



PUBLIC HEARING SUPPLEMENT G

ADDITIONAL REQUIRED INFORMATION FOR A LIMITED AMENDMENT TO AN EXISTING MINE SPECIAL EXCEPTION OR PLANNED DEVELOPMENT FOR EITHER DEWATERING OR AN EXTENSION OF THE EXISTING MINE DURATION APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: _____

Applicant's Name: _____

STRAP Number(s): _____

Brief Summary of Project:

Select which action is being requested:

Limited Amendment to an Existing Mine Special Exception or PD pursuant to Section 12-121(j) for:

Dewatering

Extension of the Mine Duration

Notes:

Application to amend the zoning approval for an existing mine meeting the criteria set forth in Section 12-121(a) may obtain a limited amendment to the underlying zoning approval for dewatering or an extension of the mine duration. A request for a limited amendment under this section may only be filed if the underlying zoning is valid at the time the request is filed.

A request for an Extension of the Mine Duration must be filed at least 6 months prior, but not more than 1 year before, the expiration date of the underlying zoning approval. The request for a limited amendment will be processed in accord with the procedure set forth in LCLDC Sections 12-108, 34-83 and 34-145, including the review criteria, and Hearing Examiner and Board review and action on the request. This application may not be expanded to include other amendments to the underlying zoning approval, even if filed in conjunction with the request to dewater or extend the mine duration.

The Legal Description and Boundary Survey provided in PART 3 of the Public Hearing Application for Zoning Action must encompass the entire mine project boundary including conservation or preserve areas required by the underlying mine approval. The sketch must be in recordable form and printed on a sheet no greater than eight and one-half inches by 14 inches in size.

**PART 1
GENERAL INFORMATION**

A. Comprehensive Plan Amendments (check one):

_____ There are **NO** LEE Plan Amendments pending that could affect the future use of this property.

_____ The following LEE Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

_____ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [12-110(a)(17); 34-373(a)(4)h.]

_____ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as **Exhibit G-1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [12-110(a)(17); 34-373(a)(4)h.]

**PART 2
MINE OPERATOR INFORMATION**

A. Name of Mine Operator: _____

Address: Street : _____

City, State, Zip: _____

Phone Number: _____ Fax Number: _____

E-mail address: _____

**PART 3
MINING INFORMATION
PRELIMINARY INTENSITY CALCULATIONS**

A. Mining:	Depth	Total Acres	
A.1. Area to be excavated	_____	_____	Acres
A.2. Dewatering	Yes _____ No _____		
A.3. Extension of Mine Duration	Yes _____ No _____		

PART 4 - SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Copies* Required	Exhibits	ITEM
PUBLIC HEARING APPLICATION FORMS		
15		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form). [34-202(b)(2)]
15		Public Hearing Supplement G. [12-121(j)(1)]
1		Application Fee. [12-121(j)(1)]
SUBMITTAL DOCUMENTS- BOTH DEWATERING & EXTENSION OF MINE DURATION REQUESTS		
15	G-1-B	Archeological/Historical Map and Data. [12-110(a)(17); 34-373(a)(4)h.]
15	G-4-A	Permit Approvals. [12-121(g)(1)]
15	G-4-B	Zoning Compliance Narrative Statement. [12-121(g)(5)]
15	G-4-C	Bathymetric Survey. [12-121(g)(6)]
15	G-4-D	Mining Plan (2 originals required in both 11" x 17" and 24" x 36" sizes). [12-121(g)(7); 12-110(a)(15)]
15	G-4-E	Monitoring Reports. [12-121(g)(8); 12-118(b)]
5	G-4-F	Letter from Division of Natural Resources re: Receipt of Monitoring Reports. [12-121(g)(8)]
5	G-4-G	Letter from Lee County Department of Transportation re: Inspection of Roads Providing Access to the Mine. [12-121(g)(9)a.]
5	G-4-H	Updated TIS with Emphasis on Need for Turn Lanes. [12-121(g)(9)b.]
5	G-4-I	Letter from Lee County Department of Transportation re: Additional Conditions Deemed Necessary for Approval of Subject Request. [12-121(g)(9)c.]
15	G-4-J	Environmental (exotic removal, buffers, indigenous preservation, open space) Documentation. [12-121(g)(10)a.]
15	G-4-K	Updated Protected Species Survey. [12-121(g)(10)b; 10-473(a)]
15	G-4-L	Site Map Depicting Project Boundaries, Wellfields within 5 Miles and Distance to Closest Known Wellfield. [12-121(g)(11)a.]
15	G-4-M	Water Budget Document. [12-121(g)(11)b.]
15	G-4-N	Soil Borings. [12-121(g)(11)c.]
15	G-4-O	Documentation of Wet and Dry Season Water Levels Prior to any Development. [12-121(g)(11)d.]
15	G-4-P	Location of Public & Permitted Private Wells Within One Mile of Mine Property. [12-121(g)(11)e.]
15	G-4-Q	Documentation of Installation of Piezometer Tubes. [12-121(g)(11)f.]
15	G-4-R	Evidence of Installation of Two Wells. [12-121(g)(11)g.]
15	G-4-S.1	Dewatering Plan (if applicable). [12-121(g)(12)a.; 12-117(c)]
15	G-4-S.2	Table of Dewatering Pumps (if applicable). [12-121(g)(12)b.]
15	G-4-S.3	Copy of South Florida Water Management District Water Use Permit (if applicable). [12-121(g)(12)c.]
15	G-4-T.1	Storm Water Pollution Prevention Plan (SWP3). [12-121(g)(13)a.; 14-477]
15	G-4-T.2	Letter from Lee County Natural Resources re: Use of Best Management Practices. [12-121(g)(13)b.]
15	G-4-T.3	Updated Pollution Prevention Plan (PPP). [12-121(g)(13)c.]
15	G-4-T.4	Approved Pollution Prevention Plan for all Mechanical Repair/Maintenance Activities. [12-121(g)(13)d.]

