Lake Butler, Lake Palestine and Swift Pond Creek. Option 2 proposed deleting the Mining Areas map since it is not required to be part of the Future Land Use Map Series by Chapter 163, Florida Statutes.

At an advertised public hearing on December 18, 2017, the Local Planning Agency and Planning and Zoning Board considered and recommended approval of extending the moratorium on the acceptance of applications and processing of applications for mining special permits and issuance of mining special permits for a period of one year from February 15, 2018 to February 15, 2019. The Board of County Commissioners held two advertised public hearings for the consideration of the extension of the moratorium on phosphate mining. The first advertised public hearing was held on December 18, 2017. The Board of County Commissioners adopted the phosphate mining moratorium ordinance (Ordinance No. 2017-02) at the second advertised public hearing on January 16, 2018 for a period of one year from February 15, 2018 to February 15, 2019.

At a public meeting on January 16, 2018, the Board of County Commission decided to select Option 2 for revised CPA 17-02. Said revision has been advertised for a public hearing before the Local Planning Agency and Planning and Zoning Board on February 19, 2018 and an advertised Board of County Commission transmittal public hearing on February 19, 2018.

Introduction:

The County is bordered on the north by Baker County, on the east by Bradford County (and separated by the New River), on the south by Alachua County (and separated by the Santa Fe River), and on the west by Columbia County (and separated by Olustee Creek).

The County's water and wetland natural resources provide a myriad of benefits that enhance the quality of life of the County and the region as a whole.

The Santa Fe River, the New River, and Olustee Creek are the largest permanent river and stream systems in the County. The New River and Olustee Creek flow generally to the south and empty into the Santa Fe River, which flows west. Olustee Creek and Santa Fe River System, including its tributaries, are designated Outstanding Florida Waters by the Florida Department of Environmental Protection because their natural attributes are considered worthy of special protection.

The County has three large water bodies, Lake Butler, Palestine Lake and Swift Creek Pond, accessible to the public that provide opportunities for recreation activities. Wetlands throughout the County play a vital role in protecting water quality, flood protection, fish and wildlife habitat.

The County is underlain by three main aquifer systems, the surficial aquifer system which is the uppermost freshwater aquifer; the intermidate aquifer system, and the Floridan Aquifer system, an important freshwater source throughout the state.

It is the goal of the County to protect its water and wetland natural resources from activities and development that will degrade the quality of air, groundwater, surface water, land and wildlife.

Summary of Changes:

The proposed mining text amendment to the Comprehensive Plan amends the Future Land Use Element, the Suwannee River 100-Year Floodplain Special Planning Area Objectives and Policies, the Conservation Element, and Appendix A as summarized below.

FUTURE LAND USE ELEMENT

1. Delete the existing Policy I.3.2. in order to replace it with new policy language.
2. Add a new Objective I.3 and associated policies to regulate extraction activities so that they do not adversely affect the quality of air, groundwater, land and wildlife.
 - a. Prohibit mining operations in wetlands and adjacent to lakes, rivers, streams and creeks.
 - b. Prohibit mining and excavation in designated environmentally sensitive areas and conservation areas on the Future Land Use Map.
 - c. Add provisions to the Land Development Regulations for avoidance, minimization, and mitigation of adverse impacts.
 - d. Add standards to the Land Development Regulations for reclamation and reuse that provide for restoration of the functions of natural systems.
 - e. Require the Land Development Regulations to address mining, land excavation, filling activities, reclamation and reuse.
 - f. Require mining activities to be consistent with land development regulations.
 - g. Require the Land Development Regulations to provide permit requirements and standards for site location, site design, environmental protection, and reclamation.
 - h. Require potential groundwater impacts to be evaluated by applicant prior to commencement of mining activities.
 - i. Require applicant to pay for water quality and quantity monitoring activities at extraction site.
 - j. Require extraction operations to minimize adverse impact on air, noise and traffic.
 - k. Require the establishment of buffer zones for extraction operations adjacent to surface waters, wetlands, existing parks, and preserves.

- I. Prohibit mining activities in a recorded subdivision and established residential areas; and designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map.
 - m. Restrict new residential development in the vicinity of operating mines or shall provide adequate buffers and noise abatement.
 - n. Protect areas containing sources of commercially valuable minerals, in areas determined suitable by the County for a mining and where a mining operation permit has been approved by the County, from encroachment of incompatible land uses.
3. Renumber sequential objective and associated policies.

