

## STAFF REPORT

Planning & Zoning Commission: December 13, 2004

Local Planning Agency: January 12, 2005

Board of County Commissioners: January 12, 2005

Board of County Commissioners:

---

**APPLICANT:** Rinker Materials of Florida, Inc. **FILE NUMBER:** CPAM-05-02

**PURPOSE:** Comprehensive Plan Amendment to Amend Section D: Future Land Use Map Mapping Criteria and Land Uses Allowed of the Hernando County Comprehensive Plan, specifically to alter specific language pertaining to CPAM-93-1.

### GENERAL

**LOCATION:** Countywide

### LEGAL

**DESCRIPTION:** County wide

**FILE STATUS:** All the requirements necessary to conduct the public hearing have been satisfied.

---

**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

### STAFF FINDINGS:

The applicant, Rinker Materials of Florida, Inc., is requesting a text amendment to the Hernando County Comprehensive Plan, specifically to amend the language contained in Section D: Future Land Use Map Mapping Criteria & Land Uses Allowed. The requested text change is to modify language to include the ability to mine soft rock in the area designated as Mining in CPAM 93-1 (known as the Lykes East and Lykes West property). The area of the property affected by the proposed text amendment is approximately 1,761 acres. The entire holdings of the Company are approximately 9,100 acres. The general location of the area affected by the text amendment is north of Fort Dade Avenue, both east and west of Citrus Way (CR 491).

According to applicant's narrative, Rinker materials has several reasons for proposing the text amendment at this time. It was previously assumed that quality soft rock reserves existed under all hard rock on the entire holdings. It was later discovered through drilling that the extent of the soft rock reserves was significantly over estimated. Due to variable calcium carbonate, clay and silica content, much of the previously estimated soft rock reserves are not suitable for cement production. In addition, according to the applicant, there has been an increased demand for cement products both in the US and worldwide. The countries that previously exported cement products to Florida are using more of the products in their own countries putting increased pressure on Florida mills to maximize production to meet demand. Therefore it is essential that the higher quality softrock on the Lykes parcel be allowed to be mined to help meet the local demand for cement.

According to the applicant, the Lykes property was the subject of a Comprehensive Plan Amendment in 1993 as CPAM 93-1. During the time of this amendment, property which was part of the Gregg Mine was sold to the developer of World Woods golf facility and those lands were removed from potential future mining. The Lykes property replaced the northwest property as a source of reserves for future mining.

The following describes the proposed text amendment in underline / strikethrough format:

“Additional Clarification

The land designated as mining through the approval of comprehensive plan amendment 93-1, is restricted to the excavation of hard rock limerock, soft rock limerock, sand mining and other activities or operations ancillary to the excavation of the hard and soft rock limerock and sand. ~~Upon completion of the excavation of the hard rock limerock, nor further mining approvals will be granted.~~ Further, no blasting, drilling, or extraction shall occur within 7,500' of Brookridge.

Standard 1: An Environmental Assessment shall be conducted and evaluated as part of the mining permit process, which will include a mapping of environmentally sensitive lands.

Standard 2: Resource extraction shall not be allowed in “environmentally sensitive” areas which cannot be restored. “Environmentally sensitive” is defined to include wetlands, rivers, streams, lakes, springs, coastal floodplains, habitat of threatened and endangered species and species of special concern, county-mapped prime groundwater recharge areas, listed historically significant sites, and prime agricultural soils historically in use as cropland. “Restoration is defined as restoring the type, nature, and function of the ecosystem in existence prior to mining.

Standard 3: There shall be a 100 foot buffer between resource extraction and rivers, streams, lakes, springs, or wetlands that are not mined.

Standard 4: Blasting shall not occur within 500 feet of a protected structure. Protected Structures are any dwelling, public building, school, church, cemetery, or commercial or institutional building on lands not controlled by the operator of the mine.

- In addition to the above, this property shall also be subject to the standards of the Hernando County Mining Ordinance.
- ~~Mining of limerock in CPAM-93-1 shall be limited to “hard limerock” consisting of the harder strata of limestone that generally are suitable for use as the coarse~~

~~aggregate component in the production of either portland cement concrete or asphaltic concrete located generally at elevations above 60 feet MSL.”~~

The applicant submitted a letter from Mr. George K. Foster, Creative Environmental Solutions, Inc., dated September 1, 2004, to evaluate the potential environmental impacts from mining soft rock limerock on the Lykes parcel. Below is a summary of the findings of the letter.

Potential Impacts to Flora and Fauna

Increasing the mining depth by 20 feet is not expected to impact wildlife. Such impacts are restricted to land surface or near-land surface horizons, both of which will already be displaced by the mining activities. The floor of the excavation will be dry whether mining ceases at 50 feet msl or 30 feet msl, so post-mining conditions will be identical.

