

ORDINANCE 2012 - \_\_\_\_\_

**AN ORDINANCE RELATING TO SANTA ROSA COUNTY, FLORIDA; AMENDING ORDINANCE 91-24 AS AMENDED; AMENDING ARTICLE 6.05.25 (FAIRPOINT REGIONAL UTILITY SYSTEM WELLFIELD PROTECTION OVERLAY DISTRICT); PROVIDING FOR CHANGES TO THE DISTRICT NAME AND THE DISTRICT BOUNDARIES; DEFINING ALLOWABLE AND PROHIBITED USES AND ADDING PERFORMANCE STANDARDS FOR THOSE USES; AMENDING ARTICLE 12.13.02 (POTABLE WATER WELLS AND WELLFIELDS) CLARIFYING THE LIST OF PROHIBITED USES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

~~6.05.25 – Fairpoint Regional Utility System Wellfield Protection Area Overlay District~~

- ~~A. Purpose: This overlay district is to provide an added degree of protection for the aquifer recharge area in the vicinity of the Fairpoint Regional Utility System’s wellfield which is an important resource in providing potable water for the East Milton Area and the Fairpoint peninsula.~~
- ~~B. District Boundaries: The Fairpoint Regional Utility System Wellfield Protection Area Overlay district is defined as that area bounded by the Okaloosa County line on the east, the Yellow River on the south, State Road 87 on the west, and US-90 on the north.~~
- ~~C. Allowable uses: The allowable uses are those listed as permitted and conditional uses in the underlying zoning districts with the following exceptions:~~
- ~~1. Landfills;~~
  - ~~2. Resource Extraction activities;~~
  - ~~3. Underground fuel storage facilities;~~
  - ~~4. The bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively; and~~
  - ~~5. Mines or mining activities.~~

***Note: Section 6.05.25.A through M below is intended to replace the currently-adopted Section 6.05.25 which is shown in strikethrough format above.***

6.05.25 East Milton Area Wellfield Protection Overlay District

A. Purpose: The purpose of this overlay district, as shown on the map in Exhibit A, is to provide an added degree of protection for the aquifer recharge area in the vicinity of the Fairpoint Regional Utility System and East Milton Water System wellfield which is an important resource in providing potable water for the Fairpoint peninsula and the East Milton Area. It is the intent of this overlay district to protect present and future public potable water supply wells and wellfields from water quality degradation by contamination from regulated substances.

B. Wellfield Protection Overlay District Boundaries:

**Option 1: Expand current wellfield overlay district to include the area recommended by Advanced Geospacial, Inc..**

The East Milton Area Wellfield Protection Overlay District, shown on the map in Exhibit “A”, is described as follows:

Point of Beginning: Intersection of State Highway 87 South and Hickory Hammock Road; then follow Hickory Hammock Road westerly to the western boundary of section 17-1N-27W; then follow the western boundary of Sections 17-1N-27W, 8-1N-27W, 5-1N-27W, and 32-2N-27W, then commencing at the southwest corner of section 29-2N-27W continue N0° for 2302.06 feet to the northern edge of the Gulf Power easement then N79° on the northern right-of-way for 1184.7 feet to the western edge of a Gulf Power easement, then proceed N23°03’30”W along the right-of-way for 143.6 feet to the southern boundary of the northern ½ of section 29-2N-27W, then continue East along the southern half section line to the eastern boundary of section 29-2N-27W, then north to the northeast corner of section 29-2N-27W, then follow the northern section line of sections 28-2N-27W, 27-2N-27W, 26-2N-27W, 25-2N-27W and 30-2N-26W easterly to the intersection with Highway 90; then follow Highway 90 easterly to the intersection of the east line of section 01-2N-26W, then south along the east section line of sections 01-2N-26, 12-2N-26W, 13-2N-26W, 24-2N-26W, 25-2N-26W and 36-2N-26W to the point of intersection with the Yellow River, then westerly along the Yellow River to the point of intersection of State Highway 87 South; then North along State Highway 87 South to the Point of Beginning.