SUWANNEE RIVER SYSTEM 100-YEAR FLOODPLAIN SPECIAL PLANNING AREA

1. Amend the objectives and policies of the Suwannee River System 100-Year Floodplain Special Planning Area section of the Future Land Use Element by adding the Santa Fe River and the New River.

The Santa Fe River and New River are tributaries of the Suwannee River and are currently protected by the existing objectives and policies of the Suwannee River System 100-Year Floodplain Special Planning Area section of the Future Land Use Element. However, the addition of the Santa Fe River and New River to the text will provide clarity of their inclusion.

2. Amend Policy S.3.4 to state that mining activities will comply with buffer standards established pursuant to the policies of proposed Objective I.3.

CONSERVATION ELEMENT

1. Amend the text of the Conservation Element of the Comprehensive Plan by adding mining activity to Policies V.2.1 and V.2.6;
2. Amend Policy V.2.8 to replace regulating with prohibiting mining operations within wetlands; and
3. Amend Policy V.4.7 by adding the applicant for any mining activities.

APPENDIX A

1. Delete Illustration A-X of the Future Land Use Plan Map Series, entitled Mining Areas.

Chapter 163, Florida Statutes does not require the Future Land Use Map Series of the Comprehensive Plan to include a mining map. Therefore, the County does not need to include a Mining Areas map in the Comprehensive Plan.

Consistency with Comprehensive Plan:

The proposed mining text amendments are internally consistent with the County's Comprehensive Plan as a whole and in particular the following Goals, Objectives, and Policies of the Comprehensive Plan:

Future Land Use Element Goal I - In recognition of the importance of conserving the natural resources and enhancing the quality of life in the county, the county shall develop in an environmentally acceptable manner.

The proposed text amendment regulates extraction activities so that they do not adversely affect the quality of air, groundwater, surface water, land wildlife, which is consistent with Goal I of the Future Land Use Element. Therefore, the proposed mining text amendment is consistent with this goal.

Future Land Use Element Objective 1.7 - The County shall continue to enforce regulations to protect natural resources and Environmentally Sensitive Areas-1 lands (including but not limited to wetlands and floodplains). For the purposes of this Comprehensive Plan "wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

The proposed text amendment continues to enforce regulations to protect environmentally sensitive areas including wetlands by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map and by prohibiting mining in wetlands and adjacent to lakes, rivers, streams and creeks. Therefore, the proposed mining text amendment is consistent with this objective.

Future Land Use Element Policy 1.7.1 - The County shall continue to protect community potable water supply wells by restricting uses within the 500-foot area designated by this Comprehensive Plan to those that do not handle hazardous materials of any type or have the potential to harm the water supply in accordance with Chapters 62-521 and 62-555, Florida Administrative Code in effect on January 1, 2003. All new wellfield protection areas shall be controlled by the owner of the community water system, either by conservation easement or in fee simple ownership. In addition, no transportation or storage of such regulated materials shall be allowed in the wellfield protection area, as defined by Chapter 62-730, Florida

Administrative Code in effect on January 1, 2003 and Code of Florida Regulations, Title 40, Parts 302 in effect on January 1, 2003 and 355, and Title 49, Part 172 in effect on January 1, 2003 except local traffic serving facilities within the wellfield protection area.

The proposed text amendment continues to protect the water supply by requiring potential groundwater impacts to be evaluated by the applicant prior to commencement of mining activities as part of the permitting process. Therefore, the proposed mining text amendment is consistent with this policy.

Future Land Use Element Objective 1.8 - The County shall continue to coordinate all Future Land Use Plan Map amendments with local, state and regional organizations and agencies to assist the County with the identification of any potential impacts to regional resources which may be caused by the development, to regional resources identified in the Suwannee River Regional Resource Planning and Management Plan prepared pursuant to Chapter 380, Florida Statutes.

The County has coordinated with the Regional Planning Council and the Environmental Protection Department to assist with the identification of any potential impacts to regional resources identified in the Suwannee River Resources Planning and Management Plan. Potential impacts to the Suwannee River and its tributaries, the New River and the Santa Fe River, by potential mining activity has been identified. Therefore, the proposed mining text amendment is consistent with this Objective.

Future Land Use Element Policy 1.8.1 - The County shall require that all proposed development which is subject to the provisions of any regional resource planning and management plan be consistent with such plan and that the proposed development be reviewed for such consistency during the development review process.

The proposed text amendment protects regional resources and ensures that proposed mining activity is consistent with the North Central Florida Strategic Regional Policy Plan, resource protection goals of the County's Comprehensive Plan and the plans of other affected neighboring counties. Therefore, the proposed mining text amendment is consistent with this objective.

