



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS

Planning and Zoning Department
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Levy County Planning Commission Minutes

Meeting Date: July 10, 2023

Meeting called to order at 5:45p.m. by Chair, Parks Wilson

Members present:

Thad Barber, Jr.
Kelly Bishop
Thomas Harper
J. D. Holmes III- Co Chair
Parks Wilson - Chair

Staff present:

Nicolle Shalley-County Attorney
Stacey Hectus-Planning & Zoning Director
Nicki Bailey-Planner 1
Debbie Benton-Administrative Assistant II
David Meyer-Building Director

Roll Call of the Commission:

- All five (5) members present

Adoption of May 1, 2023 Meeting Minutes:

- 1st Motion to approve, Thad Barber, Jr.
- 2nd Motion to approve, J. D. Holmes III- Co Chair
- Motion carried 5-0

Swearing In and Ex-Parte Communications:

County Attorney - Nicole Shalley

First Order of New Business: Presented by Building Department Director, David Meyer.

ORDINANCE NUMBER 2023-8: An Ordinance of Levy County, Florida, amending the Land Development Code relating to Flood Damage prevention – cumulative substantial improvements; by amending section 50-131 to adopt local technical amendments to the Florida building code; by amending section 50-228 definitions; and by amending section 50-246 duties and powers of the floodplain administrator; providing a severability clause; providing a repealing clause; providing for inclusion in the code; providing directions to the county coordinator; and providing directions to the clerk and an effective date.

- 1st Motion to approve, Kelly Bishop
- 2nd Motion to approve, J. D. Holmes III
- Motion carried 5-0

Second Order of New Business: Presented by Planning & Zoning Department Director, Stacey Hectus.

PETITION NO. FP 23-03: McMillen Surveying, representing Kristine Kelley of Kristine's Acres, petitioning the Commission for a Final Plat to correct the incorrect division of land, Parcel number 0446500300 and 0446500500. Said parcels are located in Section 20, Township 13S, Range 18E in Levy County, Florida and have a land use and zoning of ARR/Agricultural Rural Residential (10ac minimum). Each parcel contains 5 acres MOL, Final Platt will complete the process to produce a legal 10 acre parcel MOL.

Note: Surveyor Steve McMillan, represented Kristine Kelly and answered any questions regarding the above Petition.

- 1st Motion to approve, Thad Barber, Jr
- 2nd Motion to approve, Kelly Bishop
- Motion carried 5-0

Third Order of New Business: Presented by Planning & Zoning Department Director, Stacey Hectus.

PETITION NO. SE 23-01: Ryan Thomas for 3RT Sand Mine. Requesting a Special Exception for a major mining operation pursuant to Sec. 50-719; Mining and excavation of minerals, or natural resources, and site reclamation of the Levy County Land Development Code to allow a sand mine (no blasting or drilling) on approximately 1,100 acres (includes mine property and access to CR 337) of land located in Section 35, Township 12 S, Range 17 E, Levy County Florida. These parcels are located in Agriculture/Rural Residential (A/RR) Land Use and Zoning district. Parcel Number(s) 0359701600, 0359700400, 0359700000, 0359700300, 0360400600, 0360400000, 036040040B, 036040040A, 0360400400, 0360400500, 0360600500, 0360600300, 0360600000, 0359400000, and 0359200000.

Note: Engineer Douglas A. VanDeursen, P.E., represented Ryan Thomas and presented the above Petition.

- 1st Motion to approve, Thomas Harper
- 2nd Motion to approve, Kelly Bishop
- Motion carried 4-0 **
- 1 No Vote - Thad Barber, Jr

****With Conditions – Document Attached**

Attendees:

Doug VanDeursen*
Robbie Blake*
Ted Rhude
Robert Wilhelm*
Lailja Ware*
Jeff Ferguson*
Pat O'Neal*
Susan Lindhorst*

Ryan Thomas
Melissa Smallwood*
Laura Catlow*
Kim Swift*
Yaylisis Perera*
Karen Ferguson
Sally Ann Collins*
Aggie Meece*

Ralston Thomas
Ned Rhude*
Kim Wheeler*
Lambert Ware*
Triana Almeyda*
Francisco Reyes*
Dale Lindhorst
Sandra Koster*

Irvin McConaghy*
Major Stroupe*
Mariam Stroupe
Mary C. Caputo*
Pamela Daugherty*
JoAnn Crivaro*
Susan Gruber*
Diane Garte*
Kate Hunter*
Carrolin Nelson
Vicki Wilson
Hugh Gibson
Stafford Cowart
Sandra Pomeroy
Paul Lincoln
Shane Kineal
Samantha Reid
Bill Langston
Justin Griffis
Kim Silverned
Janini Garcia
James McCreary
Dave Dickens
Greg McDonald
Betty Lou Beck
Vicki Kellogg
Sharon Sheldon
Joey Long
Ingo Schulz
Theresa Engel
Derek Kapasa

Duke Reid
Patricia Still
Marlene Dillard*
Donald Johnson*
Leslie McDonald*
Leslie Long*
Steven Lechtner*
Jeannine Lechtner
Chris Santiago*
Theresa Scott*
Debra Jones*
Liz Plecker
Sherry Harmon
Cherry Gibson
Bonnie McCreary
Brittany Kapesa
Michael Focoser
David Froiseth
John Butterfield
Maura Fisher
Matthew Scott
Lynne Langston
Antoinette Buchert
Theresa Wadlinger
Lyn Hamby
Thomas Kellogg
Kathleen Lowyns
Virginia Schmitt
Buster J Beach
Bo Cox

Charlotte McConaghy
Ignacio DelVa
Deb McDonald
Samantha Reid
Diane Aperea*
Keneah Rice*
Bruce Haney*
Jamie Haney
Larry Pomeroy*
Glen Garner*
Mac Plecker*
Rose Rhodes
Elaine Coffey
Rose Blair
Sherry Gallagher
Gary Kruk
Deborah Rothberg
Sarah Griffis
Shelly Butterfeild
Tami Rhodes

Cheryl Skelly
Erica Jacobson
Sharon Zuflet
Robert Thompson

RJ McGrath
Tom Schmitt
Dennis Wright
Kristine Switt

*Attendees sworn in and spoke during the meeting.