Copies* Required	Exhibits	ITEM
15	G-4-U.1	Letter from Fire District re: Approved Fire Protection Plan. [12-121(g)(14)a.]
15	G-4-U.2	Letter from Lee County EMS Aviation Division re: Helicopter Landing Site (if applicable). [12-121(g)(14)b.]
15	G-4-V	Letter from Lee County Utilities re: Review of Application & Findings. [12-121(g)(15)]
15	G-4-W.1	Blasting Permit from State Fire Marshals Office (if applicable). [12-121(g)(16)a.]
15	G-4-W.2	List of Blasting Materials & Material Safety Sheets for Substances (if applicable). [12-121(g)(16)b.]
15	G-4-X.1	Previously Approved Phased Reclamation Plan. [12-121(g)(17)a.]
15	G-4-X.2	Reclamation Schedule for the Mining Site. [12-121(g)(17)b.]
15	G-4-X.3	Documentation as to Status of the Reclamation Activity to Date. [12-121(g)(17)c.]
15	G-4-Y.1	Updated Cost Estimate for All Reclamation Areas. [12-121(g)(18)a.]
15	G-4-Y.2	New Surety (if applicable). [12-121(g)(18)b.]
15	G-4-Z.1	Detailed Plan Addressing Unresolved Violations (if applicable). [12-121(g)(19)a.]
15	G-4-Z.2	Information re: Findings of Non-Compliance from Agencies other than the County (if applicable). [12-121(g)(19)b.]
15	G-4-AA	LEE Plan Compliance Narrative. [12-107 and 12-121(j)(1)b.]
3	G-4-AB	Decision-Making Compliance. A narrative explaining how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. & 34-145(d)(3). [12-108]
SUBMITTAL DOCUMENTS - DEWATERING REQUESTS		
15	G-4-AC	Description of Dewatering Method & Procedure. [12-117(c)(1)]
15	G-4-AD	Estimated Volumes of Water to be Extracted, Impounded or Diverted. [12-117(c)(2)]
15	G-4-AE	Map Depicting the Location of All Pumps & Withdrawal Points. [12-117(c)(3)]
15	G-4-AF	Plan/Map Showing the Disposition of the Dewatered Effluent. [12-117(c)(4)]
15	G-4-AG	Engineering Estimates of the Monthly Water Balance. [12-117(c)(5)]
15	G-4-AH	Engineering Estimates Demonstrating That Proposed Dewatering Will Not Cause Detrimental Impacts. [12-117(c)(6)]
15	G-4-AI	Proposed Groundwater Level Monitoring Plan. [12-117(c)(7)]
15	G-4-AJ	Copy of the SFWMD Water Use Permit (WUP) Application for Dewatering, Including Support Documentation. [12-117(c)(8)]
SUBMITTAL DOCUMENTS - EXTENSION OF MINE DURATION REQUEST		
15	G-4-AK	Narrative Substantiating the Need for the Extension and its Proposed Duration. [12-121(j)(1)b.1.]
15	G-4-AL	Submittal Substantiating Continued Consistency with the Lee Plan. [12-121(j)(1)b.2.i.]
15	G-4-AM	Submittal Substantiating Compatibility with Existing & Approved Development in the Surrounding Area. [12-121(j)(1)b.2.ii.]
15	G-4-AN	Submittal Substantiating Whether the Extension Will Place an Unreasonable Burden on Essential Public Facilities & Infrastructure. [12-117(j)(1)b.2.iii.]
15	G-4-AO	Documentation Establishing the Timing of the Extension Request. [12-121(j)(1)b.3.]

* At least one copy must be an original.

GUIDE FOR FILING SUPPLEMENT G
“ADDITIONAL REQUIRED INFORMATION FOR A PUBLIC HEARING APPLICATION, UNINCORPORATED
LEE COUNTY”

This form is for the purposes of providing additional information specific to a Public Hearing request and must be submitted simultaneously with the appropriate “Application for Public Hearing.”

GENERAL INSTRUCTIONS

The “General Instructions” provided for the applicable Public Hearing Application also apply to this supplemental form.