Suwannee River System 100-Year Floodplain Special Planning Area Goal - Overall goal to protect and maintain the natural functions of the Suwannee River System (Defined as that part of the 100 year flood plain of the Santa Fe River as shown on the Future Land Use Map) including floodwater storage and conveyance, water quality assurance, and fish and wildlife habitat, while allowing for the appropriate use and development of the land.

The proposed mining text amendment protects and maintains the natural function of the Suwannee River System. Therefore, the proposed mining text amendment is consistent with this Goal.

The existing text in the Suwannee River System 100-Year Floodplain Special Planning Area section of the Future Land Use Element are a special set of policies adopted in the Comprehensive Plans of all the counties located along the Suwannee River and Santa Fe River as a result of the Resource Planning and Management Committee Report for the Suwannee River to protect the Suwannee River and its tributaries. Even though the existing language protects the Suwannee River and its tributaries, the proposed text amendment provides clarification by adding the tributaries, Santa Fe River and New River, throughout.

Suwannee River System Objective S.2 - The County shall continue to take the actions identified within the following policies to protect unique natural areas within the Suwannee River system, including but not limited to springs and spring runs, critical habitat areas for fish and wildlife, unique vegetative communities, and public recreation areas.

The provisions within the proposed mining text amendment are a means by which the County can continue to take action to protect unique natural areas within the Suwannee River system, critical habitat areas for fish and wildlife, unique vegetative communities, and public recreation areas. Therefore, the proposed mining text amendment is consistent with this objective.

Additionally, even though the existing language protects the Suwannee River and its tributaries, the proposed text amendment provides clarification by adding the tributaries, Santa Fe River and New River, in this Objective.

Suwannee River System Policy S.2.1 - The County shall provide for the evaluation of unique natural areas within that part of the 100-year floodplain of the Suwannee River system as shown on the Future Land Use Map during the development review process. The identification of such areas shall be based on the best available information provided by the Suwannee River Water Management District or other appropriate sources, including but not limited to land cover and vegetative mapping.

The proposed mining text amendment protects unique natural areas within that part of the 100-year floodplain of the Suwannee River system and throughout the County. Therefore, the proposed mining text amendment is consistent with this policy.

Suwannee River System Policy S.2.2 - The County shall require a 10 foot undisturbed regulated buffer along the property lines of public lands within the 100-year floodplain of the Suwannee River system for the purposes of visual screening, stormwater runoff and erosion control, public safety, and buffering potentially incompatible land uses. Variations in the width of this buffer shall be made only for cases of undue hardship and on a site-specific review.

The proposed text amendment prohibits mining activity adjacent to the Suwannee River and its tributaries. Therefore, the proposed mining text amendment is consistent with this policy.

Suwannee River System Policy S.2.4 - The County shall designate publicly owned springs, spring runs, unique vegetative communities and critical habitats within the Suwannee River system as conservation on the Future Land Use Plan Map.

The provisions of the proposed text amendment prohibit mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Suwannee River System Objective S.3 -The County shall continue to regulate land use types, densities and intensities for all lands within that part of the 100 year flood-plain of the Suwannee River System as shown on the Future Land Use map.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this objective.

Suwannee River System Policy S.3.1 - The County hereby designates those lands within the County's jurisdiction lying within that part of the 100 year flood-plain of the Suwannee River System as shown on the Future Land Use map as an Environmentally Sensitive Area.

The provisions of the proposed text amendment prohibit mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Suwannee River System Policy S.3.2 - The areas within that part of the 100 year flood-plain of the Suwannee River System as shown on the Future Land Use map which are located outside the designated urban development areas shall conform with the densities specified within the Environmentally Sensitive Areas-1 and Environmentally Sensitive Areas- 3 categories, provided that within the Environmentally Sensitive Areas-3 category, dwelling units may be clustered on smaller lots with no lot being less than 2.5 acres, if the site is developed as a Planned Residential Development and a density of 1 dwelling unit per 10 acres be maintained on site in accordance with the criteria listed in the land use classification policy of this element. All lots within Environmentally Sensitive Areas shall have a average length to average width ratio no greater than 3 to 1. In addition, the County shall prohibit the location of intensive agriculture (the term intensive agriculture means all areas of concentrated animal density generally associated with milking barns, feedlots, chicken houses and holding pens).

