



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
COMMISSION AGENDA**

**SPECIAL CALL MEETING
MONDAY, OCTOBER 6, 2008 – 2:00 P.M.**

**County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com**

COUNTY COMMISSIONERS

Sandra L. Bowden, Chairman	District 5	Joseph A. Baird, County Administrator
Wesley S. Davis, Vice Chairman	District 1	William G. Collins II, County Attorney
Joseph E. Flescher	District 2	Jeffrey K. Barton, Clerk to the Board
Peter D. O'Bryan	District 4	
Gary C. Wheeler	District 3	

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|-----------|---|---------------------------------|
| 1. | <u>CALL TO ORDER</u> | <u>2:00 P.M.</u> |
| 2. | <u>INVOCATION</u> | Stan Boling, Planning Director |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Joseph E. Flescher |
| 4. | <u>DEPARTMENTAL MATTERS</u> | |
| | A. <u>Community Development</u> | |
| | 1. Consideration of Planning & Zoning Commission Recommendations on Mining Regulations & Groundwater Issues (memorandum dated August 19, 2008) | 1-41 |
| 5. | <u>ADJOURNMENT</u> | |

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

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Wednesday at 9:00 a.m. until 5:00 p.m.,

Thursday at 1:00 p.m. through Friday Morning,

and Saturday at 12:00 Noon to 5:00 p.m.

INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M

TO: Joseph A Baird; County Administrator

DEPARTMENT HEAD CONCURRENCE:


Robert M. Keating, AICP; Community Development Director

FROM: Stan Boling, AICP
Planning Director

DATE: August 19, 2008

SUBJECT: Consideration of Planning & Zoning Commission Recommendations on Mining Regulations
& Groundwater Issues

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of September 16, 2008.

BACKGROUND

On January 7, 2008, the Board of County Commissioners (BCC) adopted a 6 month moratorium on processing and accepting applications for new mines. Subsequently, the Board extended the moratorium for an additional 6 months, with the moratorium now set to expire on January 7, 2009. Under current state law, the moratorium cannot be extended beyond January 7, 2009. The purpose of the moratorium is to allow time for the county to revisit its existing mining regulations and to consider changes to the regulations.

Along with imposing the moratorium, the BCC tasked the Planning & Zoning Commission (PZC) and staff with the responsibility of conducting research, holding workshops, and re-evaluating the county's existing mining regulations. In addition, the PZC was directed to report back to the BCC with recommendations regarding mining regulations.

With staff's assistance, the PZC has evaluated the county's mining regulations and is hereby reporting its recommendations to the BCC for its consideration.

ANALYSIS

In addition to on-going research, information exchange with other local governments, and monitoring state legislative activities, staff and the PZC have conducted or participated in the following activities during the moratorium:

- January 16, 2008: Staff distributes major document on mining background information.

- January 18, 2008: Staff creates interested parties e-mail group and begins to continuously distribute updated information via e-mail. Staff also creates "Mining Regulations Updates" link on county website, and begins regular updates of the site, which currently provides 25 documents.
- January 24, 2008: At a PZC meeting, staff presents extensive background information on mining. Tom Lockwood (Sawmill Ridge Trucking) and Chuck Cramer (Fischer & Sons) present information and answer questions on local history and practices of hauling and mining operations.
- February 7, 2008: Agricultural Advisory Committee holds special meeting on hydrological effects of mines. Presenters include Dr. Sydney Bacchus, Richard Burklew (SJRWMD), and Dr. Louis Murray (USGS). Staff and PZC members attend
- February 14, 2008: Staff conducts mining mobile workshop for PZC and BCC members, touring Dickerson coquina mine on Indrio Road and Ranch Road Lake sand mine on 82nd Avenue. Presenters include: Phil Strazulla, Larry Dale and Larry Heimer, Jr. (Dickerson), Steve Smith and Scott McGuire (Ranch Road Lake).
- April 9, 2008: PZC conducts advertised public workshop on groundwater and surface water/discharge impacts of mining operations. Presenters include Dr. Sydney Bacchus and Dr. Les Bromwell.
- May 22, 2008: PZC conducts advertised public workshop on traffic and nuisance issues. Presenters include Assistant Public Works Director Chris Mora and Fischer & Sons Mining Operator Chuck Cramer.
- July 14, 2008 PZC conducts advertised public workshop on compatibility and notice issues. Presenters include Chris Mora and Public Works Director Jim Davis.
- August 13, 2008 PZC conducts advertised public workshop on compliance and enforcement issues. Presenters include Sgt Jim Stewart of the Sheriff's Office traffic division. At the end of the workshop, the PZC reviews and comments on a comprehensive list of consensus recommendations on potential changes to the county's mining regulations.
- August 14, 2008 At the end of its regular meeting, the PZC provides final comments and gives its consensus approval of a list of recommendations for the BCC's consideration.

Thus, the PZC has considered extensive data, analysis, and expert testimony, and has heard extensive public and mining industry input through several public workshops. Based on the data, analysis, and public input presented, the PZC, with staff's assistance, developed a list of 38 recommended changes to improve the county's existing mining regulations. The proposed regulations are structured to address concerns and potential adverse impacts relating to groundwater, surface water discharge, traffic, nuisances, compatibility, approval process, public notice, compliance, and enforcement of regulations.

Recommended Mining Regulation Changes

The PZC's list of recommendations includes 38 potential changes to the county's existing mining regulations (see attachment #8). To implement the recommended changes, formal amendment of the land development regulations (LDRs) will be required. While the 38 items form the basis for the necessary LDR amendments, the listed items do not reflect final LDR amendment wording. In fact, several items will require further research and analysis to structure the final LDR amendment wording. Highlights from the 38 item list include:

- Re-classifying mines from administrative permit uses to special exception uses, with significantly expanded notice requirements.
- Requiring greater environmental baseline data and upfront groundwater impact analysis.
- Establishing detailed site management, equipment operation, and road maintenance requirements and best management practices (bmps).
- Establishing special protections and setbacks for wetlands, native uplands, and public conservation areas.
- Establishing haul route paving thresholds and pavement alternatives.
- Establishing limits on haul route dump truck traffic.
- Establishing a specific enforcement process with progressive consequences and penalties (bond forfeiture, stop work, mining permit termination) for serious and repeated violations.
- Establishing twice a year comprehensive public works and code enforcement compliance inspections, and increase fees to cover the costs of staff time.
- Establishing conditions whereby the county could require mining operators to hire contract deputies for increased traffic law enforcement or hire a full-time contract deputy to patrol all haul routes.
- Evaluating the use of GPS technology to monitor trucks.

If the BCC directs staff to initiate a formal LDR amendment, these 38 items will form the basis of such formal amendment. The likely timeframe for such an amendment would be as follows:

- October: PSAC meeting and recommendation to BCC
- November: PZC public hearing and recommendation to BCC
- December: BCC public hearing and final action (adoption of new regulations)

Once any adopted new regulations take effect, the moratorium may be ended. This could occur prior to January 7^h. While all of the new regulations will apply to existing mining applications that have been on hold during the moratorium, as well as any new applications filed after the moratorium ends, not all of the new regulations will apply to existing mines. Although new regulations, such as those that deal with compliance and enforcement, may be applicable to existing mining operations, the applicability of new regulations to existing mining operations will be specifically addressed during the formal LDR amendment process.

Recommendations on Groundwater Issues

In addition to making the 38 specific recommendations for LDR modifications, the PZC made two general recommendations for the BCC to consider. Both recommendations relate to groundwater issues. The first PZC general recommendation is similar to a recommendation from the AAC (Agricultural Advisory Committee). That recommendation is that the BCC fund an updated county-wide hydrological study with seismic profiles, or comparable data. Such data would provide current county-wide data on groundwater conditions that can be compared to the last county-wide study (published in 1988) and used as baseline data to monitor impacts in future years.

The PZC's second general recommendation is that the BCC install monitoring wells on public conservation lands that are likely to be in the vicinity of future excavation and/or dewatering activities. The wells will provide baseline data for groundwater characteristics at such conservation sites. These data can be used to monitor groundwater conditions at conservation sites and possibly alert the county in the future to adverse groundwater impacts from adjacent activities.