Approvals required. It is unlawful for any person to commence mining activities within the unincorporated areas of the county, or for an owner to allow the conduct of mining activities on property without first obtaining a MEPD approval and MDO, with the sole exception of mines meeting the criteria set forth in section 12-121(a) and (b). It is unlawful for any person to haul excavated materials off-site without a valid MOP. All permits and approvals required by this chapter must be posted at the mine site. Any violation of the MEPD approval, MDO or MOP, including any terms or conditions applicable to those approvals, may result in enforcement proceedings as set forth in section 12-123.

Existing mines may lawfully continue operation in accord with the provisions set forth in section 12-121. [12-106]

Limited amendments to existing mine zoning approvals. Amendment to existing mine zoning approval constituting a substantial change must be approved through the public hearing MEPD process; provided, however, an existing mine, meeting the criteria set forth in section 12-121(a) {see below}, may obtain a limited amendment to the underlying zoning approval for dewatering or an extension of the mine duration:

- (1) Submittal requirements text omitted; see Part 4 below.
- (2) The request for a limited amendment under this section may only be filed if the underlying zoning is valid at the time the request is filed.
- (3) The request for a limited amendment must be processed in accord with the procedure set forth in sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request.
- (4) This subsection may not be expanded to include other amendments to the underlying zoning approval, even if filed in conjunction with the request to dewater or extend the mine duration. [12-121(j)]

Existing mine defined. An existing mine is a mine operation approved by the Board of County Commissioners or Hearing Examiner prior to September 1, 2008 that meets the following criteria:

- (1) Approved by special exception under chapter 34; or
- (2) Approved as an Industrial Planned Development (IPD) or Residential Planned Development (RPD) under chapter 34 and has a valid/current master concept plan in place; and
- (3) The right to pursue mining activity on either the special exception or IPD/RPD zoned property has not expired under the terms and condition of the zoning approval. [12-121(a)]

Limited Amendment review process. The request for a limited amendment must be processed in accord with the procedure set forth in sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request. [12-121(j)(3)]

Sufficiency of applications and review. Applications submitted with respect to zoning and development approval under this article will be reviewed by County staff within 30 business days after receipt; and, a letter advising the applicant of the status of the application will be provided. If insufficient, the letter will include a brief explanation as to why the application is not complete for review and request the necessary additional information. The applicant will have 60 days to submit a written response and the requested information. If the applicant requires more than 60 days to submit a response, the County may grant an additional 60 days to respond based upon the applicant’s written request to the Director substantiating diligent pursuit of the response or resubmittal. If the applicant fails to submit a response or request additional time within the 60 day period, the County may deem the application withdrawn. This submittal and review process will be repeated until the application is found sufficient for hearing, if a rezoning request, or approval if a MDO/MOP request.

Once an application has been found sufficient for hearing through the rezoning process, any new information submitted by the applicant or changes made to the information reviewed by county staff in preparing its recommendation, may at the discretion of the Director, be grounds for the County staff to defer or continue the public hearing depending on the advertised status of the hearing. County staff may also revoke the finding of sufficiency and withdraw the case from Hearing Examiner consideration without regard to the status of the advertising. [12-108(h)]

Renewal of an existing mine operating permit by an existing mine. Existing mines will be required to obtain a MOP under the provisions of chapter 12 as set forth below. The ability to renew an existing MOP is specifically limited to mines that have a valid limited development order (LDO) or mine operating permit allowing mining activity in place on September 1, 2008; or, a MOP issued in accord with section 12-121(b)(3). The request to renew the mine operating permit must be filed at least 90 days prior to the expiration of the existing mine operating permit issued as a result of the LDO approval or MOP approval under this section. A MOP issued under this section is valid for a period of ten years, provided however, if a MOP renewal is timely filed and diligently pursued the previous MOP approval will remain in effect until a renewal is issued. The request to renew must be filed on the MOP renewal form prescribed by the County and be accompanied by the appropriate fee. MDO applications will be processed and reviewed in accord with section 12-109(b)(4).

INSTRUCTIONS FOR COMPLETING COVER PAGE

Case number: Will be inserted by County staff.

Project Name (if applicable): The name must be same as on Public Hearing Application.

Applicant's Name-Authorized Agent: This must be same as on Public Hearing Application.

STRAP(S): They must be same as on Public Hearing Application.

Application type. Self explanatory; select only one type.

INSTRUCTIONS FOR COMPLETING PART 1. GENERAL INFORMATION.

A. & B. Self explanatory. Address each item on the form.

INSTRUCTIONS FOR COMPLETING PART 2. MINE OPERATOR INFORMATION.

A. Name of Mine Operator. Please provide all requested information relative to the party who is the operator of the mine which is the subject of this application. This information must be consistent with the provisions set forth in LCLDC Section 10-153(2). [12-121(g)(3)]

INSTRUCTIONS FOR COMPLETING PART 3. MINING INFORMATION MINING-PRELIMINARY INTENSITY CALCULATIONS.

A.1. Please provide the proposed depth and the total acreage of the proposed mining area.

A.2. Please indicate whether this is a request for dewatering. [12-121(j)(1)a.]

A.3. Please indicate whether this is a request for extension of mine duration for an existing mine. [12-121(j)(1)b.]