The provisions of the proposed text amendment prohibit mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Suwannee River System Policy S.3.4 - The County shall prohibit development on the river berm by requiring a minimum undisturbed, vegetated buffer of 75 feet measured from the generally recognized river bank of the Santa Fe River be maintained for all single-family residential and agricultural uses and silvicultural activities. All other permitted land uses shall conform to the variable buffer requirements contained in Rule 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District, in effect on January 1, 2003. Exception shall be made for the provision of reasonable access to the river; and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed 25 feet in width.

The proposed text amendment will prohibit mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment modifies this policy to require that mining activities comply with buffer standards established pursuant to the new policies of objective of the text amendment. Therefore, the proposed mining text amendment is consistent with this policy.

Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element Goal IV-6 - Ensure the protection of surface and groundwater quality and quantity by establishment of plans and programs to promote orderly use and development of land in a manner which will promote such protection and availability.

The provisions of the proposed mining text amendment require that the quality and quantity of groundwater and surface waters not be significantly altered through extraction operations; requires potential groundwater impacts be evaluated by the applicant prior to commencement of mining activities; requires water quality and quantity monitoring activities at extraction sites be reviewed by the County; requires the costs of providing water quality and quantity monitoring at the extractor site be borne by the extractor. Therefore, the proposed mining text amendment is consistent with this goal.

Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element Policy IV.7.1 - The County shall provide for the limitation of development adjacent to natural drainage features to protect the functions of the feature by enforcing a design standard that require all development to conform with the natural contours of the land and leave natural drainage ways undisturbed. In addition, no development shall be constructed so that such development impedes the natural flow of water from higher adjacent properties across such development.

The proposed text amendment protects water quality by prohibiting mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Additionally, the provisions of the proposed mining text amendment require that the quality and quantity of groundwater and surface waters not be significantly altered through extraction operations. The proposed provisions of the mining text amendment require that the potential groundwater impacts be evaluated by the applicant prior to

commencement of mining activities as part of the permitting process. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Goal V - Conserve, through appropriate use and protection, the resources of the county to maintain the integrity of natural functions.

The proposed text amendment conserves the resources of the county and maintains the integrity of natural functions by prohibit mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this goal.

Conservation Element Objective V.2 - The County, in order to protect the quality and quantity of current and projected water sources, shall require a 500-foot wellfield protection areas around community water system wells. In addition, the County in order to protect high groundwater aquifer recharge areas as designated by the Water Management District and depicted in Appendix A of this Comprehensive Plan shall continue to limit development in these areas as specified in the high groundwater aquifer recharge protection policy of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of this Comprehensive Plan.

The proposed text amendment protects the quality and quantity of water sources by prohibiting mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Additionally, the provisions of the proposed mining text amendment require that the quality and quantity of groundwater and surface waters not be significantly altered through extraction operations. The proposed provisions of the mining text amendment require that the potential groundwater impacts be evaluated by the applicant prior to commencement of mining activities as part of the permitting process. Therefore, the proposed mining text amendment is consistent with this objective.

Conservation Element Policy V.2.1 - The County as part of the development review process shall require the coordination of development plans with the Florida Department of Environmental Protection and the Water Management District to assist in the monitoring uses which may impact the current and projected water sources of the County.

The proposed text amendment modifies this policy to include the coordination of mining activities with the Florida Department of Environmental Protection and the Water Management District to assist in the monitoring of uses which may impact the current and projected water sources of the County. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.2 - The County shall protect the present water quality classification established by the Florida Department of Environmental Protection by prohibiting industrial uses, commercial uses and intensive agricultural uses, such as milking barns and chicken houses, to be located adjacent to the County's surface water bodies. For the purpose of this Comprehensive Plan "surface water" means water above the surface of the ground whether or not flowing through definite channels, and including:

1. A natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. A natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

The proposed text amendment continues to protect the present water quality by prohibiting mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.4 - The County shall require a 35-foot natural buffer around all wetlands and prohibit the location of agriculture, residential, commercial and industrial land uses within the buffer areas, but allow resource-based recreational activities within buffer areas and silviculture activities within buffer areas subject to the provisions of the silviculture policies of this element.