RECOMMENDATION:

Staff recommends that the BCC consider the PZC's general mining ordinance recommendations, and direct staff to initiate the formal LDR amendment process to modify the county's mining regulations based on the PZC's 38 item list of recommended LDR modifications.

ATTACHMENTS:

1. Minutes from the January 15, 2008 BCC Meeting
2. Minutes from the January 24, 2008 PZC Meeting
3. Minutes from the April 9, 2008 PZC Mining Workshop
4. Minutes from the May 22, 2008 PZC Mining Workshop
5. Minutes from the July 14, 2008 PZC Mining Workshop
6. Draft Minutes from the August 13, 2008 PZC Mining Workshop
7. Draft Minutes from the August 14, 2008 PZC Meeting
8. Final Consensus Recommendations List from the PZC

<p>APPROVED AGENDA ITEM: FOR: <i>September 16, 2008</i> BY: <i>Joseph A. Baird</i></p>

Indian River Co,	Approved	Date
Admin.	<i>(Signature)</i>	<i>9/11/08</i>
Legal	<i>WCF</i>	<i>9/5/08</i>
Budget	<i>(Signature)</i>	<i>9/10/08</i>
Dept.	<i>RAK</i>	<i>8/22/08</i>
Risk Mgr.		

actions to ensure that all mines are in compliance even if it means additional code enforcement activity.

Under discussion, Chairman Bowden was not sure that was needed, but felt it was always good to have things in writing.

Suzon Franzke reported that she observed trucks running southbound yesterday.

The Chairman CALLED THE QUESTION and the Motion carried unanimously, instructing the County Administrator to take any and all action necessary to ensure mining operators are compliant with County Code.



II.A. 2. CONSIDERATION OF ESTABLISHING A PROCESS FOR REVISING COUNTY MINING REGULATIONS

Planning Director Stan Boling updated the Board on this request by recapping the backup memorandum dated January 8, 2008. He pointed out that one of the considerations of the Board is who would manage the process of review during the moratorium period. He asked the Board to use an existing committee to hold a series of workshops and said Committee would present a report to the Board on its proposed regulations.

Director Boling then presented staff's recommendation that the Board review the proposed mining regulation review process and activities, make changes as appropriate, and direct staff and the Planning & Zoning Commission (P&Z) to initiate the process and conduct the activities outlined in the memorandum. Staff did not see the need to hire a consultant to manage the review process. Directors Boling and Keating thereafter responded to questions from the Board. The Board and staff discussed how to best handle this process.

Joseph Paladin, President of Black Swan Consulting, agreed that a Consultant should not be hired, and did not think the P&Z should be used to review this process. He thought the Board needed to get a fresh set of eyes and/or create a new committee with staff and outside experts.

Vice Chairman Davis understood Mr. Paladin's thoughts, but thought it was important for P&Z staff to understand why we have the LDRs that we have whenever they make their decisions.

Robert Adair, Chairman of the Agricultural Advisory Committee (AAC), asked if the Board could possibly consider allowing the AAC a venue with P&Z to address the matter.

Mr. Paladin and the Board debated whether to have P&Z involved in the review process.

Ralph Evans, 1420 Shorelands Drive West, said neither he nor Mr. Paladin was speaking on behalf of Wild Turkey Mines. He also thought it was not a good idea to have P&Z be a part of the review process.

Gary Smith, 6625 West 82nd Avenue, supported P&Z being a part of the review process.

Chairman Bowden suggested they could consider enlarging the P&Z membership for this process. Director Keating responded to questions from Vice Chairman Davis as to how staff would like to proceed with this matter, based on discussions and suggestions heard today

Commissioner O'Bryan confirmed with Attorney Collins that this being a legislative matter they were free to have discussions with residents, staff and mine operators, but not to talk to other Commissioners about this until it comes to a public meeting.

John Sanders, 2146 20th Avenue, asked if the Department of Transportation's decision in February would change the way this Committee might look at things. Attorney Collins explained that it was not a DOT decision but a task force appointed by the Governor and they were supposed to make a report to the Legislature by February 1, 2008, and staff would be on top of that to make it available to whatever groups are involved in this discussion.

Commissioner Wheeler wanted to see a place where any interested party could register their ideas and give a snail mail or e-mail address, and they would in turn be notified of every workshop and/or meetings, so they would know where meetings are and would be able to give their input. Chairman Bowden thought it was a good idea.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Vice Chairman Davis, to approve staff's
recommendation.

Commissioner Flescher supported staff's recommendation that P&Z would be the best-suited entity to do this review.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved and directed staff and the Planning & Zoning Commission to initiate the process and conduct the activities outlined in the backup memorandum dated January 8, 2008, recommended.

11.B. EMERGENCY SERVICES - NONE

January 15, 2008

Commissioners Matters (7:41:15)

Mr. Weick mentioned he had contacted Mr. Boling regarding County regulations on constructing windmills as an alternate energy source, because he felt it would be a good idea to have something beforehand before Florida Power and Light approached the County with any ideas.

Mr. Stan Boling, IRC Planning Director, explained the only types of windmill structures he had seen were accessory structures to existing residences. He related County height requirements specifically exempted several different types of structures such as steeples, windmills and silos. He clarified a windmill farm as an electric generating facility would be classified as such and would be treated as a light or heavy utility use.

After lengthy discussion, the members recommended staff look into the situation to make sure the County was covered in the event windmills became an issue in the future.

Planning Matters (7:49:33)

Mr. Boling recapped on January 15, 2008 the Board of County Commissioners (BCC) had approved staff's recommendation for the P&Z to be the committee managing a process involving public workshops to review mining regulations. He gave a PowerPoint presentation with background information on mining, a copy of which is on file in the Commission Office.

Mr. Boling advised a State task force was currently holding meetings to study mining-related issues, and a report was expected to be issued on February 1, 2008. He outlined possible recommendations that could come from the task force, as contained in his PowerPoint presentation and the backup on file in the Commission Office.

Discussion ensued.

Chairman Hamner introduced Mr. Tom Lockwood as someone who had been mining in the County for a long time and would present the P&Z with information they might carry into the workshops.

Ms. Reuter left the meeting at 7:55 p.m.

Mr. Lockwood gave a brief history of his experience in mining in the County since the early 1970's and described what was entailed in a wet mining operation.

Mr. Chuck Kramer discussed the different degrees of rock and other material and how they were excavated.

The logistics of the various phases of mining were discussed.

Mr. Boling noted County code called for a ten year maximum life of mining operations, so in the scheme of things they were temporary by nature, leaving lakes to serve residential or golf course communities.

Mr. Kramer talked about the importance of buffering and set-backs to deal with the noise and visual effects of mining.

Discussion followed about dewatering and hydraulic pumps.

Mr. Boling stated most of the complaints he had heard from residents were not about what was happening on site, but as a result of truck traffic and the dust that was created. Discussion ensued about possible remedies to control the situation.

Mr. Boling distributed a draft schedule for review of mining regulations, a copy of which is on file in the Commission Office.

After considerable discussion, it was the consensus that any Wednesday in February, 2008 would be a good time to visit other sites during a mobile workshop. Mr. Boling agreed to coordinate with the BCC office for County Commissioners to attend, and e-mail the P&Z members to come up with an appropriate date.

Mr. Bob Adair, a member of the IRC Agriculture Advisory Committee (AAC), offered his services as a speaker at a future workshop.

Mr. Smith suggested dealing with enforcement connected with the various issues after each workshop. Dr. Baker felt monitoring should be included along with enforcement. Mr. Boling thought it would be a good idea at the end of every workshop to discuss what regulations might be applied to each aspect of mining they were dealing with.

The members said they preferred to hold the workshops in the evening if possible.

Mr. Boling advised on January 31, 2008 at 2:00 p.m. at the Richardson Center there would be a meeting on school concurrency. He referred to information he had passed out about a presentation by Dr. James Nicholas on transfer of development rights to be held at noon on the same day at an AAC meeting, a copy of which is on file in the Commission Office.

Mr. Adair came forward and announced Ms. Sidney Backus would be in the County on Thursday, February 7, 2008, and suggested she could make a presentation on hydroecology to the P&Z concurrent with its meeting, and have members of the AAC sit in.