**Option 2: Keep current wellfield overlay district and add a 5-year (or 20-year) travel time contour overlay district around those wells located outside the current overlay district in the East Milton area.**

The East Milton Area Wellfield Protection Overlay District, shown on the map in Exhibit “A”, is defined as that area bounded by the Okaloosa County line on the east, the Yellow River on the south, State Road 87 on the west, and US-90 on the north. In addition, this wellfield overlay district includes all land within the 5-year (or 20-year) travel time contour for all public supply potable water wells in the East Milton area.

**Option 3: Replace current wellfield overlay district with a 5-year travel time contour overlay district around all wells in the East Milton area.**

The East Milton Area Wellfield Protection Overlay District, shown on the map in Exhibit “A”, is defined as all land within the 5-year travel time contour for all public supply potable water wells in the East Milton area.

**Option 4: Replace current wellfield overlay district with a 20-year travel time contour overlay district around all wells in the East Milton area.**

The East Milton Area Wellfield Protection Overlay District, shown on the map in Exhibit “A”, is defined as all land within the 20-year travel time contour for all public supply potable water wells in the East Milton area.

**The following text is the same for each option.**

C. Definitions

*Community Water System:* Community water systems are those public water systems which serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

**Consider “X” travel time contour area as definition of East Milton Wellfield Protection Overlay District.**

*Regulated substances.*

1. Any liquid or water soluble substance or material that, by reason of its toxic, caustic, corrosive, or other properties may degrade the water quality of public potable water supply wells and wellfields.

2. Regulated substances shall include, but are not limited to, those liquid or water soluble substances, in their reportable quantities, as set forth in the U.S. Environmental Protection Agency (EPA) lists, as amended from time to time, entitled:

The List of Extremely Hazardous Substances and Their Threshold Planning Quantities (40 CFR part 355, Appendix A), and

List of Hazardous Substances and Reportable Quantities (40 CFR, Table 302.4).

3. When the reportable quantity of a regulated substance is indeterminate, this section shall only apply whenever the aggregate sum of all quantities at any one time exceeds five gallons where said substance is a liquid, or 25 pounds where said substance is a solid.

*Resource Extraction Activities:* Resource extraction includes the following activities consistent with LDC Section 12.06.03: mining activities, petroleum extraction, borrow pits, removal of sand from beaches or other areas containing such sand, mineral extraction (not including water) and quarries. Resource extraction does not include incidental excavation conducted pursuant to valid permits issued by Santa Rosa County for construction or development activities. **(Note: This definition to be included only if a decision is made to prohibit resource extraction activities.)**

*Overlay District:* A special district which addresses special land use circumstances or environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay district.

*Public Supply Potable Water Well:* Public supply potable water well is any water well which supplies water for human consumption to a community water system.

*Travel Time Contour:* Set of points, or contour line, where water takes an equal amount of time to reach a given destination such as a well.

*Wellhead Protection Zone:* 500 foot radius around public supply potable water wells, measured from the center of the wellhead.

D. Applicability:

1. The provisions of this chapter shall apply to all new, non-residential development within the East Milton Area Wellfield Protection Overlay District.

2. In addition, the provisions of Section 12.13.02 shall apply to all new development within Wellhead Protection Zones, which are the 500 foot radius around public supply potable water wells, measured from the center of the wellhead. Where there is a conflict between Section 12.13.02 and this section, the more restrictive regulation applies.

E. Permitted uses: The uses allowed within the overlay district are those listed as permitted and conditional uses in the underlying zoning districts with the exception of those listed as prohibited in Section 6.05.25.F.

