

ORDINANCE #97-20

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23 - PLANNING; BY AMENDING ARTICLE I, SECTION 23-3, THE HERNANDO COUNTY COMPREHENSIVE PLAN BY AMENDING THE MINING SUB-ELEMENT, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes also known as the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 9J-5, Florida Administrative Code, also known as the Minimum Criteria for Review of Local Government Comprehensive Plan Determination of Compliance, and Chapter 9J-11, Florida Administrative Code, also known as the Procedure Rule for Review of Local Government Comprehensive Plans and Amendments, require that Hernando County prepare, adopt a Comprehensive Plan; and

WHEREAS, Hernando County has prepared a Comprehensive Plan consisting of the following elements: Future Land Use Element; Mining Sub-element; Traffic Circulation Element; Mass Transit, Ports and Related Sub-element; Aviation Sub-element; Housing Element; General Sanitary Sewer Subelement; Solid Waste Subelement; Drainage and Natural Groundwater Aquifer Recharge Subelements; Potable Water Subelement; Coastal Management Element; Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; and Future Land Use Map Mapping Criteria; and

WHEREAS, Hernando County has held public hearings to provide for and encourage public participation through out the plan preparation process; and

WHEREAS, Hernando County did submit a proposed Comprehensive Plan Amendment, which consists of a revised objective and policies of the Mining Sub-element, to be incorporated into the adopted Hernando County Comprehensive Plan to the State Land Planning Agency for preliminary review on August 8, 1995; and

WHEREAS, the State Land Planning Agency did review and make written objections to certain sections of the proposed plan amendments and transmitted the same in writing to Hernando County; and

WHEREAS, the Board of County Commissioners did consider the Objections, Recommendations and Comments of the State Land Planning Agency and did hold a public hearing on September

9, 1997; and

WHEREAS, all applicable substantive and procedural requirements of law have been met; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION ONE. THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 23, SECTION 3, THE HERNANDO COUNTY COMPREHENSIVE PLAN IS HEREBY AMENDED AS FOLLOWS:

The proposed Hernando County Comprehensive Plan Amendments DCA #95-2 (CPAM-95-7), attached as Attachment A, which consists of a revised Mining objective and policies, shall be included in the Comprehensive Plan of the Hernando County and shall supersede any and all elements or portions of elements as specified in the amendment.

SECTION TWO. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of the ordinance, for any reason, is held to be unconstitutional, not found in compliance with Chapter 163, FS, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION THREE. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION FOUR. EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 9th DAY OF SEPTEMBER, 1997.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY Ray Lossing
RAY LOSSING, CHAIRMAN

ATTEST Michelle Hentsman, Deputy Clerk
KAREN NICOLAI, CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

William Buztrey 09/15/97
WILLIAM BUZTREY
ASSISTANT COUNTY ATTORNEY



PA

ATTACHMENT A

PROPOSED HERNANDO COUNTY

COMPREHENSIVE PLAN

AMENDMENTS

**MINING OBJECTIVE AND POLICIES - DCA #95-2
(CPAM-95-7)**

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MINING ELEMENT
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Adopted by the Board of County Commissioners on September 9, 1997*

MINING ELEMENT
Section A

where a public or private road is less than 200 feet distant and at the junction of access roads leading to the blast site, and shall be prohibited from allowing rock, debris or refuse to be blast propelled from the mine property onto adjacent private property.

POLICY 6: The mine operators shall continually explore new technology to reduce adverse human response. The 30 month mining plan update shall address appropriate modifications in this area.

PROTECTION OF ECOLOGICAL FEATURES AND NATURAL RESOURCES

OBJECTIVE B: ~~DURING 1995, THE COUNTY WILL AMEND THE MINING ELEMENT TO INCLUDE A POLICY OR POLICIES WHICH PROHIBIT RESOURCE EXTRACTION ON LAND ADDED TO THE MINING CATEGORY AFTER THE DATE OF ADOPTION OF CPAM-93-1, WHICH WILL RESULT IN AN ADVERSE EFFECT ON ENVIRONMENTALLY SENSITIVE AREAS THAT CANNOT BE RESTORED.~~

FOR ALL LAND ADDED TO THE MINING CATEGORY AFTER THE DATE OF ADOPTION OF CPAM-93-1, PROTECT ECOLOGICAL FEATURES AND NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF RESOURCE EXTRACTION.

Policy 1: During the comprehensive plan amendment process to add land to the mining category on the Future Land Use Map, an environmental review shall be conducted of the subject parcel to determine the suitability of the proposed land use category amendment. This review shall utilize existing source data including, but not limited to, soils maps, floodplain maps, Florida Land Use Cover and

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Classification System (FLUCCS) data, Florida Natural Areas Inventory (FNAI) site occurrence files, Florida Game and Freshwater Fish Commission Strategic Habitat Conservation Area and the Priority Wetland for Listed Species maps, and aerial photography. In addition a pedestrian survey of the parcel shall be conducted to determine the existence and extent of any environmental features.

- Policy 2: An Environmental Assessment shall be conducted and evaluated as part of the mining permit process.
- POLICY 3: Resource extraction shall not be allowed in areas of habitat known to support viable populations of threatened and endangered species.
- POLICY 4: Resource extraction shall not be allowed in rivers, streams, lakes, or springs which cannot be restored. In addition, resource extraction shall not be allowed in wetlands contiguous to regionally significant rivers, streams, lakes, or springs. "Restoration" is defined as restoring the type, nature, and function of the ecosystem in existence prior to mining.
- POLICY 5: Resource extraction may not be authorized in "other affected areas" where mitigation or restoration cannot be accomplished "Other affected areas" are defined as wetlands (other than those defined in policy 4 above), floodplains, and habitat of species of special concern. Said mitigation requirements shall be consistent with the mitigation requirements of the water management district, Department of Environmental Protection and the Florida Game and Freshwater Fish Commission.

Second Transmittal for CPAM-95-7

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