INSTRUCTIONS FOR COMPLETING PART 4. SUBMITTAL REQUIREMENTS

General Note. This table represents a summary list of the submittal requirements. Refer to the description of each item and the appropriate LCLDC sections referenced for further information and label each submitted exhibit as noted.

PUBLIC HEARING APPLICATION FORM.

Public Hearing Application Form. A completed Application for Public Hearing for Zoning Action Form must be submitted. [34-202(b)(2)]

Public Hearing Supplement G. A completed Public Hearing Supplement G must be submitted. [12-121(j)(1)]

Application Fee. The filing fee in accordance with the duly adopted fee schedule must be submitted with the application. (See LCLDC Section 34-53.) [12-121(j)(1); 34-202(a)(9); 34-53]

SUBMITTAL DOCUMENTS- BOTH DEWATERING & EXTENSION OF MINE DURATION REQUESTS

Archeological/Historical Map and Data. Self explanatory. [12-110(a)(17); 34-373(a)(4)h.]

Permit Approvals. A copy of all permit approvals issued by Lee County, including zoning, development orders, transportation, environmental, natural resources, and wells; along with copies of all State and federal permit approvals issued to support the operation of the mine must be submitted. [12-121(g)(1)]

Zoning Compliance Narrative Statement. Narrative addressing compliance with conditions of the zoning or special exception approval issued prior to September 1, 2008 must be submitted. [12-121(g)(5)]

Bathymetric Survey. A Bathymetric Survey signed by a surveyor licensed in the State of Florida must be submitted. The bathymetric information must be overlaid, along with the mining site plan (or master concept plan for the initial MOP renewal or approval for an existing mine), on a copy of the most recent aerial photo available. [12-121(g)(6)]

Mining Plan. The existing phasing schedule must be replaced with a mining plan meeting the requirements of LCLDC Section 12-110(a)(15) {see below}. [12-121(g)(7)]

The mining plan is based upon the proposed area to be excavated, also known as the "mine footprint". It is a graphic depiction of the mine footprint in relation to the boundary of the mine site and other site related activities. The mining plan also includes an estimate of the life of the mine in years based upon the yardage or material to be removed while the mine is in operation and the length of time necessary to process the material and haul it off-site. The mine plan must include a realistic estimate with respect to when the mine excavation activity will be complete and reclamation will be commenced.

If a proposed mine project is comprised of areas that will be mined separately, though located within the boundary of the mine project, then a "separate" mining plan will be required for each proposed mine cell or area. As an example, if there is a natural boundary between two excavation footprints/mine lakes created by a wetland or conservation area, each of these areas must be specifically and separately addressed in the mining plan. [12-110(a)(15)]

Monitoring Reports. A copy of all monitoring reports required by the underlying County approvals as well as the five year comprehensive monitoring report required under section 12-118(b) {see below} must be submitted. [12-121(g)(8); 12-118(b)]

A five year cumulative monitoring report, including all elements required to be monitored under LCLDC Section 12-118 and the MEPD resolution, is required every five years, beginning with this initial MOP approval under this article, and at the time of MOP renewal. The purpose of the report is to identify trends with respect to the elements monitored in order to determine whether certain actions or changes are appropriate to increase compatibility of ongoing mine activity with its surroundings. {See LCLDC Section 12-121(c) et seq below for details of monitoring report requirements.} [12-118(b)]

Monitoring reports must be submitted in accord with this section unless the MEPD resolution conditions provide otherwise.

- (1) Water quality.
 In addition to the requirements set forth in section 12-117, the operator of the mining operation together with the property owner must submit an annual report that provides:
 - a. Copies of periodic surface, and groundwater levels and quality monitoring requirements, at intervals determined by Natural Resources or as conditioned in the MEPD approval, pertaining to the baseline levels identified in the approved pre-development analysis and those anticipated for use in conjunction with the proposed mining project. All data must be submitted in an electronic format as set forth in section 12-117(d).
 - b. Water quality parameters to be tested for both the surface and groundwater are listed on Table 1: Water Quality Monitoring Check List set forth in appendix O.
 - c. Signed and sealed bathymetric surveys covering the new areas excavated and providing the depth of the existing excavation as well as the quality and type of materials excavated.
 - d. Details of noncompliance events, data trends, and methods of resolving such events.
 - e. Water level measurements must be conducted under the guidance of a Florida registered professional engineer with an established quality assurance plan. The report must be signed and sealed certifying accuracy and supervision of data collection.
 This report must be submitted to the Department of Community Development every year beginning on the anniversary of the date that the mining operation received the first MOP to commence the mining operation. A report must be submitted annually until the reclamation of the mining operation is complete.
 - f. The monitoring report must use the data collected during the previous year and state any cumulative trends or noteworthy changes in discharge concentration or volumes related to background, as well as any modification necessary in the operating procedures to better manage/reduce negative impacts or trends. If management measure modifications were proposed in a previous report, the subsequent monitoring report must include an evaluation of the effectiveness of the proposed modification in controlling negative trends or impacts.
 - g. Additional monitoring issues as set forth in the MEPD resolution and MOP approval.
- (2) Environmental. The annual monitoring report must include the following:
 - a. An updated exotic removal plan.
 - b. Areas proposed to be mined and progress in relation to the reclamation plan.
 - c. Indigenous preserve status including any replanting updates.
 - d. Conditions of plants installed or retained within buffer areas.
- (3) Traffic. The annual report must address the items outlined in section 12-116(d).
- (4) Five year cumulative monitoring report. A report meeting the criteria set forth in section 12-118(b) is required every five years beginning with this initial MOP approval under this article. [12-118(c)]