The proposed text amendment protects wetlands by prohibiting mining activities in wetlands. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.7 - The County shall regulate development within that part of the 100-year floodplain of the Santa Fe River as shown on the Future Land Use map by establishing these areas as Environmentally Sensitive in accordance with the land use classification policy contained within the Future Land Use Element of this Comprehensive Plan. In addition, in order to maintain the flood-carrying and flood storage capacities of the floodplains and reduce the risk of property damage and loss of life, the County shall adopt flood damage prevention regulations and in the interim shall continue to enforce the provisions of the National Flood Insurance Program and regulate all development and the installation of utilities in the County within flood hazard areas in conformance with the program requirements. Further, the County shall require all structures in the County to be clustered on the non-floodprone portion of a site. Where the entire site is in a floodprone area or an insufficient buildable area on the non-floodprone portion of a site exists, all structures, located in floodplains, shall be elevated no lower than 1 foot above base flood elevation. Non-residential

structures located in floodplains may be flood proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight. In addition, where the entire site is in a floodprone area or an insufficient buildable area on the non-floodprone portion of site exists, all structures located in areas of shallow flooding shall be elevated at least two feet above the highest adjacent grade.

The proposed text amendment prohibits mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.8 - Where the alternative of clustering all structures on the non-wetland portion of a site exists, the County shall conserve wetlands by prohibiting any development, which alters the natural function of wetlands and regulating mining operations within wetlands as provided for in the mining policy contained in the Land Use Element of this Comprehensive Plan. Mitigation efforts shall be required for activities which alter the natural functions of wetlands in accordance with Chapter 40B-400, Florida Administrative Code, in effect on January 1, 2003. Such mitigation shall result in no net loss of wetlands and all restored or created wetlands shall be of the same ecological type, nature and function.

Where the alternative of clustering all structures on the non-wetland portion of a site does not exist, the County shall allow only minimal residential development activity in those areas defined as wetlands within this Comprehensive Plan and such development activity shall conform to the density requirement for the land use classification applicable to the location of the wetland. However, in no case shall residential dwelling unit density be greater than 1 dwelling unit per 5 acres. In addition, such development activity shall comply with the following densities and performance standards:

1. Residences and any support buildings shall be elevated no lower than 1 foot above the highest recorded flood level in the wetland. If flooding data is not available, residences and any support buildings shall be built at least 2 feet above the highest seasonal water level.
2. Clearing or removal of native vegetation shall not exceed 1/2 acre per 5 acres. Exotic vegetation may be removed without regard to this limitation provided that, if the area cleared of exotic vegetation exceeds the 1/2 acre limitation, it is replanted with native wetland vegetation.
3. Walking paths and driveways to the residence shall use permeable fill and shall be constructed with a sufficient number and size of culverts to allow the natural flow of water to continue.

For the purposes of this Comprehensive Plan, wetlands shall be generally located as shown in Appendix A, and more specifically described and defined as follows: Wetlands mean those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate

hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated, but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

The proposed text amendment modifies this policy to state that the County shall conserve wetlands by prohibiting any development, which alters the natural function of wetlands and prohibiting mining operations within wetlands instead of stating that it would regulate mining operations within wetlands. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.14 -The County shall prohibit development on the river berm by requiring a minimum undisturbed, vegetated buffer of 75 feet measured from the generally recognized river bank of any Outstanding Florida Water (Olostee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection, in effect upon adoption of this policy. This buffer shall be maintained for all single-family residential and agricultural uses and silvicultural activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District, in effect on January 1, 2003. Exception shall be made for the provision of reasonable access to the river; and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed 25 feet in width.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.2.15 -The County shall require a minimum undisturbed, vegetated buffer of 50 feet measured from the generally recognized bank of all other perennial rivers, streams and creeks and prohibit the location of residential, commercial, industrial and agricultural uses within the buffer areas. Exception shall be made for the provision of reasonable access to the river, stream or creek; and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed 25 feet in width. In addition, silvicultural activities within the buffer areas shall be conducted in accordance with the silviculture policies of this element.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.3.1 - The County shall require that any mining permit be granted in conformance with the mining policies of this Comprehensive Plan and further, that such permit be coordinated with the Florida Department of Environmental Protection.

The proposed mining text amendment is consistent with this existing policy.

Conservation Element Policy V.3.4 - Following the publication of Critical Wildlife Conservation Areas by the Florida Fish and Wildlife Conservation Commission, the County shall apply the provisions of the critical wildlife habitat policy contained within this element to the areas identified as wildlife habitats and unique vegetative communities.

The provisions of the proposed text amendment prohibit mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Objective V.4 - The County shall continue to identify and protect native wildlife and their habitats, including state and federally protected plants and animal species (endangered, threatened and species of special concern) within proposed development sites and protect these natural resources from the impacts of development by the use of the Florida Fish and Wildlife Conservation Commission Critical Wildlife Conservation Areas, Florida Natural Areas Inventory, and North Central Florida Strategic Regional Policy Plan Regionally Significant Natural Resources map series to identify habitats which potentially contain endangered, threatened or species of special concern, and rare or unique vegetative communities prior to granting development approval.