Mr. Boling advised the P&Z would not be meeting until February 14, 2008. He suggested coordinating having Ms. Backus address the AAC in the afternoon and having a workshop that same night. Chairman Hamner suggested Mr. Adair schedule something and let the P&Z members know so they could come to his meeting.

Attorney' Matters (9:36:51)

There were none.

There being no further business, the meeting was adjourned at 9:10 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date

**PLANNING AND ZONING COMMISSION
PUBLIC WORKSHOP ON GROUNDWATER & SURFACE
WATER/DISCHARGE IMPACTS FROM MINING**

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Wednesday, April 9, 2008 at 1:30 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: Chairman George Hamner, Member-at-Large; Donna Keys, District 1 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; George Lawrence, District 5 Appointee; and Dr. Richard Baker, Member-at-Large.

Absent were Gerard Weick, District 2 Appointee and Ann Reuter, non-voting School Board Liaison (both excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Roland DeBlois, Chief, Environmental and Code Enforcement; Jim Davis, Public Works Director; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (12:58:01)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Staff Remarks (12:58:56)

Mr. Stan Boling, IRC Planning Director, explained today's workshop would focus solely on water related issues for mining operations, and future workshops would be addressing traffic and nuisances, compatibility and notice and the type of process for mining applications and compliance and enforcement. He briefly discussed information contained in the staff report in the backup on file in the Commission Office.

Presentation by Dr. Sydney Bacchus (1:03:52)

Dr. Sydney Bacchus, Applied Environmental Services, LLC, gave a PowerPoint presentation on Adverse Environmental Impacts of Mining in Indian River County, a copy of which is on file in the Commission Office.

Mr. Smith noted there was an appreciable loss of pine trees after the 2004 hurricane season, and wondered how Dr. Bacchus specifically determined the effect of mining on pine trees in the County.

Dr. Bacchus responded it was fairly easy to evaluate areas subjected to hurricane damage as there had been extensive studies on the resilience of pine trees to hurricane wind forces, and they had mechanisms to withstand those types of impacts. She maintained damage occurred because the roots were rotting below ground, which placed stress on the tree and it started dying from the top down and if a wind came through when it was in that state it would snap the tops off the trees. Dr. Bacchus opined everyone thought the damage was from wind, but in fact it was because the trees had been under chronic stress for years before the hurricanes came through.

Presentation by Dr. Les Bromwell (1:34:26)

Dr. Les Bromwell, BCI Engineers, gave a PowerPoint presentation, a copy of which is on file in the Commission Office.

Discussion followed about monitoring and measuring the environmental impacts of mining (2:03:45).

Dr. Bacchus urged the County to request backup documentation from the other agencies involved with the technical aspects of mining.

Discussion ensued regarding permitting (2:25:03).

Dr. Bacchus recommended the County step back from the piecemeal mine-by-mine approach and have an agency such as the U.S. Geological Survey (USGS) do an assessment of present conditions in order to have a baseline to work from. She added the Army Corps of Engineers was required by federal law to do cumulative impacts analysis any time they were going to issue a permit.

Sink holes were discussed (2:36:26).

Chairman Hamner opened the public hearing at 3:25 p.m.

Dr. Bob Adair, Chairman of the IRC Agricultural Advisory Committee (AAC) (2:49:55), thought the idea of the County doing a hydrological study was in order. He mentioned Dr. Lewis Murray of the USGS had attended an AAC meeting in February, 2008 and said they would be interested in doing the study. He related the AAC made a recommendation for such a study to the Board of County Commissioners (BCC), and suggested it would help if the P&Z reinforced this recommendation. He discussed findings of a report the County had done in 1988.

Dr. Adair agreed there was a problem with lack of monitoring as outlined in Dr. Bacchus' presentation, and felt the use of infra red analysis might be used to look at spectral changes that could be occurring. He added besides the environmental impact, it was important not to have an agricultural impact from mining and urged caution of how the County treated its water supply as far as the Floridan aquifer was concerned.

Mr. Peter O'Bryan, IRC Commissioner (2:56:21), referred to a copy of a permit issued on October 9, 2007 to the St. Johns River Water Management District (SJRWMD) for the North Cypress Reserve, contained in the backup on file in the Commission Office, and noted water level monitoring was not initiated until April 9, 2008 after excavation had begun. He related when Dr. Murray spoke at the AAC meeting he had recommended one full year of water level monitoring prior to excavation.

Discussion ensued about pre-monitoring before excavation began in a potential mining area.

Mr. Harvey Wheeler, 1464 Seahouse Street, Sebastian (3:03:25), was concerned about benzene residual created by blasting.

Mr. Boling stated staff's research indicated no blasting would be needed for any materials mined in this area, and he anticipated a regulation of no blasting.

Mr. Russell Herman, 586 Redwood Court, Sebastian, representing the Indian River Neighborhood Association (3:09:24), spoke about the necessity of keeping discharge out of the canals and the St. Sebastian River.

Mr. David Gunter, Chairman of the Soil and Water Conservation District (S&WCD) and Superintendent of the Indian River Farms Water

Control District (IRFWCD) (3:13:39), stated the S&WCD had pushed for zero-discharge mines and recommended if mining was done outside the IRFWCD the County should look at making sure any isolated wetlands near the site remained hydrated through the mining operation.

Dr. Bacchus outlined why, in her professional opinion, there would be adverse environmental impacts if you prevented all discharges from a mine site (3:19:55).

Mr. Chuck Kramer, 10729 U.S. 1, Sebastian (3:21:14), felt if there was to be no offsite discharge the mining operations would have to be expanded to a large degree in order to get storage. He observed even when excavating a 20-acre pit over a period of time you would not be able to contain the water on site unless you had a large amount of real estate. He wondered what would be the ramifications of creating an artificial or man-made wetland by retaining the water on a parcel of property.

Lengthy discussion followed.

Mr. Jim Davis, IRC Public Works Director (3:40:15), related over the 30 years he had worked for the County there had been excavations for sand mines or public works projects in areas adjacent to isolated wetlands, and in all those types of projects most of the material was used on County projects. He observed any mining operation had a different quality of material coming out of the operation initially and that material was sold at a very cheap price, usually to the County, to be used on its projects. Mr. Davis gave an example of the Vero Lake Estates subdivision where they were working adjacent to a wetland and were told to build a vertical curtail wall of clay material to isolate the wetland from the excavation, and that somewhat vertical layer of clay reduced the drawdown around the perimeter of the area. He felt some of the material coming from the mines could be segregated and used to prohibit and reduce the lateral influence of the drawdown of the water in those areas.

Chairman Hamner closed the public hearing at 4:20 p.m.

Mr. Jim Gallagher, 766 Holden Avenue, Sebastian (3:47:04) urged the members to include in its recommendations more continuous monitoring and share this information with SJRWMD and other permitting groups.

Discussion followed about the types of data the County might require an applicant to provide on the area around the immediate vicinity of a potential mining site, and what would be the parameters (3:54:53).

Mr. Lawrence felt the P&Z might recommend the BCC look at getting the USGS involved as a start. Mr. Smith thought given the environmental issues and the current times there was a reason the County should obtain extensive baseline data, even though he acknowledged it would cost quite a bit of money.

Mr. Boling summarized he was hearing recommendations for a countywide baseline study, looking at specific requirements for a hydrological report and analysis with recommendations, and how far it could go within a reasonable cost. Chairman Hamner added perhaps staff could look at no discharge and work backwards to include Dr. Bacchus' concerns, and also look at the hydrological impacts on wetlands on a site.

Ms. Keys wondered if a seismic profile would be something the applicant could supply. Dr. Bromwell stated there were relatively inexpensive techniques, including ground penetrating radar, electromagnetic imaging and cross hole seismic profiles, that could be done if it was felt the site required it. He thought the County could tell an applicant what information was necessary in order to feel comfortable the impacts would not extend beyond their boundary, and might even suggest methods that could be used to obtain this information.

Discussion followed (4:03:03).