Letter from Division of Natural Resources re: Receipt of Monitoring Reports. A letter from the Division of Natural Resources must be submitted indicating that they have received the required water monitoring reports in the appropriate format. [12-121(g)(8)]

Letter from Lee County Department of Transportation re: Inspection of Roads Providing Access to the Mine. A letter from the Department of Transportation must be submitted confirming that the roads providing access to the mine have been inspected and there is no evidence of damage from the mine activity. If there is damage that needs to be repaired, a permit must be obtained from the Department of Transportation for work in the right-of-way. If the damage is not repaired prior to issuance of the renewal permit, it will become a condition of the MOP renewal. [12-121(g)(9)a.]

Updated TIS with Emphasis on Need for Turn Lanes. An updated TIS must be submitted with a particular emphasis on need for turn lanes if they are not already in place (see LCLDC Section 12-116(b)(1) below). [12-121(g)(9)b.]

Turn lanes. To protect public safety and welfare, left turn and right turn deceleration and storage lanes must be installed at the mine entrance on all collector and arterial roads, whether public or private. Acceleration lanes are required unless the data and analysis clearly demonstrate that the turn lane is not warranted and will not be necessary to protect public safety and welfare.

A full turn lane and an acceleration lane analysis must be prepared, using truck factors from the latest USDOT study measuring loaded width to horsepower ratio. The appropriate truck factors must be used to establish the length of deceleration and acceleration lanes. The storage lane length must be based upon the truck length plus the applicable headway distance for trucks. Turn lane pavement design must be determined in accord with the FDOT Flexible Pavement Design Manual (latest edition). {See also LCLDC Section 12-116(a) for further TIS criteria.} [12-116(b)(1)]

Letter from Lee County Department of Transportation re: Additional Conditions Deemed Necessary for Approval of Subject Request. Self explanatory. [12-121(g)(9)c.]

Environmental Documentation. Documentation regarding the status of existing exotic vegetation removal; required buffers, indigenous preservation and open space must be provided. If exotic removal is not an on going activity, a proposed plan to address exotics must be submitted. [12-121(g)(10)A.]

Updated Protected Species Survey. An updated protected species survey must be submitted {see LCLDC Section 10-473(a) below for requirements}. [12-121(g)(10)b.].

Protected Species Survey. A survey must accompany all applications where the Florida Land Use, Cover and Forms Classification System codes for the property indicate a possible presence of a Lee County listed species, except as set forth in LCLDC Section 10-473(c). The survey must be prepared by using survey methods which are set forth in Lee County administrative code (AC-11-10), except that an alternative method may be approved by the director. Such survey must include Lee County listed species presence (sightings, signs, tracks, trails, nests, evidence of feeding, etc.), population estimates and occupied habitat boundaries. A map and narrative must describe the methodology as applied and the findings. The mapped information must be at the same scale as the development order or zoning application plans and an aerial map at a scale of one inch is less than or equal to 400 feet. [10-473(a)]

Site Map Depicting Project Boundaries, Wellfields within 5 Miles and Distance to Closest Known Wellfield. A site map must be submitted depicting the following:

1. The project boundaries.
2. The location of all known wellfield protection zones within a five mile radius of the project.
3. The distance to the closest known wellfield. [12-121(g)(11)a.]

Water Budget Document. A water budget must be submitted that addresses both surface and groundwater on the total project and possible changes that will occur once mining is concluded. [12-121(g)(11)b.]

Soil Borings. Soil borings data and information must be submitted. Soil borings must extend to either the top of the confining zone of the proposed mine aquifer or ten feet deeper than the proposed depth of the mine cell or area, whichever is greater. Borings must be taken within the footprint of each proposed mine cell or area and must occur at every one-foot of elevation change within the mine cell or area. [12-121(g)(11)c.]

Documentation of Wet and Dry Season Water Levels Prior to any Development. Wet and dry season water levels prior to any development must be documented. These water levels must be derived from either a minimum of three years of actual onsite data taken prior to development of the mine and approved by Lee County, or based upon data obtained from a Lee County accepted source that provides a minimum of five years of data. [12-121(g)(11)d.]

Location of Public & Permitted Private Wells Within One Mile of Mine Property. Public and permitted private wells must be identified with GPS or surveyed locations of wells along with wellhead elevations within a one mile radius around the mine property boundary. [12-121(g)(11)e.]

Documentation of Installation of Piezometer Tubes. Documentation must be submitted indicating that sets of two wells or Piezometer Tubes have been installed meeting the following minimum criteria: (0' to 8'), (0' to 25') and a set of wells was placed at every one-foot of elevation change throughout the project. [12-121(g)(11)f.]