F. Prohibited uses: Uses prohibited within the overlay district include:

1. Solid Waste Disposal and Solid Waste Management Facilities as defined by the Florida Department of Environmental Regulation in Rule 62-701, Florida Administrative Code (F.A.C.);

2. Hazardous waste treatment, storage, disposal, and transfer facilities requiring permits under Chapter 62-730, F.A.C. (this does not apply to generators of hazardous waste who are subject to the performance standards in 6.05.25.H), and

3. Underground storage facilities. The replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, is exempt from this provision, provided that the replacement underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

***FOR DISCUSSION:***

***The following uses are prohibited in the existing wellfield protection area. Should they be prohibited in this ordinance?***

**4. Resource extraction activities, mines or mining activities.**

G. Permitting Requirements: An applicant for any permitted non-residential use that involves the use, storage, handling or disposal of regulated substances is required to meet the development standards found in Section 6.05.25.H, or receive a General Exception approval, or a Special Exception approval from the County.

General Exception approval will be granted concurrent with Site Plan approval upon demonstration of compliance with Section 6.05.25.I.

Special Exception approval may be granted by the Zoning Board upon demonstration of compliance with Section 6.05.25.J.

H. Development Standards: In addition to other applicable provisions of this code, an applicant must meet the following development standards as applicable:

1. The use of secondary containment is required for all bulk storage of regulated substances. Such containment systems must be easy to inspect and designed to intercept any leak or release from the primary containment vessel or structure. Secondary containment must be sized to accommodate 110% of the largest primary container volume. Bulk storage does not include materials packaged for individual retail sale. Secondary containment does not apply to materials applied in an outdoor setting as part of an approved activity's landscaping maintenance plan.

2. No nonresidential facility shall discharge any regulated substance, either directly or indirectly, into the soil or groundwater.

3. New underground facilities for transportation of regulated substances within the Wellfield Protection Overlay District shall be constructed with double-walled pipe to ensure no leakage into the soil or groundwater.

4. All permitted facilities must adhere to appropriate federal and state standards for storage, handling, transportation and disposal of any hazardous materials. Where there is a conflict between the federal and state standards and this section, the most restrictive regulation applies.

5. Areas where regulated substances are stored shall not drain to the soil, a stormwater system, water body, or a sewage disposal system. This does not apply to discharges to a public sewer utility system that are approved by the sewer utility, consistent with FDEP regulations.

6. The washing of vehicles used to transport unpackaged regulated substances and equipment used in processing of regulated substances must be done in a self contained area (e.g. with recycling system) designed to ensure that hazardous materials do not reach the soil, a water body or a sewage disposal system. This does not apply to discharges to a public sewer utility system that are approved by the sewer utility, consistent with FDEP regulations.

7. All new commercial and industrial land uses that involve the use, handling, or storage of regulated materials shall be required to prevent contact between the aforementioned materials and stormwater.

8. Sites where fuel is dispensed from above-ground tanks shall be designed to contain fuel spills on site without contaminating stormwater systems, sewage disposal systems, soil, surface water or groundwater.

9. Fuel tanks or storage as part of permanently installed equipment (such as generators) shall be placed in a secondary containment device such that a fuel spill or leak will not reach the soil or a water body.

10. Wastewater treatment plants must meet FDEP requirements. Effluent or biosolids disposal cannot be located within the 5-year travel time area. Reuse of reclaimed water that has received high-level disinfection is allowed when permitted under Part III of Chapter 62-610, F.A.C.

I. General Exceptions: Facilities qualifying for General Exception approval are exempt from the permitting requirements of Section 6.05.25.H.

a. Facilities and activities qualifying for a general exception include residential uses, public utilities (except effluent disposal from a wastewater treatment facility), parks, maintenance of office facilities, retail sales, agriculture, silviculture, transportation facilities such as roads and rail lines (loading and offloading of regulated substances is not exempt), distribution of materials packaged for retail sale, substances regulated by the Food and Drug Administration; and substances use in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual.

b. A general exception application shall be required for any nonresidential activity claiming a general exception under this section.

c. Such application shall be submitted as part of a Site Plan application and must contain a concise statement by the applicant detailing the circumstances upon which the applicant believes he would be entitled to a General Exception.

d. Temporarily-located emergency equipment necessary to provide power to ensure a continuous supply on an emergency basis of water supply, electrical power, sewer service, telephone service, or other essential services are exempt consistent with Chapter 62-521.400(3), F.A.C. and do not require a general exception application.

e. Discharge to groundwater from Florida Department of Environmental Protection approved remedial corrective actions for contaminated sites are exempt consistent with Chapter 62-521.400(3), F.A.C. and do not require a general exception application.