There being no further business, the meeting was adjourned at 4:50 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date

**PLANNING AND ZONING COMMISSION
PUBLIC WORKSHOP ON TRAFFIC AND NUISANCE IMPACTS
FROM MINING**

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, May 22 2008 at 9:00 a.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: Chairman George Hamner, Member-at-Large; Donna Keys, District 1 Appointee; Gerard Weick, District 2 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; George Lawrence, District 5 Appointee; and Dr. Richard Baker, Member-at-Large.

Absent was Ann Reuter, non-voting School Board Liaison (excused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Jim Davis, Public Works Director; Chris Mora, Assistant Public Works Director; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (8:03:47)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Planning Staff Remarks (8:04:26)

Mr. Stan Boling, IRC Planning Director, gave an update on what had transpired since the last workshop on April 9, 2008.

Mr. Boling reviewed the information contained in his memorandum dated May 7, 2008, and gave a PowerPoint presentation, copies of which are on file in the Commission Office.

Presentation by Chris Mora, Assistant Public Works Director (8:14:19)

Mr. Chris Mora, IRC Assistant Public Works Director, gave a PowerPoint presentation, a copy of which is on file in the Commission Office.

Presentation by Chuck Cramer, Fischer & Sons (8:27:24)

Mr. Chuck Cramer, Mining Operator, discussed practices used by Fischer & Sons under the current ordinances in order to minimize dust, blowing sand and noise on the site itself. He described turbo-type mufflers used to quiet the sound on standing equipment such as pumps. Mr. Cramer outlined policies for loading of material on trucks and criteria used by his company regarding its employees and subcontractors, which he felt were common sense issues.

Discussion followed about monitoring road maintenance and the condition of routes used for mining operations.

Mr. Weick asked Mr. Cramer what the hours of operation were at Fischer & Sons. Mr. Cramer responded the mines were open weekdays from 7:00 p.m. until 6:00 p.m. and the trucks ran 7:00 a.m. to 5:00 p.m., with early mornings being the peak hours.

Mr. Fletcher mentioned he would like to see where the coquina rock deposits were located in the County. Mr. Cramer said he would provide a copy of a packet designating the resources which he had received from the State.

Public Comments (9:26:44)

Chairman Hamner opened the public hearing at 10:19 a.m.

Mr. Steve Chavis, Vice President of ROD Logistics operating the Hammond mine on 82nd Avenue (9:26:59), stated their area of operation covered a total of 72 acres and they were limited to 36 acres, which created a stockpile issue if the heights were changed. He advised his company was now using a water truck and a motor grader was running full time on the roads, adding he had established better communication with the IRC Public Works Department to resolve any issues in a timely manner.

Mr. Bob Keating, IRC Community Development Director, noted ROD Logistics was the new operator of the Hammond mine and had been there less than six months. He specified the problem early on was both the mines on 82nd Avenue were running trucks south, which was not on the haul route. Mr. Keating related staff had initiated action to pull their compliance bond and confirmed there had been far fewer complaints since January when that action was taken.

Ms. Keys asked Mr. Chavis if he thought the current Land Development Regulations (LDRs) were adequate to resolve the problems or should other regulations be added. Mr. Chavis felt the present LDRs would cover it as long as common sense practices were followed. He was not in favor of over-regulation to create a situation where the product became so costly it could not be marketed.

Mr. Steve Smith, owner of the Ranch Road Lake sand mine on 82nd Avenue (9:40:42), stated just over a year ago his company had put about six inches of road-based type material on 82nd Avenue and was now travelling on the north end of the road was like driving on a highway.

Discussion followed about the condition of the road.

Ms. Linda Mitchell, 8340 65th Street, Vero Beach (9:15:50), acknowledged there had not been a lot of recent complaints about 82nd Avenue partly because it was better than it used to be and also because the mining workshops were occurring people were trying to work together to improve the situation. She disagreed the north end of 82nd Avenue was like driving on a highway because of significant problems with mud at certain times, along with truck drivers not following regulations. Ms. Mitchell felt prevention and enforcement were the keys, adding in the past this had not been looked at as closely as it should have.

Mr. Frank Weigell, 8060 142nd Street, Vero Beach (9:51:24), thought tracking pads should be required in the mine areas just prior to the trucks getting on the roadways. He suggested the County maintain the roads and charge a toll to the mining operators based on axle loadings, tire pressures and the distance driven by the trucks.

Mr. Jim Davis, IRC Public Works Director, related in any one year there were probably four or five mine operations and his department did not have sufficient resources to maintain haul routes in several locations throughout the County.

Discussion followed.

Ms. Bea Gardner, 4480 25th Lane, Vero Beach (9:58:11), felt it was necessary to have a Best Management Practices (BMP) booklet and suggested the mining companies put together a guide in order for the County to see where the regulations needed to be adjusted and improved upon.

Ms. Mary McGuire Smith, 6625 West 82nd Avenue, Vero Beach (10:03:35), opined the Fischer operation seemed to be the model that was not being adhered to by the other miners. She said there were problems with the amount of truck traffic and speeding when there was no enforcement around. Ms. McGuire Smith reported the condition of eastbound 69th Street had deteriorated considerably and trucks were driving on the wrong side of the road. She related she ran a horseback riding operation and had lost 65% of her business because of interference created by the mining operations. Ms. McGuire Smith wanted a limitation on the amount of truck traffic and the number of mines allowed in one area.

Lengthy discussion ensued.

Mr. Al Videri, Westside Villas (10:21:12), wanted the Board to look at the hours of operation and the number of trucks that would be allowed up and down 82nd Avenue.

Mr. Harry Van Wormer, 7355 69th Street, Vero Beach (10:25:49), complained about the deterioration of 69th Street and speeding of trucks from the Hammond mines.

Chairman Hamner called a recess at 11:27 a.m. and the meeting reconvened at 11:36 a.m.

Mr. Bob Bruce, 12396 North A-1-A, Vero Beach (10:31:30), wanted a definition of a haul route. Mr. Boling said it was the primary route of trucks leaving a mining site and it must be on collector or arterial roads unless a local road served non-residential uses.

Mr. Bruce stated the problem was the truckers and not the mines, because the mines seemed to be relatively well regulated. He noted the more trips a trucker made in a day the more money he made, which created a problem with the flow rate. Mr. Bruce mentioned he had felt a lot

of vibration from trucks in his house during the Sebastian Inlet sand haul project.

Ms. Suzanne Franskey, 8190 37th Street, Vero Beach (10:35:20), described the dust, environmental pollution and the condition of the roads around the mines. She said vibration from mining trucks had caused foundation cracks in her residence and she was against industrial mining being allowed in AG-1 zoning.

Chairman Hamner closed the public hearing at 11:53 a.m.

Wrap Up and Direction to Staff (10:48:20)

Chairman Hamner went over the fourteen potential recommendations of staff as outlined in the backup on file in the Commission Office.

Mr. Weick suggested the stockpile height and amount of area mined area at any given time should be reduced. He wanted turbo style mufflers to be included in recommendation number four. Mr. Fletcher wanted recommendation number five clarified to mean explosive blasting.

Chairman Hamner did not see how it would be possible to monitor truck fill levels to ensure trucks left mining sites with little or no loose material, as outlined in recommendation number six. After some discussion it was decided truck fill levels should be deleted but staff should look at methods and alternatives to ensure there would be no spillage.

Chairman Hamner thought rather than requiring applicants and operators to pay for random law enforcement monitoring on all haul routes as outlined in recommendation 11, staff needed to look at how the County could increase random law enforcement monitoring.

Mr. Smith suggested requiring the trucking firms to have GPS devices installed in their trucks. He noted it did not cost a lot for software associated with a GPS system and felt the County should consider this as a way to monitor truck speeds.

Discussion ensued.

Mr. Weick suggested limiting the total number of runs on any one haul route.

Lengthy discussion followed.

Mr. Keating advised 82nd Avenue was under design to run from County Road 510 to State Road 60, with completion depending on funding.

Dr. Baker thought it would be a good idea if the County decided where to allow mines and then build the roads accordingly. Chairman Hamner suggested adding criteria to look at distance between mines and agreed a BMP document should be created outlining out what the County expected from mining operators. Mr. Weick wanted to reconsider hours of operation for mines, depending on location.