Evidence of Installation of Two Wells. Evidence must be submitted confirming that the mine operator has installed a pair of wells meeting the following requirements: one well extends to the lowest depth of the sand formation; and the second well extends to the proposed bottom depth of the mine. The second well must record

water quality and level profiles for every change in material until the bottom depth of the proposed mine is reached. [12-121(g)(11)g.]

Dewatering Plan. If the underlying zoning approval specifically allows dewatering activities, a dewatering plan must be submitted in compliance with the provisions of LCLDC Section 12-117(c) denoting the routing of dewatering effluent. Depict location and cross-section of hydraulic recharge trenches and staff gauge locations. [12-121(g)(11)h.]

Table of Dewatering Pumps. If the underlying zoning approval specifically allows dewatering activities, a table of pumps used stating diameter, horsepower, maximum gallons per minute that a pump can deliver and depth of dewatering must be submitted. Also provide the total amount of water that can be pumped if all pumps listed were running at full throttle. [12-121(g)(11)i.]

Copy of South Florida Water Management District Water Use Permit. If the underlying zoning approval specifically allows dewatering activities, provide a copy of the South Florida Water Management District Water Use Permit. [12-121(g)(11)j.]

Storm Water Pollution Prevention Plan (SWP3). A copy of the Storm Water Pollution Prevention Plan (SWP3) prepared in compliance with LCLDC Section 14-477 must be submitted. [12-121(g)(13)a.]

Letter from Lee County Natural Resources re: Use of Best Management Practices. A letter from Lee County Natural Resources (Pollution Prevention Section) must be provided indicating its inspection confirmed that the site is using Best Management Practices in the handling, storage and disposal of regulated materials. [12-121(g)(13)b.]

Updated Pollution Prevention Plan (PPP). An updated Pollution Prevention Plan (PPP) must be submitted. [12-121(g)(13)c.]

Approved Pollution Prevention Plan for all Mechanical Repair/Maintenance Activities. A copy of the approved pollution prevention plan for all mechanical repair/maintenance activities must be submitted addressing all storage, handling, fueling and disposal practices of hazardous materials/waste. The Plan should contain the following:

1. A contaminated soil recovery component that includes storage of recovered contaminated soils protected from the weather. All disposal receipts of contaminated soils must be provided to the Pollution Prevention Program within 24 hours of soil disposal.
2. A requirement that all disposal receipts of contaminated soils must be provided to the Pollution Prevention Program within 24 hours of soil disposal.
3. Requirement that any spill of regulated materials such as oils, greases, fuels, solvents, equipment/vehicle coolants, and liquid explosive materials in excess of 10 gallons must be reported within five business days to the Pollution Prevention Program at (239) 652-6126.
4. Requirement that mechanical operational activities must comply with all applicable regulations contained within Lee County's Hazardous Waste Ordinance 07-03.
5. Requirement that all materials utilized in explosive activities must be approved for use before brought on-site and be under the control of a Florida licensed User or Blaster at all times.
6. A list of regulated materials and their Material Safety Data Sheets for the regulated materials utilized on-site must be provided prior to being brought on-site and used.
7. A spill prevention plan for regulated materials. This plan must include the contact person's name, title and emergency phone number.
8. Documentation of First Responders notification. [12-121(g)(13)d.]

Letter from Fire District re: Approved Fire Protection Plan. A letter from the Fire District servicing the location of the mining operation must be submitted stating the Fire Department has inspected the site and has approved the Fire Prevention Plan. [12-121(g)(14)a.]

Letter from Lee County EMS Aviation Division re: Helicopter Landing Site. If the site is required to have an emergency helicopter landing site, a letter from Lee County Emergency Medical Services Aviation Division must be provided confirming inspection of the landing pad and that the location and pad configuration are acceptable. [12-121(g)(14)b.]

Letter from Lee County Utilities re: Review of Application & Findings. A letter from Lee County Utilities must be provided indicating review of the renewal application and their findings. [12-121(g)(15)]

Blasting Permit from State Fire Marshals Office. If blasting is to be performed, a copy of the Blasting Permit issued from the State Fire Marshals Office must be submitted. [12-121(g)(16)a.]

List of Blasting Materials & Material Safety Sheets for Substances. If blasting is to be performed, a list of materials used in the blasting process along with the Material Safety Data Sheets for these substances must be submitted. [12-121(g)(16)b.]

Previously Approved Phased Reclamation Plan. A copy of the previously approved phased reclamation plan must be submitted. [12-121(g)(17)a.]

Reclamation Schedule for the Mining Site. A reclamation schedule for the mining site must be submitted. [12-121(g)(17)b.]

Documentation as to Status of the Reclamation Activity to Date. Self Explanatory. [12-121(g)(17)c.]

Updated Cost Estimate for All Reclamation Areas. An updated cost estimate must be provided for all areas that will require reclamation within the boundary of the project. [12-121(g)(18)a.]

New Surety. A new surety must be provided to reflect any deficiencies in bond amounts already provided to Lee County for reclamation of the site at 110% of the approved cost estimate. [12-121(g)(18)b.]

Detailed Plan Addressing Unresolved Violations. If the mine has received a mine inspection report from Lee County depicting a violation that is unresolved, provide a detailed plan with respect to the manner and timing of activity to correct the existing violation. [12-121(g)(19a.)]