The proposed text amendment enables the County to continue protecting native wildlife and their habitats by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.4.1 - The County shall cooperate in the application and compliance with all Federal and state regulations which pertain to endangered and rare species.

The proposed text amendment enables the County to continue protecting endangered and rare species by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.4.2 - The County shall consult with the Florida Fish and Wildlife Conservation Commission prior to the issuance of a development order where there is an indication that such issuance would result in an adverse impact to any endangered or rare species. All new development will maintain the natural functions of environmentally sensitive areas, including but not limited to wetlands and 100-year floodplains so that the long term environmental integrity and economic impact and recreation value of these areas is maintained.

The proposed text amendment enables the County to continue protecting endangered and rare species by prohibit mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.4.3 - The County shall address, during the development review process, the mitigation of development activities within environmentally sensitive areas, which include but are not limited to those areas identified as environmentally sensitive areas, within Appendix A of this Comprehensive Plan to ensure that the possible impacts created by the proposed development activity will not significantly alter the natural functions of these significant natural resources. All new development will maintain the natural functions of environmentally sensitive areas, including but not limited to wetlands and 100-year floodplains so that the long term environmental integrity and economic impact and recreation value of these areas is maintained.

The proposed text amendment prohibits mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.4.6 - The County shall request the assistance of the Florida Fish and Wildlife Conservation Commission to conduct inventories of State and federally protected plant and animal species in the County.

The proposed text amendment prohibits mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.4.7 - The developer of any proposed development which is equal to or greater than 20 acres and located within areas identified by the Florida Fish and Wildlife Conservation Commission as Critical Wildlife Conservation Areas shall be required to evaluate the impacts to endangered, threatened or species of special concern and rare or unique vegetative communities; provided, however, if competent and substantial scientific evidence demonstrating that an endangered, threatened or species of special concern, wildlife habitat or rare and unique vegetative community is located within the area of any proposed development which is equal to or greater than 20 acres is presented to the County at the time of a preliminary plat or site and development plan is reviewed by the County, the developer

shall evaluate the impacts on such habitats or communities. As a condition of permit approval of any proposed development within these areas, such evaluation shall consist of a survey of the development site conducted by the developer to identify the presence of any state and federally protected plant and animal species.

If protected species are found on the site or would be affected by the development, a specific management plan shall be required from the developer, including necessary modifications to the proposed development, to ensure the preservation of the protected species and their habitat. The County shall require the use of best management practices for the conservation, appropriate use and protection of fisheries, wildlife and wildlife habitats, identify and protect native wildlife and their habitats, including state and federally protected plant and animal species (endangered, threatened and species of special concern), within proposed development sites and protect these natural resources from the impacts of development by the use of the Florida Fish and Wildlife Conservation Commission Strategic Habitat Conservation Areas maps, Florida Natural Areas Inventory, and North Central Florida Strategic Regional Policy Plan Regionally Significant Natural Resources map series to identify habitats which potentially contain endangered, threatened or species of special concern, and rare or unique vegetative communities prior to granting development approval. Both the survey and the management plan shall be done in consultation with the Florida Fish and Wildlife Conservation Commission, but the final approval of the management plan shall be by the County.

The proposed text amendment modifies this policy to not only address proposed development and developers but to also include the applicants of proposed mining activities. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Objective V.5 - The County, in order to protect significant natural resources in a manner which is in conformance with and furthers the North Central Florida Strategic Regional Policy Plan, as amended February 27, 2003, hereby adopts the following maps as they apply to the unincorporated areas of the County as part of the Future Land Use Map Series of this Comprehensive Plan;

1. Regionally Significant Natural Resources - Ground Water Resources, dated July 17, 2001;
2. Regionally Significant Natural Resources - Natural Systems, dated July 17, 2001;
3. Regionally Significant Natural Resources - Planning and Resource Management Areas, dated July 17, 2001;
4. Regionally Significant Natural Resources - Planning and Resource Management Areas (Surface Water Improvement Management Water Bodies), dated July 17, 2001; and
5. Regionally Significant Natural Areas - Surface Water Resources, dated July 17, 2001.

The following policies provide direction for the use of these maps in applying the referenced policies of this Comprehensive Plan.

The proposed text amendment protects significant water and wetland natural resources and ensures that proposed mining activity is consistent with the Strategic

Regional Resources Policy Plan. Therefore, the proposed mining text amendment is consistent with this objective.