There being no further business, the meeting was adjourned at 12:35 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date

**PLANNING AND ZONING COMMISSION
PUBLIC WORKSHOP ON COMPATIBILITY AND NOTICE
RELATED TO MINING**

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Monday, July 14, 2008 at 1:30 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: Chairman **George Hamner**, Member-at-Large; **Donna Keys**, District 1 Appointee; **Gerard Weick**, District 2 Appointee; **Greg Smith**, District 4 Appointee; **George Lawrence**, District 5 Appointee; and **Dr. Richard Baker**, Member-at-Large.

Absent were **Craig Fletcher**, District 3 Appointee; and **Ann Reuter**, non-voting School Board Liaison (both unexcused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; Jim Davis, Public Works Director; Chris Mora, Assistant Public Works Director; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (12:56:55)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Planning Staff Presentation (12:58:43)

Mr. Stan Boling, IRC Planning Director, gave a PowerPoint presentation on compatibility and notice issues for mining operations, a copy of which is on file in the Commission Office.

Presentation by Public Works Staff (1:25:30)

Mr. Chris Mora, IRC Assistant Public Works Director, reviewed information on trucking expenses related to mine location contained in his memorandum dated July 7, 2008, which is Attachment #6 in the backup on file in the Commission Office.

Mr. Jim Davis, IRC Public Works Director (1:30:59), stated there were two primary users of mining products in the County; those being the private sector for construction and the public sector for the unimproved road network, parks and other County projects. He commented if the required fill locations were moved further out trucking costs would increase because it would require more fuel and increase risk management factors

Mr. Davis observed most of the vibration and wear and tear on the roads from trucks was caused by impact loads, and the smoother the surface, the less impact and vibration occurred. He mentioned the only complaints the County had received about vibration was when a road was being built and vibratory rollers were used to compact the material. Mr. Davis opined if a dump truck was traveling on a poorly maintained road with a lot of wash boarding there might be some impact from vibration that could carry up to one-half mile away.

Ms. Keys asked if vibrations could cause damage to the structure of a building. Mr. Davis acknowledged if the subsurface of the ground was very dense and consolidated the vibration would carry further; however, in his opinion; most of the sandy soil substrate west of the One Mile Ridge would not transmit vibration much further than one quarter to one-half mile.

Chairman Hamner thought the key was to reroute the trucks and maintain the roads and speed of the trucks.

Discussion ensued.

Ms. Keys wanted to know if it was possible to get information about the impact of vibrations on an asphalt road versus sand, because one of the regulations might be to require a road to be paved if there was going to be a mining operation. Mr. Boling agreed to take on this assignment.

Public Comments (1:51:43)

Chairman Hamner opened the public hearing at 2:27 p.m.

Ms. Susan Boyd, 8025 24th Street (1:52:45), disclosed she was a candidate for IRC Commissioner, District 1; however, since she lived off of 82nd Avenue she was affected by the mines. She pointed out mining trucks going into a development to build a house would only be doing so intermittently, whereas a person living on a mining egress route where the trucks would be going past their home six or seven days a week for 10 years would be in a completely different situation. Ms. Boyd suggested

people residing all along the egress routes should be notified about mining applications because they could still be affected.

Mr. Victor Knight, 3295 Ranch Road (1:55:09), did not look at 10 years as being a temporary use and found it troubling that mining was compatible in AG-1, 2 and 3 districts if properly regulated. He felt the AG-1 district needed to be looked at as distinctly different because there was very little legitimate agriculture left in the AG-1 district, and it really had become a low-density residential district. He suggested eliminating full-scale mining from the AG-1 district and making sure it was contained west of Interstate 95 (I-95).

Discussion followed about limiting the number of active mines to one area.

Ms. Linda Mitchell, 8340 65th Street (2:10:26), expressed concern about compliance and enforcement.

Ms. Amy Banov, a resident of the 69th Street area (2:12:37), felt it was important to look at the cumulative impact of various mines in one area and agreed about notification to people living along the haul route. She suggested using AG-1 as a buffer zone for mining operations in the AG-2 and 3 areas.

Mr. Al Videri, West Side Villas (2:15:04), wanted the Board to look at the hours of operation and the number of trucks that would be allowed up and down 82nd Avenue.

Ms. Suzanne Franskey, 8190 37th Street (2:18:29), described severe foundation cracks at her residence and said this had occurred only when the mining started. She noted 82nd Street and 69th Avenue were both in horrible condition and expressed concern about safety and welfare of residents.

Mr. Shawn Sexton, 7880 37th Street (2:24:44), related the IRC Agricultural Advisory Committee had made a recommendation for a hydrological study of the County to be done to establish base line information to determine impacts to the groundwater table when mining occurred. He recommended any mines contiguous to the Sexton Ranch should require monitoring wells on his property, with the expense to be borne by the miner.

Discussion ensued.

Ms. Sharon Cowan, 2125 82nd Avenue Southwest (2:30:40), stated she had lived in the area before the mining operations and resented having them forced on her. She urged the members to consider AG-1 as residential.

Mr. Chuck Cramer, 10729 U.S. Highway #1 (2:32:45), said well monitoring on adjacent property to a mine was a tough issue as some owners got upset because of possible wetlands on their property. Chairman Hamner thought under the special exception use, monitoring was something that could be required if the landowner requested it. Mr. Cramer felt vibration from truck traffic on a stabilized road was not relevant to causing structural damage to a home, and pump vibration was minimal at best. Mr. Cramer did not advocate confining mining west of I-95 because the trucks would still use some of the same routes to get into the urban service area.

Mr. Fred Mensing (3:38:11) disclosed he was a candidate for IRC Commissioner, District 1, and agreed the surface of the road determined what vibration was transmitted off the road. He noted sand miners did not have the deep pockets everyone thought they did and sand mines were a necessity if the area was going to grow.

Ms. Suzanne Franskey (2:40:57) reiterated health, safety and welfare should supersede any cash value.

Chairman Hamner closed the public hearing at 3:15 p.m.

Chairman Hamner wondered about phasing in a mining operation to start at a point farthest away from potential residential areas. Mr. Boling felt this went back to determining what the appropriate volume of truck traffic was for the types of roads being used.

Discussion followed.

Chairman Hamner opined the biggest issue was whether or not to continue allowing mining in the AG-1 area.

Surface water discharging was discussed.

Mr. Boling recapped what came out of today's input was for staff to look for studies on vibration and revise the notice requirements on primary haul routes.

Mr. Weick wondered about restricting jake brakes. Mr. Boling felt the only place to restrict such brakes was on site since it might constitute a traffic safety issue off site. Mr. Weick observed a lot of covers on the trucks were torn up and thought it might be a good idea to spray loads with a binding material to prevent dust from coming off the trucks as they proceeded down a road. Mr. Boling acknowledged one of the suggested requirements was a control plan for spillage, which got back to the Best Management Practices. Mr. Weick wondered about limiting the size of the load to 15 yards as a maximum instead of 17, and reducing the existing 20 acre phase-in to 10 acres so there would be less impact. Mr. Boling clarified he had not found the 20 acre phase-in being practiced in any other county and felt it was fairly restrictive, adding he did not know if less would work economically.

Chairman Hamner believed the idea of changing from administrative permit to special exception was a step in the right direction because it would afford the County a lot more say-so on any given mine.

There being no further business, the meeting was adjourned at 3:40 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date

**PLANNING AND ZONING COMMISSION
PUBLIC WORKSHOP ON COMPLIANCE AND ENFORCEMENT
RELATED TO MINING**

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Wednesday, August 13 2008 at 1:30 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: **Chairman George Hamner**, Member-at-Large; **Donna Keys**, District 1 Appointee; **Gerard Weick**, District 2 Appointee; **Greg Smith**, District 4 Appointee; **George Lawrence**, District 5 Appointee; and **Dr. Richard Baker**, Member-at-Large.

Absent were **Craig Fletcher**, District 3 Appointee and **Ann Reuter**, non-voting School Board Liaison (both unexcused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (12:53:54)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Planning Staff Presentation (12:55:14)

Mr. Stan Boling, IRC Planning Director, gave a PowerPoint presentation on compliance and enforcement for mining operations, a copy of which is on file in the Commission Office. He distributed a sample flow chart outlining progressive consequences for violations, and a copy of this is on file in the Commission Office.