J. Special Exceptions: Exemption from the requirements of Section 6.05.25.H may be granted by Special Exception, subject to the following requirements:

a. Special Exception applications will be process as outlined in Section 2.04.00.C.

b. The applicant must provide substantial scientific evidence that special or unusual circumstances and adequate technology exist to isolate the facility or activity from the potable water supply.

c. In granting the special exception, the Zoning Board may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

K. Non-Conforming Uses, Sites or Facilities: Non-conforming uses, sites or facilities in operation at the time of adoption of this ordinance are allowed to continue operation. Any expansion, modification or alteration of non-conforming uses, sites or facilities shall be required to meet current Land Development Code requirements including the requirements of this section.

L. Variances: The Board of County Commissioners may grant a variance from one or more of the above requirements upon finding that the proposed facility would not create a risk to ground water quality. Variances will be processed consistent with Section 2.04.00.A.

M. Trade Secrets: The County shall not disclose any trade secrets of the permittee under this article that are exempted from such disclosure by federal or state law; provided, however, that the burden shall be on the permittee to demonstrate entitlement to such nondisclosure.

**Note: The addition of clarifying language to Section 12.13.02 is proposed as shown in double underline format below.**

12.13.02 Potable Water Wells and Well Fields: Within the wellhead protection zones, the following activities are prohibited:

A. Landfills, resource extraction activities and the like;

B. Underground fuel storage facilities; however, replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, is exempt from this provision, provided that the replacement underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.

C. Projects with impervious cover of 50% or more;

D. The bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively; however, the replacement of an underground or above ground storage tank system regulated under Chapters 62-761 and 62-762, F.A.C. is exempt from this provision provided that the replacement tank system is installed with secondary containment and other applicable provisions of Chapters 62-761 and 62-762, F.A.C.;

E. Projects that require the storage, use, handling, production or transportation of restricted substances such as toxic chemicals, petroleum products, hazardous / toxic wastes, industrial chemicals, medical wastes and the like (this section is not intended to prohibit the transportation of hazardous materials through the wellhead protection zones);