Conservation Element Policy V.5.1 - The map entitled Regionally Significant Natural Resources - Ground Water Resources, dated July 17, 2001, included within the Future Land Use Map Series, identifies groundwater resources for the application of the provisions of the high groundwater aquifer protection policy of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of this Comprehensive Plan.

The proposed text amendment protects groundwater resources by prohibiting mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.5.2 - The map entitled Regionally Significant Natural Resources - Natural Systems, dated July 17, 2001, included within the Future Land Use Map Series, identifies listed species for the application of the provisions the critical wildlife habitat policy of this element.

The proposed text amendment enables the County to continue protecting critical wildlife habitat by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.5.3 - The maps entitled Regionally Significant Natural Resources - Planning and Resource Management Areas, dated July 17, 2003, included within the Future Land Use Map Series, identifies state owned regionally significant lands for application of the provisions of the conservation land use policy of the Future Land Use Element of this Comprehensive Plan.

The proposed text amendment prohibits mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.5.4 - The maps entitled Regionally Significant Natural Resources - Planning and Resource Management Areas (Surface Water Improvement Management Water Bodies), dated July 17, 2001, included within the Future Land Use Map Series, identifies surface water management improvement water bodies for the application of the provisions of the surface water runoff policy of this element.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is

consistent with this policy.

Conservation Element Policy V.5.5 - The map entitled Regionally Significant Natural Areas - Surface Water Resources, dated May July 17, 2001, included within the Future Land Use Map Series, identifies surface water resources for the application of the provisions of the surface water and riverbank protection policies of this element.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Objective V.6 -The County shall protect the most sensitive resources within springsheds, including the principal areas of ground water contribution and recharge, sinkholes, depressions and stream to sink features, the area immediately adjacent to the spring and spring run.

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. The proposed text amendment enables the County to further protect the most sensitive resources by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.6.2 -The County shall use other innovative approaches to protect sensitive resources, such as the transfer of development rights, performance zoning, open space zoning, on site density transfer and other techniques to maximize the establishment of open space areas.

The proposed mining text amendment requires that provisions be included in the Land Development Regulations for avoidance, minimization and mitigation of adverse impacts; provisions be included in the Land Development Regulations for reclamation and reuse that provide for restoration of the functions of natural systems; provisions be included in the Land Development Regulations to address mining, land excavation, filling activities, reclamation and reuse; provisions be included in the Land Development Regulations providing for mining activities to be consistent with the Land Development Regulations; provisions be included in the Land Development Regulations to provide permit requirements for site location, site design, environmental protection and reclamation; and provisions be included in the Land Development Regulations for extraction operations to use specific criteria to minimize adverse impacts on air, noise and traffic.

Conservation Element Objective V.7 - The County shall define and delineate environmental overlay protection zones to protect the springshed and spring system resources and designate appropriate land uses in these zones.

The proposed text amendment prohibits mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Conservation Element Policy V.7.1 - The County shall designate low density and intensity land uses, including conservation lands and recreation areas, on the Future Land Use Plan Map of the Comprehensive Plan in and around critical springshed resources and sensitive springshed areas. Following the preparation and issuance of springshed maps for magnitude one springs by the Florida Geological Survey of the Florida Department of Environmental Protection, the County shall adopt a springshed overlay protection zone map that designates critical springshed resources and sensitive springshed areas for magnitude one springs. The County will also implement structural and nonstructural best management practices for these designated critical springshed resources based on the publication Protecting Florida's Springs: Land Use Planning Strategies and Best Management Practices, November 2002; as follows:

1. Limit impervious surfaces by size of residential lots and for non- residential use;
2. Develop a list of native and drought tolerant plants and require a percentage of these plants in landscape plans;
3. Require a protection zone around sinkholes with direct connection to the aquifer;
4. Require a site analysis for structure location if sinkholes or karst features are present on site;
5. Require swales where appropriate;
6. Use alternative stormwater treatment systems such as bio-retention areas that are designed to better treat stormwater in springshed protection zones; and
7. Use best management practices for residential development consistent with the Florida Yards

The proposed text amendment prohibits mining operations in wetlands and adjacent to lakes, rivers, streams and creeks. The proposed text amendment also requires buffer zones to be established adjacent to surface waters, wetlands, existing parks, and preserves. The proposed text amendment enables the County to further protect the most sensitive resources by prohibiting mining and excavation in designated environmentally sensitive areas and conservation areas identified on the Future Land Use Map. Therefore, the proposed mining text amendment is consistent with this policy.