Mr. Boling recalled in the past a developer could pay cash in lieu of pulling a security instrument; however this may be something that would no longer be allowed. He pointed out there was an error on page seven of the staff report in the backup on file in the Commission Office, and instead of \$5,000 as stated the required road maintenance bond amount had been increased to \$10,000 per mile.

Discussion followed.

Presentation by Sergeant Jim Stewart, Sheriff's Office (1:20:24)

Sergeant Stewart related the complaints coming from the 82nd Avenue area were no greater than those received on dump trucks anywhere else in the County. Sergeant Stewart noted there were a total of seven citations issued in the area of 82nd Avenue from SR60 to 69th Street from January 1st through December 31st of 2007. He added there were a total of 10 dump truck complaints for that area called into the Sheriff's Office during that same period.

Sergeant Stewart opined most the truck drivers were professional drivers who did a good job; however it was the perception of the public the dump trucks were big, noisy and scary. He mentioned the drivers were in constant radio contact and once a truck was pulled over by an officer, the rest of the drivers were alerted by the driver. Sergeant Stewart advised under the current contract the minimum was three hours, which meant the County paid an off-duty contract deputy for at least three hours to stop only one vehicle because everyone was on their best behavior after the first stop.

Lengthy discussion ensued.

Questions and Comments from Planning & Zoning Commissioners (1:34:01)

The pros and cons of using GPS systems to monitor dump trucks were discussed.

Dr. Baker asked if there had been any violations on air quality coming from the dump trucks (1:47:15). Sergeant Stewart responded there was a State statute allowing someone to be written up for emissions, but he did not know how many citations had been issued by the Sheriff's Office.

Mr. Boling explained what was covered by road, compliance and restoration bonds (1:52:02).

Discussion followed.

Mr. Boling reviewed the flow chart he had passed out earlier outlining progressive consequences for violations (1:57:40).

Discussion ensued.

Mr. Smith referred to checking the ground water and discharges and asked if some type of monitoring to the abutting properties was proposed, and if so who would bear the cost of monitoring on the off-site (2:12:43). Mr. Boling explained with respect to ground water, monitoring wells went between the mining operation and adjacent properties and the data would be monitored by St. Johns River Water Management District (SJRWMD) or possibly the Department of Environmental Protection (DEP), depending on the issues involved. He stated the agencies had their own monitoring and reporting requirements, and any complaints IRC staff received about neighboring wells would be referred to either SJRWMD or DEP.

Mr. Boling said there were two ways of enforcing surface water discharge; one was the stormwater plan and pollution prevention plan locally investigated by IRC Public Works staff. He continued one of the potential regulation changes was to require base line monitoring at the discharge point before mining started and monitoring every year to see if there were changes at the outfall point.

Public Comments (2:21:54)

Chairman Hamner opened the public hearing at 3:03 p.m.

Mr. Bob Adair, Chairman of the Agricultural Advisory Committee (2:21:56), advised the SJRWMD had two technicians doing water and surface discharge monitoring for the entire District. He related if the County did semi-annual dry and wet season monitoring, the wells could be very easily measured to see how deep the water table was and this could be done by a relatively inexperienced technician. Mr. Adair added the Soil & Water Conservation District had a program where they would install water table observation wells for a nominal fee.

Mr. Weick thought there should be unannounced inspections of mines in addition to twice a year.

Mr. Todd Tardif, IRC Public Works Senior Stormwater Inspector and Enforcement Coordinator (2:28:19), stated he already did random inspections of mines, and explained the procedure.

Ms. Fran Denhart, Ranchland Mobile Home Park (2:37:33), wanted to know if the moratorium was taken off on January, 2009, what would be the route for the trucks from the two mines on 82nd Avenue. Chairman

Hamner explained the current route would not change if the moratorium was lifted. Ms. Denhart complained the trucks were still coming down 82nd Avenue and did not think 82nd Avenue should be classified as a collector roadway.

Mr. Boling advised Ms. Denhart to call IRC Code Enforcement if she saw the trucks using any road other than the designated haul route.

Ms. Suzanne Franskey, 8190 37th Street (2:42:57), noted Chapter 971 of regulations of specific land uses stated all mining sites shall have direct access to a collector or arterial roadway or to a local road that only serves non-residential uses.

Chairman Hamner advised this issue would come up and be looked at later on.

Ms. Franskey said she and her neighbors had called the Sheriff's Office many, many times and took issue with the fact there were only ten complaints as reported by Sergeant Stewart. She felt there was a lack of communication between the various offices in the County, and stressed AG-1 was not compatible with mining.

Mr. Peter O'Bryan, IRC Commissioner District 4 (2:47:52), stated instead of using overtime deputies for enforcement he would prefer the County fund a full-time deputy who was Florida Department of Transportation trained and would work the same hours as the mine operations. He thought the deputy's salary could possibly be funded on a per acre charge to the applicants.

Mr. Linda Mitchell, 8340 65th Street (2:50:32), wanted a clarification of when existing mines would have to follow any new regulations

Assistant County Attorney George Glenn (2:54:09) clarified existing mines would receive their renewal in September, 2008 and if new regulations were passed they could be applied immediately or perhaps some would take effect the following September when they came in for a renewal permit.

Mr. Bob Adair (2:55:51) commented the restoration bond of \$1,000 per acre was low.

Chairman Hamner closed the public hearing at 3:37 p.m. He called for a break and the meeting reconvened at 4:47 p.m.

Wrap Up and Direction to Staff (2:58:49)

Chairman Hamner asked the members if there was anybody who did not want mining in AG-1. Ms. Keys noted Attorney Glenn had advised there would be lawsuits if it was not allowed. Dr. Baker felt it was important to restrict the number of mines going on in an area at any one time. Mr. Smith thought the question should be if the County wanted to keep AG-1 in exactly the same areas or maybe AG-1 should be designated further out where there would not be residential issues.

Chairman Hamner had no objection to the cash in lieu of bond if someone was in violation and the bond was pulled, he but he had an objection to an instant restart. He felt there should be a period of time where the offender would address with IRC staff what corrective action was being proposed, with a follow-up by IRC staff.

Doctor Baker strongly suggested looking at the cost of implementing a GPS system. He felt it was important to get hydrology and seismic surveys done.

Mr. Sean Sexton, 7880 37th Street (3:24:35), asked the members to consider baseline documentation on both the site and surrounding area.

Discussion followed about requiring paved roads for mining operations.

Chairman Hamner suggested adding paving should occur where possible, and not have it as absolute.

Mr. Smith wondered if there was a way the members could prioritize what they thought should occur in sequence, based on costs.

Mr. Bob Keating, IRC Community Development Director (3:56:46), stated if the P&Z concurred with the 36 items on IRC staff's report it would be presented to the BCC as the general idea of what IRC staff was going to go forward with; however they would have to be incorporated into specific Land Development Regulations that come back to the P&Z and go to the BCC again.

Mr. Weick thought Item #32 should be put first on the list. Chairman Hamner suggested a setback of 300 feet in any conservation areas, and wanted a 10 acre phase requirement, instead of 20 as outlined in Item #19.

Discussion ensued.

Chairman Hamner suggested the members call IRC staff if they had any further suggestions. Mr. Boling promised to e-mail an updated consensus list to the P&Z.

There being no further business, the meeting was adjourned at 5:15 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Thursday, August 14, 2008 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: Chairman George Hamner, Member-at-Large; Donna Keys, District 1 Appointee; Gerard Weick, District 2 Appointee; Craig Fletcher, District 3 Appointee; Greg Smith, District 4 Appointee; George Lawrence, District 5 Appointee; and Dr. Richard Baker, Member-at-Large.

Absent was Ann Reuter, non-voting School Board Liaison (unexcused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; John McCoy, Senior Planner; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (6:11:16)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Approval of Minutes (6:11:48)

ON MOTION BY Mr. Lawrence, SECONDED BY Mr. Smith, the members voted unanimously (7-0) to approve the minutes of the mining workshop of July 14, 2008, as presented.