F. Wastewater treatment plants, wastewater effluent percolation ponds and similar facilities;

G. Mines or mining activities; and

H. Excavation of waterways or drainage facilities, such as wet stormwater ponds, which intersect the water table.

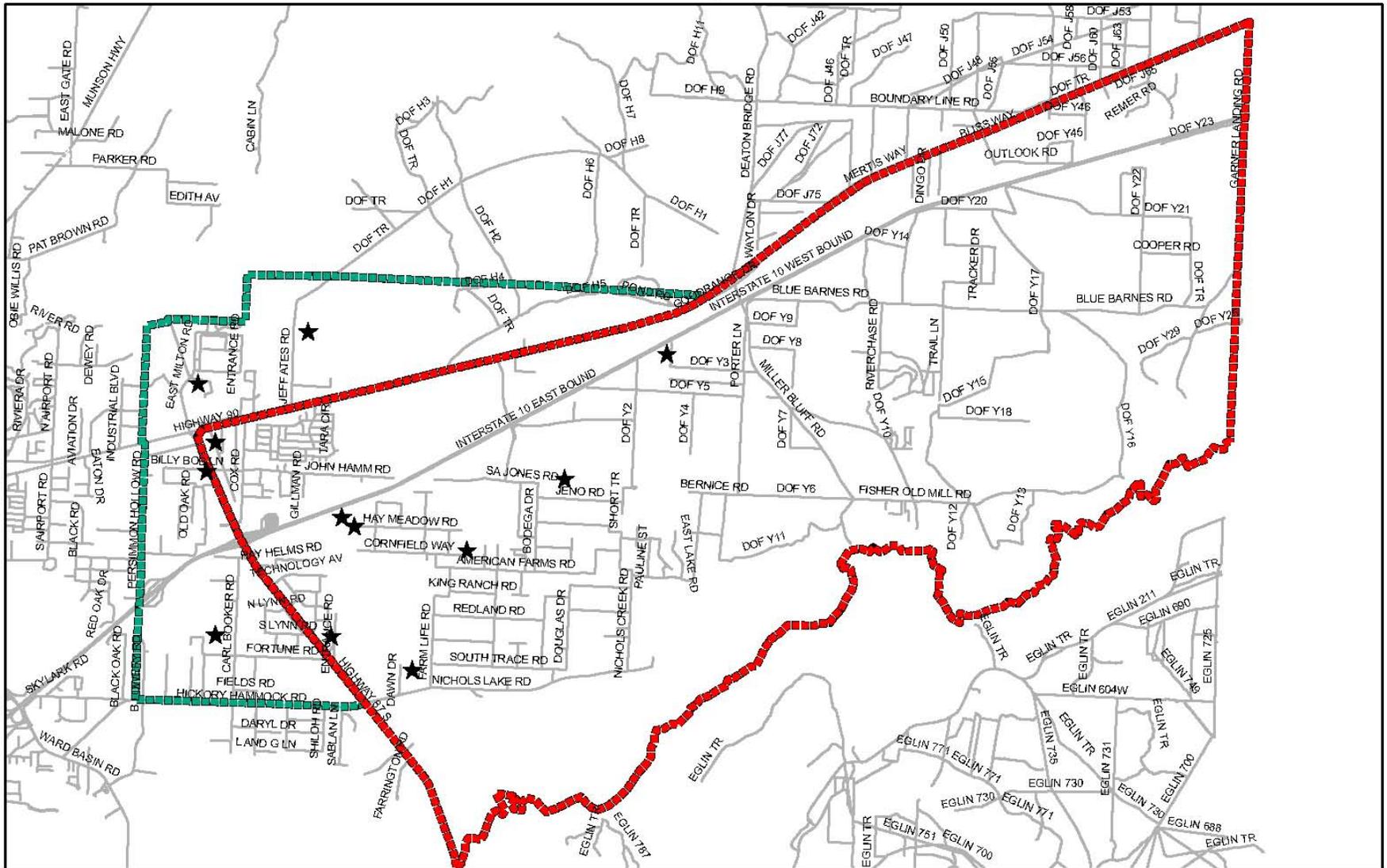
Wellhead protection zones of 500' radius are established for public supply potable water wells for the Floridian Aquifer and Sand and Gravel Aquifer, measured from the center of the wellhead.

Additional aquifer protection in the form of a wellfield protection overlay district is found in Article 6.05.25 of this code.

Each plan for development approval shall be reviewed to determine that construction pursuant to the plan, if approved, will not degrade or impact any potable water well, well field or cone of influence (see section 12.13.01 above).

**Appendix A**  
**OPTIONS 1, 2, 3 & 4**

# Exhibit A - Option 1

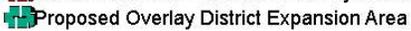
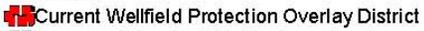