Information re: Findings of Non-Compliance from Agencies other than the County. If the mine has received findings of non-compliance for this site from agencies other than the County, provide information as to the nature of the problems, identifying the agency issuing the non-compliance determination, along with a detailed plan and schedule regarding the action to be taken to eliminate the non-compliance issue. [12-121(g)(19)b.]

LEE PLAN Compliance Narrative. The following Lee Plan policies must be adhered to in applying for and conducting mining activities:

- (1) Mining activities and mining reclamation plans in or near important water resource areas must be designed to minimize the possibility of contamination of the water during mining activity and after completion of the reclamation.
- (2) Mining operations must meet or exceed local, state and federal standards for noise, air, water quality, and vibration. (Lee Plan Policy 7.1.1)
- (3) Mining activities must be located and designed so as to minimize adverse environmental impacts and water resource impacts.
- (4) Mining activities, and industrial uses accessory to mining activities, must:
 - a. Have adequate fire protection, transportation facilities, wastewater treatment and water supply; and
 - b. Not precipitate significant negative effects with respect to dust, glare, light trespass and noise on surrounding land uses and natural resources.
- (5) Mining activities and reclamation efforts must facilitate the connection of natural resource extraction lakes and borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, and strengthen environmental benefits. [12-107]

A narrative explanation as to how the proposed development complies with: (a) the Lee Plan; and (b) the design standards set forth in LCLDC Section 34-411(if Planned Development) must be provided.[12-121(j)(1)b.; 12-107]

Decision-Making Compliance. A narrative explanation as to how the proposed limited amendment to existing mine zoning approval complies with the guidelines for decision-making embodied in LCLDC Sections 12-107, 34-83, and 34-145(d)(3) must be provided. [12-121(j)]

GUIDELINES IN DECISION MAKING.

Hearing Process. *Limited amendments to existing mine zoning approvals.* The hearing process for limited amendments to existing mine zoning approvals applications is as set forth in sections 34-83 and 34-145. This includes the requirements applicable to notice for hearings and criteria for review (see above). [12-121(j)]

Findings-Hearing Examiner (Limited Amendments to Existing Mine Zoning Approvals).

Before preparing his recommendation to the Board of County Commissioners, the Hearing Examiner must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan (see LCLDC Section 12-107 and Lee Plan Compliance criteria above), this land development code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4).
- h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use. [34-145(d)(3)]

Functions-Hearing Examiner.

Regarding zoning matters, the Hearing Examiner has the following prescribed duties and responsibilities:

- a. Prepare recommendations to the Board of County Commissioners for changes relating to the boundaries of the various zoning districts or to the regulations applicable to those districts.
- b. Make recommendations to the Board of County Commissioners on Mining Excavation Planned Development applications. [34-145(1)]

Considerations-Hearing Examiner.

In reaching his recommendation, the Hearing Examiner must consider the following criteria, as well as any other issues that are pertinent and reasonable:

Staff recommendations, the testimony of the appellant and testimony of the general public must also be considered.

Cases under this LCLDC Section will be handled as a de novo proceeding and all parties will be entitled to present evidence and testimony as to any law or fact supporting their position in the case. [34-145(c)(2)]

In preparing his recommendation on any matter, the Hearing Examiner must consider the criteria set forth in LCLDC Section 12-113 (see above) as well as the following, if applicable:

- a. Whether there exists an error or ambiguity which must be corrected;
- b. Whether urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve a proposed land use change, when reviewing a proposed change to a future urban area category; and
- c. Whether a proposed change is intended to rectify errors on the official zoning map.
- d. Whether the level of access and traffic flow (i.e. median openings, turning movements etc.) is sufficient to support the proposed development intensity. [34-145(d)(2)]

Function-Board of County Commissioners.

The Board of County Commissioners must hold public hearings (see LCLDC Sections 34-231 through 34-236) for the Mining Excavation Planned Development.

Considerations-Board of County Commissioners.

In rendering its decision, the Board of County Commissioners must consider the following:

- a. The considerations set forth in LCLDC Section 34-145(c)(2) and 12-112 for the Mining Excavation Planned Development.
- b. The substantive recommendation of the Hearing Examiner when applicable. [34-83(b)(2)]

Findings-Board of County Commissioners. Before granting any rezoning, special exception, or appeal of a hearing examiner decision, the Board of County Commissioners must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning or mine excavation planned development, the decision of the Board of County Commissioners must also be supported by the formal findings required by sections 34-377(a)(2) and (4).
- h. Where the change proposed is within a future urban area category, the Board of County Commissioners must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- i. In the case of an appeal of a hearing examiner decision pertaining to wireless communication facilities, the decision of the Board of County Commissioners must also be supported by the formal findings set forth in sections 34-1445(b) and 34-1453, as applicable. [34-83(b)(3)]

Decisions and Authority-Board of County Commissioners.