ON MOTION BY Ms. Keys, SECONDED BY Mr. Fletcher, the members voted unanimously (7-0) to approve the minutes of the meeting of July 24, 2008, as presented.

Mr. Fletcher observed the whole concept of the PDTND was to encourage people to walk from their homes to the commercial section, and now it would be shifted up to the SR60 corridor. Mr. McCoy pointed out the SR60 commercial was always part of the original conceptual plan.

Discussion ensued.

Mr. Steve Melchiori, representing the Applicant (6:49:53), noted the site plan was approved for 85,000 square feet of commercial area for the Town Center, which included some buildings with a second floor. He explained the buildings were now proposed to be single story, which came to approximately 77,400 square feet, and they were asking to transfer the difference between 77,400 and 85,866 square feet. He stressed the commercial building area was capped at a total of 198,516 square feet.

Mr. Chuck Mechling, Pointe West (6:52:20), related a local builder was interested in being involved in the residential construction of the east village, and he always built in a gated section. He noted the section was surrounded by canals on three sides with no interconnectivity road-wise, so pedestrian traffic, etc. would still exist in that area.

Dr. Baker opined the PDTND was becoming more of a subdivision. Mr. Fletcher had a problem because he felt the project was becoming a closed, gated community, rather than what was originally proposed.

Discussion followed.

Chairman Hamner opened the public hearing at 7:50 p.m. and since no one wished to speak, the public hearing was closed.

Ms. Keys stressed she would like to see this be the end to switching out commercial properties from the Town Center to the SR60 section.

7:05:04

ON MOTION BY Ms. Keys, SECONDED BY Mr. Smith, the members voted (5-2) to approve the Applicant's request. Mr. Fletcher and Dr. Baker in opposition.

Commissioners Matters (7:05:10)



Chairman Hamner referred to the Final Consensus Recommendations for the mining regulations workshops, a copy of which

is on file in the Commission Office, and noted the P&Z had recommended a seismic study be conducted along with a hydrological study. Mr. Lawrence recommended including Best Management Practices (BMP) in Item #8. Chairman Hamner requested the acreage in parenthesis on Item #20 be changed to 10-20. Mr. Lawrence recommended adding updated BMP to Item #30, so it was always current.

Discussion followed about the cumulative effect of mining.

Mr. Boling said he would add something into Item #7 about taking into consideration the cumulative impact, and expand Item #31 to emphasize the point.

Ms. Keys recommended adding "or non-renewal" after the word "termination" in Item #36. Dr. Baker was in favor of requiring a 300 foot setback on all agricultural lands, not just public conservation land or easement as outlined in Item #15(C).

Mr. Smith suggested striking out "funded by permit applicants" in Item #37, because he felt it negated any innovative GPS monitoring methods that might arise in the future.

Mr. Boling said he would make the changes and e-mail the members a draft copy of the staff report before it went to the Board of County Commissioners (BCC).

Planning Matters (7:23:55)

Mr. Boling referred to the draft Transportation Element Preliminary Evaluation and Appraisal Report (EAR) contained in the backup on file in the Commission Office. He felt it would be a good idea to hold a joint workshop of the P&Z and the BCC, and suggested the morning of September 19, 2008; with a possible second workshop to be held on September 30, 2008.

Mr. Weick suggested some of the charts and maps in the backup be enlarged so they would be easier to read.

Attorney's Matters (7:27:20)

None.

FINAL CONSENSUS RECOMMENDATIONS
for Modified Mining Regulations from the
April, May, July, and August 2008 PZC Workshops

• **Surface Waters/Discharge**

1. Require the NPDES pollution prevention plan to be depicted on the site plan and approved by County Engineering prior to PZC review.
 - A. At a minimum, the pollution prevention plan shall adequately address:
 - Containment of run-off from stockpile, wash-down, and spray-down areas.
 - Containment of leaks and spills from vehicles and equipment (e.g. pumps, crushers).
 - Wind erosion control measures used in exposed excavation and stockpile areas.
 - Posting of setback and preservation areas on site.
 - Applicable items from the county's list of mining operation best management practices (bmps).
 - B. At the time of each annual mining permit renewal, the applicant shall agree to implement any new or updated bmps identified by county staff that should apply to the mining operation.
2. Require collection of baseline water quality data (specify parameters to be measured: e.g. levels of turbidity, chloride, other constituents) at project outfall points.
- *3. Require applicant to monitor discharge at outfall points to ensure no increase in levels of turbidity and other constituents at the outfall points.
 - *A. Prior to renewal of annual mining permit, require applicant to submit monitoring report demonstrating no increase in turbidity or other constituents at outfall point.
4. Prior to issuance of a mining permit, require applicant to submit baseline data on the type, extent, and condition of vegetation and wetlands located on-site and within off-site areas abutting project site perimeters.
5. Require applicant to demonstrate that the project stormwater management and pollution prevention plans will not adversely affect the hydro-period of wetlands located on-site and within off-site areas abutting the project site perimeters.

• **Groundwater/hydrology**

6. Specifically require submission of a hydrology report prepared by a professional hydrologist, hydrogeologist, geo-technical engineer, or geologist.
7. Establish specifications for the hydrology report, which at a minimum, shall include:
 - Historical and baseline data on the hydrology of the site and surrounding area.
 - Historical and baseline data on various groundwater characteristics, including wet season and dry season (minimum 1 year) monitoring well data collected prior to on-site mechanical de-watering and excavation below wet season groundwater level.

*Monitoring or Compliance Requirement

- Cumulative impacts from existing, approved, and proposed mining projects and excavations in the vicinity.
 - A "seismic profile" of the underground area beneath the project site.
 - Hydrology model run outputs with summary and conclusion.
 - Recommendations on mining design, operation, and monitoring that ensure no adverse impacts on adjacent wells, vegetation, surface waters, and wetlands.
- A. To account for potential non-mechanical de-watering effects, require submission of hydrology model run outputs that do not use "constant head" assumptions or parameters. Said outputs shall include a summary and conclusion.
8. Require submission of a mining operation site plan that depicts and implements the recommendations specified in the hydrology report and appropriate bmps.
 9. Prior to issuance of a mining permit, require documentation verifying that the hydrology report has been submitted to the SJRWMD and DEP as information accompanying permit applications to those agencies.
 - *10. Establish specifications for monitoring reports, including:
 - report submittal frequency,
 - receiving agencies,
 - lake depths and updated excavation/lake depth profiles,
 - groundwater monitoring well data, and
 - assessment of changes in condition of adjacent vegetation and wetlands and comparison to baseline data.
 11. As part of the site plan submittal, require testing for soils contamination in proposed excavation and stockpile areas, submittal of testing results with a summary and conclusions report, and submittal of a management plan for handling any contaminated soils identified.
 12. Require assessment of location, depth, thickness, and extent of the confining layer (e.g. Hawthorne group "aquiclude") and demonstration that no excavation or proposed monitoring wells will contact or penetrate the confining layer.
 13. Require identification of location, depth, characteristics, and condition of all existing wells on site. Also, require identification of all wells that contact or penetrate the confining layer.
 - A. Require all such wells to be located on the mining site plan and properly grouted, plugged, and monumented prior to issuance of a mining permit. No excavation, stockpile, or on-site haul road areas shall be located within 30 feet of such a plugged well.
 - *14. Prior to issuance of a mining permit, require the applicant to submit to county staff sets of updated approved site plans that reflect all DEP and SJRWMD permit requirements.
 15. Prohibit any excavation, stockpile, on-site haul road, or proposed ditch from being located closer than 100 feet from an existing, historical and a naturally occurring on-site jurisdictional wetland or within 300 feet of such a wetland located off-site.

- A. Consider use of clay material “barrier walls” and other techniques to protect wetland area hydro-periods.
 - B. Consider requiring protection of and setbacks from all on-site native upland vegetation areas meeting 929.05 criteria.
 - C. Consider requiring a 300’ setback between all on-site activity areas (excavation, stockpile, on-site haul road) and any adjacent public conservation land or easement.
16. Prohibit any excavation or well drilling activity that contacts or penetrates the confining layer.
 17. Prohibit extraction or on-site processing techniques that involve blasting or use of active chemical agents.
 18. Consider establishing a significant setback between any excavation area and any existing or proposed public water supply well.