## Legend

### Well Name



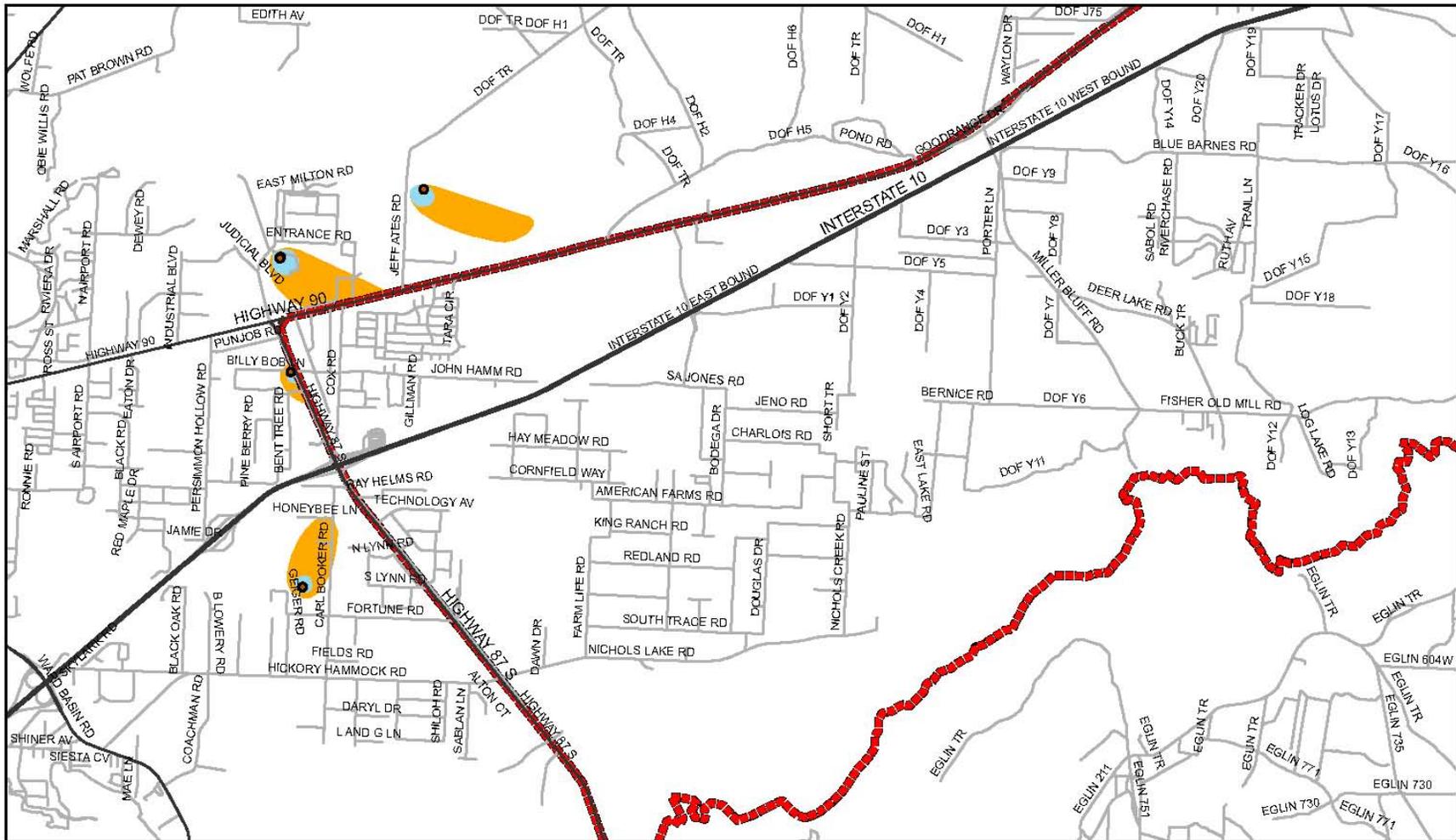
— Streets



Miles



## Exhibit A - Option 2



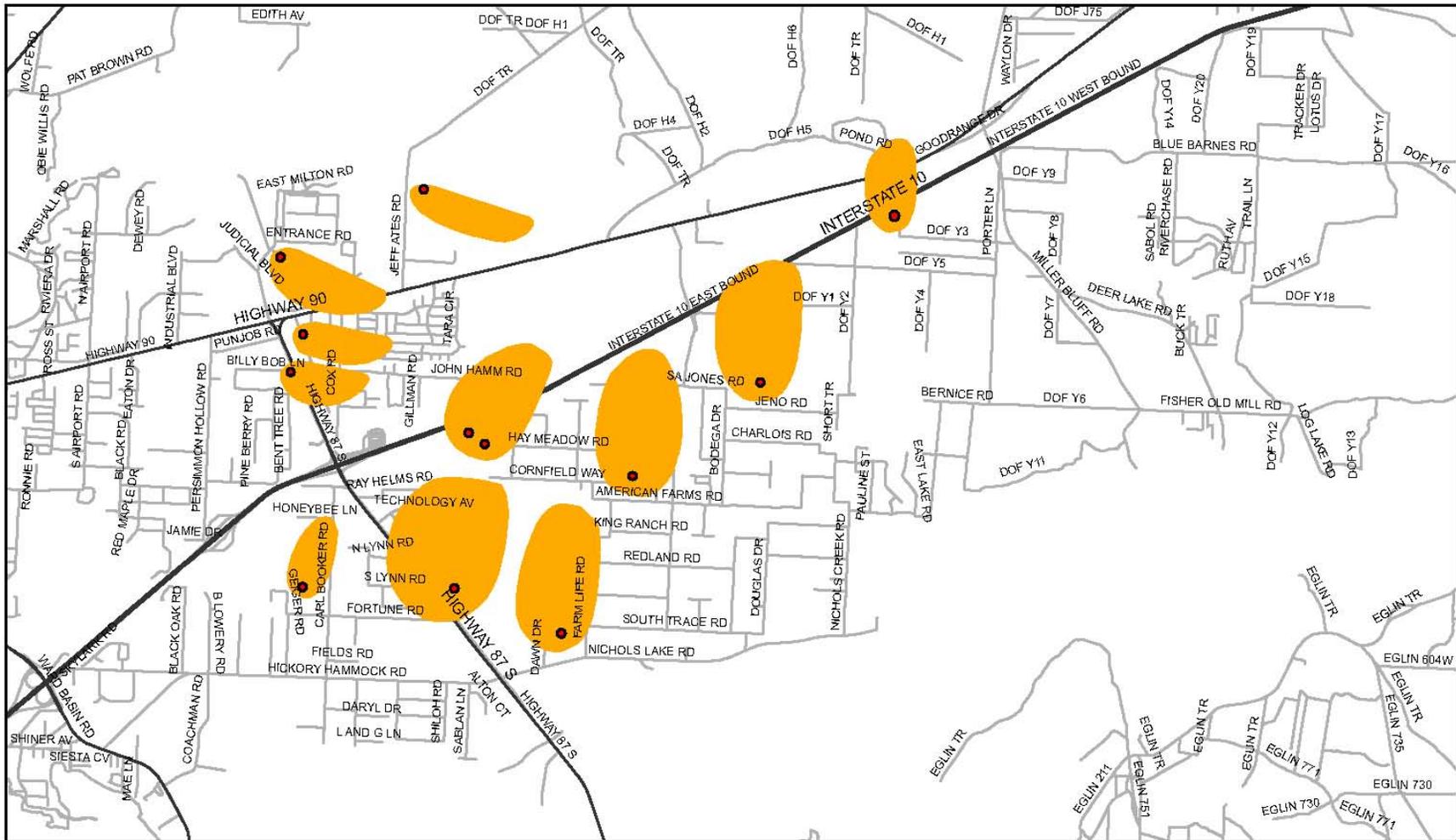
### Legend

- Wells Outside Protection Area
- Main Roads
- Streets
- ▨ Current Wellfield Protection Overlay District
- 5-Year Travel Time Contour Overlay District
- 20-Year Travel Time Contour Overlay District





# Exhibit A - Option 4



## Legend

- Main Roads
- Streets
- Wells
- 20-Year Travel Time Contour Overlay District