- a. In exercising its authority, the Board of County Commissioners:
 1. Must consider the recommendation of the Hearing Examiner, but may, in conformity with the provisions of this chapter, reverse, affirm or modify the recommendation of the Hearing Examiner, or remand the recommendation to afford due process;
 2. May not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published;
 3. Has the authority to attach such conditions and requirements to any approval of a request within their purview, deemed necessary for the protection of the health, safety, comfort, convenience or welfare of the general public. These conditions and requirements must be reasonably related to the action requested.
- b. The decision of the Board of County Commissioners on any matter listed in LCLDC Section 34-83(b) is final. If there is a tie vote, the matter considered will be continued until the next regularly scheduled meeting for decisions on zoning matters by the Board of County Commissioners, unless a majority of the members present and voting agree by motion, before the next agenda item is called, to take some other action. Such other action may be moved or seconded by any member, regardless of his vote on any earlier motion.
- c. Any denial by the Board of County Commissioners is denial with prejudice unless otherwise specified by the Board of County Commissioners (see LCLDC Section 34-211). [34-83(b)(4)]

Judicial Review. Judicial review of final decisions of the Board of County Commissioners with respect to rezonings are to the circuit court in accordance with LCLDC Section 34-85. [34-83(b)(4)c.]

SUBMITTAL DOCUMENTS - DEWATERING REQUESTS

Description of Dewatering Method & Procedure. Provide a detailed description of the dewatering method and procedure to be used to facilitate the excavation. This description must include a time line phasing, proposed depth and amount of water pumped. The submittal must explain assurances that will be provided, or activities that will be employed, to ensure there will be no adverse impacts to existing on-site or off-site wellfields, nearby properties, or wetlands adjacent to the excavation operation associated with withdrawals from the project. [12-117(c)(1)]

Estimated Volumes of Water to be Extracted, Impounded or Diverted. Estimated volumes of water to be extracted, impounded or diverted per hour and per day for the duration of the dewatering must be provided. [12-117(c)(2)]

Map Depicting the Location of All Pumps & Withdrawal Points. A map must be submitted specifically depicting the location of all dewatering pumps and withdrawal points. 12-117(c)(3)]

Plan/Map Showing the Disposition of the Dewatered Effluent. A plan/map must be submitted showing the disposition of the dewatered effluent, whether on or off the development site. The map must depict the size and location of the proposed holding ponds or trenches as well as the calculations used to determine the size of the proposed holding ponds and trenches. A soils report must be included that documents the ability of the sub-surface soils to percolate the dewatered effluent. If an off-site location is proposed, then the application must include permission from each property owner whose property will be traversed or used to accomplish the dewatering as proposed. This permission/consent must be in writing, signed by the property owner and acknowledged before a notary. Consents signed by an agent of the property owner will not satisfy this requirement. [12-117(c)(4)]

Engineering Estimates of the Monthly Water Balance. Engineering estimates of the monthly water balance for the projected highest, lowest and average rainfall sequence for the operation life of the excavation must be provided. This estimate must account for all sources of water input to the water recirculation facilities and processing steps, and all water outputs and losses from the system. The submittal must also include a detailed explanation of the computation methods and assumptions used to derive the estimate. [12-117(c)(5)]

Engineering Estimates Demonstrating That Proposed Dewatering Will Not Cause Detrimental Impacts. Engineering estimates must be provided demonstrating that the proposed dewatering will not detrimentally impact adjacent wetlands and water table aquifer must be submitted if the excavation will extend below the normal wet season groundwater elevation. [12-117(c)(6)]

Proposed Groundwater Level Monitoring Plan. A proposed groundwater level monitoring plan must be provided that specifies the location of all wells comprising the monitoring well network. The proposed water level monitoring plan and process must be sufficient to document changes to groundwater levels and groundwater flow directions on and off the subject project site that may result from the proposed dewatering activity. [12-117(c)(7)]

Copy of the SFWMD Water Use Permit (WUP) Application for Dewatering, Including Support Documentation. A copy of the SFWMD Water Use Permit (WUP) application for dewatering, including support documentation must be provided. 12-117(c)(8)]

SUBMITTAL DOCUMENTS - EXTENSION OF MINE DURATION REQUEST

Narrative Substantiating the Need for the Extension and its Proposed Duration. A narrative substantiating the need for the extension and its proposed duration must be provided. [12-121(j)(1)b.1.]

Submittal Substantiating Continued Consistency with the Lee Plan. Self explanatory (see LEE PLAN Compliance Narrative above). [12-21(j)(1)b.2.i.; 12-107]

Submittal Substantiating Compatibility with Existing & Approved Development in the Surrounding Area. A narrative substantiating compatibility with existing and approved development in the surrounding area must be provided. [12-121(j)(1)b.2.ii.]

Submittal Substantiating Whether the Extension Will Place an Unreasonable Burden on Essential Public Facilities & Infrastructure. A narrative substantiating whether the extension will place an unreasonable burden on essential public facilities and infrastructure must be provided. [12-121(j)(1)b.2.iii.]

Documentation Establishing the Timing of the Extension Request. Documents establishing that the extension request was filed at least 6 months prior, but not more than 1 year before, the expiration date set forth in the underlying zoning approval; and, that the mine was in active physical operation at the time of the request. [12-121(j)(1)b.3.]