Potential Impacts to Drainage

Increasing the mining depth by 20 feet will not affect area runoff and drainage. All drainage is internal.

Potential Impacts to Groundwater Quality

Increasing the depth of the mining by 20 feet will not cause a significant increase in risk to the Floridan aquifer. The potentiometric surface in this area will be below the excavation depth so the aquifer will not be directly exposed.

The letter concludes that this proposal will not breach the Floridan aquifer. Further, the letter states that mining below the surface of the Floridan aquifer has been done in the area since the early 1900's with no known adverse effects on groundwater quality.

The applicant's narrative indicates that there will be no increase in the impacts on any public facilities. The reasons for this are first, the mine will not be increasing its operational level, only extending the soft limerock resources. The mine makes little use of public facilities, except roadways. According to the applicant, since the mining operation will not increase in size, nor in location, the impact on the adjoining roadway network will not increase. The recently constructed tunnel / overpass will keep all internal mining traffic off of CR 491. Water, sewer, and drainage are provided on site. Since the annual operation of the mine is not affected by the amendment, the water / sewer usage will not increase. There is plenty of land on the site to accommodate additional drainage at excavation sites.

The applicant's narrative cites several State Comprehensive Plan policies, Withlacoochee Regional Strategic Regional Policy Plan, and Hernando County Comprehensive Plan policies with which the proposed amendment is consistent. Planning Staff has reviewed the proposed amendment and has found that the proposed amendment is generally consistent with the aforementioned state, regional, and local policies.

When CPAM 93-1 was considered, one of the major issues discussed at the time was the ability to relatively quickly mine the property of the hard rock resource and then reclaim the lands to standards acceptable as defined in the Hernando County Mining Ordinance. This amendment to allow the mining of soft rock limerock will lengthen the time prior to any reclamation taking place in this portion of the property. It would seem prudent for the applicant to identify areas that will no longer be used for mining, not be subject to reclamation, and initiate the reclamation process in those areas. To that extent, the Planning Staff is proposing additional language to be added to the “Additional Clarification” section for CPAM 93-1 to address the additional reclamation issue. This language is as follows and will be located at the end of “Additional Clarification” section as proposed by the applicant and located above in this report.

- For each acre located in the area of CPAM 93-1, in which soft rock limerock is removed, two acres shall be reclaimed in areas which were previously mined, but are not subject to reclamation requirements. This will be in addition to reclaiming the areas of CPAM 93-1. All reclamation will meet the requirements of the Mining Ordinance.

**STAFF RECOMMENDATION:**

The Planning Staff recommends that the Planning and Zoning Commission review and recommend approval to the Local Planning Agency and the Board of County Commissioners of the transmittal to the Department of Community Affairs of the proposed amendment consisting of revisions to Section D: Future Land Use Map Mapping Criteria & Land Uses Allowed, “Additional Clarification” section relating to CPAM 93-1, as revised by Staff.

**P&Z RECOMMENDATION:**

On December 13, 2004, the Planning and Zoning Commission voted 4-0 to recommend that the LPA / BCC transmit CPAM 05-02 to the Florida Department of Community Affairs (DCA) for review and comment. The Planning and Zoning Commission also wanted to make the BCC / LPA aware of a concern of the vertical proximity of the mining as authorized in the proposed amendment, to the aquifer and the potential for water quality impacts to the groundwater.

**STAFF DISCUSSION:**

Following the hearing by the Planning and Zoning Commission, the Planning Staff met with representatives of the applicant to discuss the implications of the language proposed by the Planning Staff to be added to the “Additional Clarification” section for CPAM 93-1. The Planning Staff was proposing that two acres of previously mined land, but not subject to reclamation requirements, be reclaimed for every acre of soft rock limerock being mined in the area of CPAM 93-1. The applicant’s representatives indicated that the ratio could not be met because there simply was not enough previously mined lands not subject to reclamation available to meet the requirement. This is due to the fact that two areas in the northern portions of the Rinker holdings have been reentered for mining and

are now subject to reclamation requirements included in the Mining Ordinance. Based upon this discussion with the applicant's representatives, the Planning Staff is proposing the following substitute language to be included in the "Additional Clarification" section for CPAM 93-1.

- In consideration for the right to mine soft rock limerock in the area of CPAM 93-1, reclamation shall be performed in all areas which were previously mined, but are not subject to the reclamation requirements. This will be in addition to reclaiming the areas of CPAM 93-1. All reclamation will meet the requirements of the Mining Ordinance.

**LPA/BCC ACTION:**

On January 12, 2005, the LPA/BCC voted 5-0 to transmit the requested comprehensive Plan Amendment to the Florida Department of Community Affairs (DCA) for review and comment.

**DCA ORC REPORT:**

**STAFF DISCUSSIONS:**

**STAFF RECOMMENDATION:**

**BCC ACTION:**