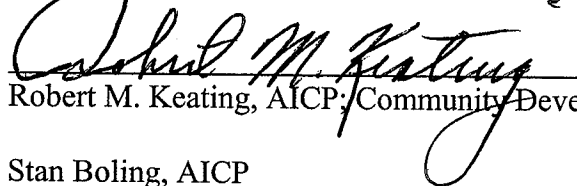


INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Joseph A Baird; County Administrator

DEPARTMENT HEAD CONCURRENCE:



Robert M. Keating, AICP; Community Development Director

FROM: Stan Boling, AICP
Planning Director

DATE: January 8, 2008

SUBJECT: Consideration of Establishing a Process for Revising County Mining Regulations

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of January 15, 2008.

BACKGROUND

On January 7, 2008, the Board of County Commissioners (BCC) approved a 6 month moratorium to suspend the processing and acceptance of applications for new mines. 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. The BCC now needs to decide how to proceed with various items, including research, expert input, public input, draft regulations, and the adoption process.

Staff has begun researching various mining issues and has begun identifying the tasks required to revisit existing mining regulations and to develop new mining regulations. As a first step, staff has structured a process for the county to follow during the moratorium period. The Board is now to consider the proposed process and provide staff direction on how to proceed.

ANALYSIS

❖ **OVERALL PROCESS**

There are various alternative ways to structure a process for developing new regulations. The basic alternatives are as follows:

- **Staff - managed process:** This is a process where staff conducts research, facilitates workshops, drafts changes, and takes the proposed ordinance through the conventional committee and BCC review (PSAC, PZC, BCC) structure.
- **Existing committee:** This is a process where an existing committee, with staff's assistance, reviews research, holds workshops, and develops recommended changes. Possible existing committees that could be assigned such tasks include:

AAC (Agriculture Advisory Committee)
 PSAC (Professional Services Advisory Committee)
 PZC (Planning & Zoning Commission)

- **Special task force:** This is a process where the BCC creates a special task force and appoints members to it. The task force would perform the same duties described above for an existing committee, with staff's assistance.

In staff's opinion, it makes sense to use an existing committee to review and distill research, manage the public participation process, and evaluate options presented by staff, the general public, and experts. In addition, it is staff's opinion that use of an existing committee with broad representation would be more time-efficient than going through the process involved in forming and appointing a special task force. Of all existing committees, the PZC is the one having the broadest representation and experience with addressing development and land use issues, crafting land development regulations, and running public workshops. Therefore, staff believes that the BCC should use the PZC, with staff's assistance, to accomplish a comprehensive review of existing and proposed mining regulations.

❖ COMPONENTS OF THE PROCESS

While it is important to establish an overall process with an oversight/leadership group, there are other components of the process that must be considered. Two of these are:

- **Public participation:** This can include:
 - a) Public committee meetings and conventional PZC and BCC public hearings on LDR amendments.
 - b) Public workshops specially advertised and arranged to enhance public participation.

In staff's opinion, public workshops are needed in addition to conventional public meetings and public hearings. Workshops will function as an effective forum for input from experts and the general public.

- **Expertise:** This can include:
 - a) County staff.
 - b) Invited public and private sector experts.
 - c) Existing county consultants used by "piggy-backing" on existing contacts.
 - d) A new, to-be-hired consultant for the overall task.

It is staff's opinion that there are time constraints that render the option of going through the RFP, selection, and contract negotiation process for hiring a consultant undesirable. In addition, staff has found that information, analysis, and expertise are being developed in other counties and at the state level. In staff's opinion, the county should be able to "borrow" such information and expertise, and should not need to hire a consultant for the overall task.

❖ GENERAL ACTIVITIES

There are a number of activities which must be undertaken in order to comprehensively review the county's current mining regulations and modify those regulations as necessary. The following is a general outline of activities by phase of the mining regulation review process.

INFORMATION/ORIENTATION PHASE

Staff will prepare general background information on sand and rock mining. In addition, staff will conduct a BCC/PZC mobile workshop to tour existing aggregate mining operations.

DATE COLLECTION/ANALYSIS PHASE

Staff will prepare issue papers on each of the topics identified below. Staff will also coordinate with the PZC to conduct a series of public workshops, with invited experts, on the topics listed below. Each of the topics will be addressed at separate workshops.

- a) **Environmental** (e.g. hydro-geology, groundwater impacts, stormwater run-off and impacts on surface waters, surface water storage)
- b) **Traffic and Nuisances** (e.g. volumes and types of traffic, noise, vibration, and dust impacts)
- c) **Compatibility and Notice Provisions** (e.g. setbacks, buffering, hours of operation, cumulative impacts, notice requirements).
- d) **Compliance and Enforcement** (e.g. monitoring mining operations, enforcing mining regulations, applying penalties for non-compliance, reviewing mining permit renewal applications)

REGULATION DEVELOPMENT PHASE

PZC, with staff's assistance and input from workshop meetings, will develop proposed regulations and report back to the BCC.

REPORT/ADOPTION PHASE

By early May, approximately four months into the moratorium, staff will report to the BCC on the status of the regulation review process and shall make a recommendation to the BCC regarding whether to initiate the formal adoption process or whether to initiate the process to extend the moratorium.

RECOMMENDATION:

Staff recommends that the BCC review the proposed mining regulation review process and activities, make changes as appropriate, and direct staff and the Planning & Zoning Commission to initiate the process and conduct the activities outlined above.

ATTACHMENTS:

NONE

APPROVED AGENDA ITEM:
FOR: _____
BY: _____

Indian River Co,	Approved	Date
Admin.		
Legal	WC	1/9/08
Budget	CM	1/9/08
Dept.	RWK	1/9/08
Risk Mgr.		