• **Traffic & Nuisance**

19. Require submission of a comprehensive dust control plan as part of mining site plan. At a minimum, such plans must address:
 - treatment of stockpiles (including stockpile shape “doming”), on-site processing and loading areas,
 - on-site and off-site haul routes;
 - methods of treatment such as spraying and watering systems, other dust suppressants, devices and techniques that prevent tracking material off-site;
 - use of mechanical dust recovery devices and techniques; and
 - method and timing of re-vegetation in conjunction with excavation phases.
 - A. Specifically limit stockpile heights to 25 feet.
20. Clarify existing 20 acre phase requirement to limit the extent of disturbed area (e.g. 10 – 20 acres) at any one time and address mining progression and site stabilization from phase to phase.
 - A. Consider situating and sequencing phases in a manner that has the fewest impacts on adjacent properties early in the life of the mining operation.
21. Require submission of noise modeling data and analysis demonstrating compliance with Chapter 974 noise and nuisance requirements.
22. Specifically require pumps, crushers, and processing equipment to be placed behind berms, baffled (e.g. “turbo-style” mufflers), and/or placed below ground level.
23. Specify methods/alternative practices to prevent tracking material off-site and ensure that trucks leave mining sites with little or no loose material.
24. Establish more specific road surface protection requirements (e.g. driveway aprons, added road base material), and standards for maintenance and repair of unpaved and paved haul routes, factoring in cumulative impacts for shared haul routes.

25. Require formal haul route maintenance agreements between the county and mining operator (multiple operators for shared haul routes).
26. Establish paving threshold for haul routes, factoring-in cumulative impacts for shared haul routes.
 - A. As an alternative to paving, consider use of asphalt millings.
27. Specify haul route criteria, including definition (from mine to nearest paved major road intersections), adequacy of roads to handle haul traffic, and clarify criteria for using "non-residential" local roads as haul routes.
- *28. Specify forfeiture of posted security for certain types or number of truck driver violations on haul routes.
29. Require traffic impact methodology meeting to include identification of any critical bridges and culverts to be impacted by project traffic. Grant Public Works specific authority to require applicants to evaluate project impacts on critical bridges and culverts, factoring-in cumulative impacts for shared haul routes, and identifying mitigation improvements.
- *30. Specifically require that the mining operator's annual report include documentation showing compliance with approved plans, conditions, and bmps.
31. Consider limiting total haul route dump truck traffic or otherwise ensuring "gaps" in truck traffic and preventing significant truck back-ups at haul route intersections.

• **Compatibility & Notice**

32. Restrict mines to areas designated AG-1, AG-2, and AG-3 only.
33. Re-classify mines from an administrative permit to a special exception use.
34. Require a special notice letter to owners of properties that lie within ½ mile of the proposed mining site or front on the primary haul route that will serve the proposed mine.

• **Compatibility & Notice**

35. Increase formal code enforcement and Public Works compliance inspections (2 per year, one during wet season and one during dry season), funded by increased mining permit fees.
36. Modify security and forfeiture requirements to establish a clear forfeiture process, specifying penalties that increase in relation to the severity of the violation(s) and the number of repeat violations. Penalties to include bond forfeiture, stop-work periods, termination of mining permit, and non-renewal of mining permit.
37. Modify regulations to allow the county to impose mining permit conditions for enhanced traffic law enforcement funded by permit applicants and/or use of GPS monitoring.
 - A. Consider hiring full time, FDOT certified deputy to provide continuous traffic law enforcement at all mining operations in the county. Funding to be provided by annual

*Monitoring or Compliance Requirement

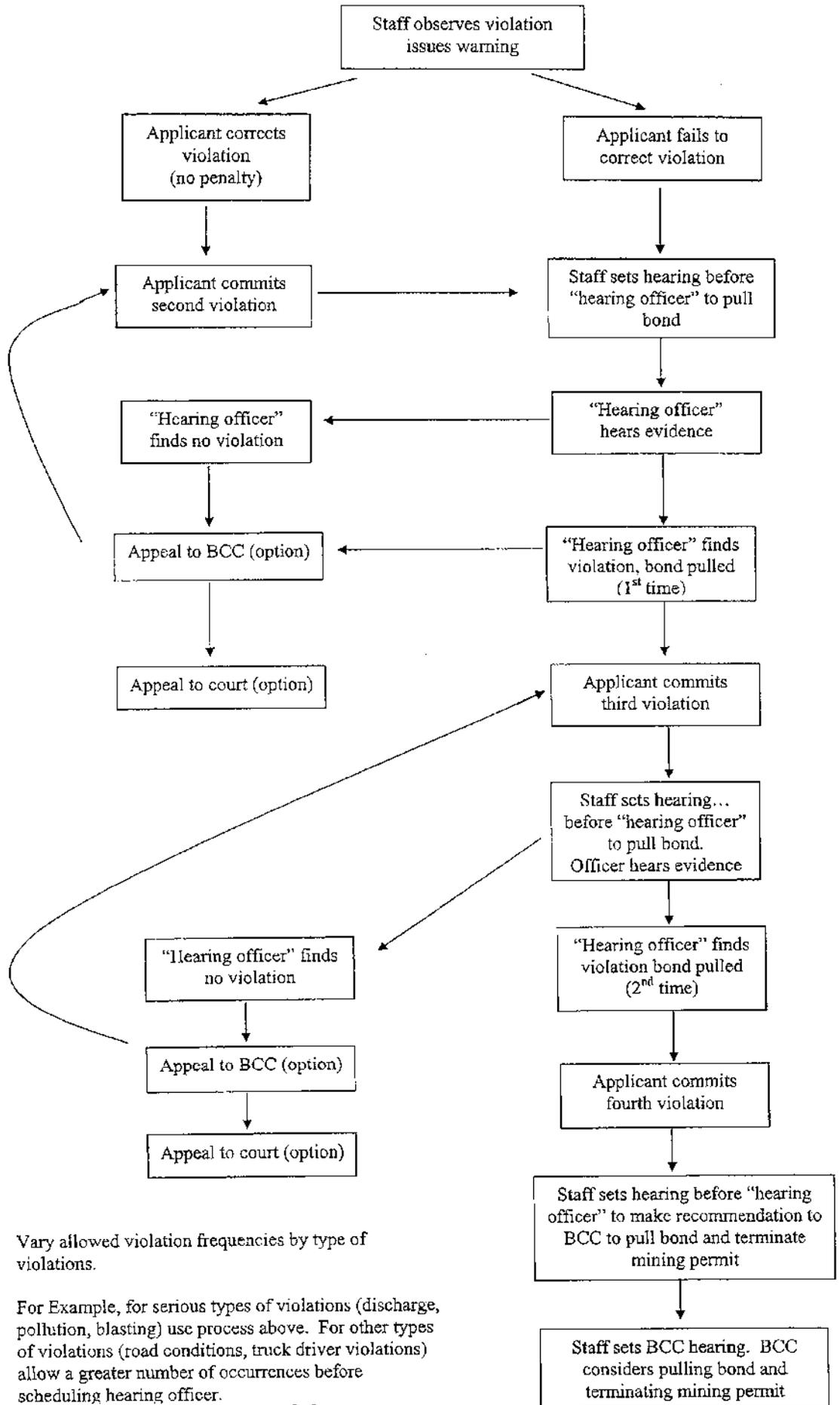
assessment of mining operations, including pro-rata assessment of “incidental to construction” hauling operations.

38. Review and update the formula for calculating compliance and restoration bond amounts.

- **General Recommendations (not related to LDR modifications)**

- A. That the BCC fund and obtain an updated county-wide hydrological study with seismic profiles, or comparable data, as recommended by the AAC.
- B. That the BCC install monitoring wells on conservation sites to establish baseline groundwater conditions, giving priority to sites and locations likely to be in the vicinity of future excavation and/or de-watering activities.

SAMPLE ENFORCEMENT PROCESS



Vary allowed violation frequencies by type of violations.

For Example, for serious types of violations (discharge, pollution, blasting) use process above. For other types of violations (road conditions, truck driver violations) allow a greater number of occurrences before scheduling hearing officer.