Intergovernmental Coordination Element Policy VII.2.2 - The County, as part of the monitoring and evaluation process of the Comprehensive Plan, shall review the relationship of the Comprehensive Plan to the existing comprehensive plans of adjacent local governments within the County.

As part of this County-initiated mining comprehensive plan amendment process, the County requested that the Regional Planning Council staff review the relationship of the Comprehensive Plan to the existing Comprehensive Plan of adjacent Alachua County because Union County and Alachua County share the same watersheds of the New River and the Santa Fe River, and hydrogeology. Additionally, the County formally requested intergovernmental coordination with neighboring Alachua County, which included a request for their assistance with drafting proposed mining text that will enable the County to protect and maintain the natural functions of regional water and wetland natural resources like the Suwannee River, Santa Fe River, New River, and critical habitat areas. The proposed mining text amendment is based upon policies and data and analysis in neighboring Alachua County's Comprehensive Plan. Therefore, Attachment B, supporting data and analysis, included with this amendment is the same supporting documentation used to support the natural water and wetland resource protection policies in the Alachua County Comprehensive Plan.

APPENDIX A: Future Land Use Map Series

- A-I Future Land Use Plan Map (Under Separate Cover)
Land Use Legal Descriptions Not Shown of the Future Land Use Plan Map
Legend for Archaeological and Historic Resources
- A-II Historic Resources Map
Legend for Waterwells
- A-III Waterwells
Legend for Rivers and Lakes
- A-IV Rivers and Lakes
- A-V Flood Prone Areas
- A-VI Wetlands
- A-VII Minerals
Legend for Soil Associations
- A-VIII Soil Associations
- A-IX Future Traffic Circulation Map 2016

- A-IX a Emergency Evacuation Routes Map 2016
- A-IX b Bicycle and Pedestrian Facilities Map 2016
- A-X Mining Areas
- A-XIa Regionally Significant Natural Resources
High Ground Aquifer Recharge Areas
- A-XIb Regionally Significant Natural Resources
Natural Systems
- A-XIc Regionally Significant Natural Resources
Planning and Resource Areas 1
- A-XId Regionally Significant Natural Resources
Planning and Resource Areas 2
- A-XIe Regionally Significant Natural Resources
Surface Water Resources

The Future Land Use Map Series in Appendix A of the Comprehensive Plan includes the aforementioned maps. The proposed mining Comprehensive Plan amendment modifies Appendix A by deleting the Mining Areas map (Illustration A-X) and reference to the map within the Comprehensive Plan because Chapter 163, Florida Statutes does not require a Mining Areas map to be included in the Future Land Use Map Series.

Conclusion:

One of the goals of the County is to ensure the appropriate use and protection of the County's water and wetland natural resources in order to maintain the integrity of their natural functions. These water and wetland natural resources provide a great deal of benefit to the County. Therefore, prohibiting mining operations in wetlands and adjacent to lakes, rivers, streams and creeks, and prohibiting mining and extraction in designated environmentally sensitive areas and conservation areas designated on the Future Land Use Plan Map, enables the County to accomplish this goal.

Protecting the land surrounding the County's water and wetland natural resources is critical to the survival and functionality of these sensitive water and wetland natural resources. Buffers both maintain and serve as the habitat for rare and sensitive plant and wildlife species. Additionally, buffers protect the quality of water and wetland natural resources by preventing the buffer area from serving as a source of pollution, maintaining the function and extending the life of these systems. Therefore, requiring that in the Land Development Regulations buffer zones are to be established adjacent to surface waters, wetlands, existing parks, and preserves enables the County to further this goal.

Recommendation:

Regional Planning Council staff and Environmental Protection Department staff recommends transmittal of CPA 17-02 to the Florida Department of Economic Opportunity and other state agencies, and regional agencies for review and comment on the following bases:

1. The proposed mining text amendment is consistent with the Comprehensive Plan;
2. The proposed mining text amendment will strengthen the protection of regionally significant water and wetland natural resources like the Suwannee River, Santa Fe River, New River, and critical habitat areas; and
3. The proposed mining text amendment is based upon policies and data and analysis that support the protection of water and wetland natural resources in the Comprehensive Plan of adjacent Alachua County, which shares the same watersheds of the New River and the Santa Fe River, and hydrogeology as the County.

Attachments:

Attachment A: CPA 17-02 Text Amendment - Goals, Objectives, and Policies
Attachment B: CPA 17-02 Text Amendment - Data & Analysis