Presentation and Discussion by Staff and Commission

S. Hectus – Let it be known front and foremost that Pet. No. SE 23-01: was not a Re-Zoning and that LCPZ did not send a second letter. She then presented the staff report with all detailed maps and reminded the commission that Sec. 50-796 of the code does allow in A/RR the petitioner's request, Sec. 50-676 with SE.

D. VanDeursen – Engineer representing 3RT Sand Mine, (Ryan Thomas). Presented application and answered questions asked by the commission with as much information as possible. Such questions were, Trips per day-75 one way, Buffer types-sand pines, Equipment used-back hoe and front end loader, Water Usage-for dust control only, No Fracking, Not digging deep enough to involve Silica, Dust control-Water, noise control-cameras/no beepers, road damage/upkeep, and no artificial light.

P. Wilson – Inquired about dust control around Rosemary Hill, Silica concern, maintaining the slope, erosion control.

D. VanDeursen -Stated that Mr. Thomas, has a consumptive use water permit to assist with dust control with the use of water trucks. Would also offer a vegetative buffer and the observatory is wooded around completely.

K. Bishop – Asked about minerals, fracking and reclamation plan?

D. VanDeursen – Said neither.

T. Barber – Asked if just the top of the hill was being taken down to increase farmland also, stated that DEP can pull permits at any given time after an inspection with enough violations.

JD Holmes – What would be used for fill materials, maximum depth of elevation, then he kindly asked the audience “to please quiet down and be respectful of others”.

T. Harper – Questioned that there would be no drilling, no blasting, so nothing would be going deep enough to reach the water table.

D. VanDeursen – Again stated that water trucks would be used for dust control, no minerals or fracking, only sand. He did state that he believed his client would take more than just the top of the hill down but, would fill it with fill of the same. No drilling or nothing deep enough to reach the water table due to the fact that SWFWM would be monitoring everything on a regular basis. Not to effect Percolation.

N. Shalley – Levy County Attorney stated that a Reclamation Plan could be put into the orders.

S. Hectus - Again Levy County Planning and Zoning Director gave an explanation of SE 23-01.

Concerns from Attendees in the Audience

Damage to water wells	Road Repair
Danger on the roads w/dump trucks	Traffic around equestrian area
Vibrations from trucks and machinery	Oil spills
School bus danger w/dump trucks	Sand shortage
Harm to wildlife and endangered species	Poor air quality
Ecotourism	Silica
Sleep disruption	Noise
Ag Exemption	Damage to homes
Dust coming inside homes	Cause of cancer
Lower Property Taxes	Rosemary Hill
Sink Holes	Stressed Horses/Dogs/Pets
less Tax Base	Health Hazard
Water Table	Traffic congestion
Bright Lights	Parking on roadway
Dust	

*A total of 41 residents spoke out in opposition with the above topics of concern.

Commission Discussion

Chair, P. Wilson – Opened the floor for PC discussion, with some of his concerns being time limits, review every two (2) years, sunrise to sunset operating hours and so to change with the seasons.

T. Barber – Gave a brief description about DEP and their requirement of dust control, spoke to the audience about their concerns for the water levels, said agencies could and would fly

drones over the site to check that proper conditions were being followed. If not they would be issued a citation to comply or could be shut down completely.

T. Harper – From an Engineer point of view gave the Pros and Cons of the proposed project. Recommended, no outside fill, no washing, and again stated that this was in A/RR if an area was appropriate this would have to fit.

JD Holmes – Tax base, property rights of owners, trucks leaving the site can take routes that pleases each driver, county has no control over that, maybe flashing signs or a light could help with caution in the area.

K. Bishop – Said there is a need due to the building growth in our area and that compliance would be determined and monitored through many agencies that had issued these permits.

****The Levy County Planning Commission voted 4-1 with Conditions to recommend PETITION NO: SE 23-01 to the Levy County Board of County Commissioners. (Conditions Attached)**

UPDATES

Uses will be discussed fully at August / September PC meeting(s).

MEETING ADJOURNED

Move to Adjourn:

- 1st Motion to Adjourn, Kelly Bishop
- 2nd Motion to Adjourn, JD Holmes III
- Motion carried 5-0

Meeting Adjourned at 9:33 p. m. by Chair – Parks Wilson

CONDITIONS FOR PETITION NO: SE 23-01

1. The applicant shall shield lighting so as not to be a nuisance to residential neighbors.
2. All applicable permits from the various state agencies be filed for and obtained before mining can commence and shall be maintained through the life of the mine operation and reclamation. The state permits may need to be revised with the new ingress/egress route.
3. All development provisions in the Levy County Land Development Code will be met before pre-development begins.
4. The applicant will get the proper ingress/egress permits from the Levy County Road Department for all allowed access points.
5. The applicant shall pay all applicable impact fees associated with this use prior to commencing operation and establish the required reclamation bond.
6. Buffer description and details will need to be incorporated on the construction plans.
7. The mining activity related to trips will be limited to 75 one-way (i.e. 150 round trips per day).
8. No backfill of the mined area will be allowed using offsite imported materials.
9. The applicant must follow Best Management Practices (BMP's) for dust control including the use of water trucks within the mine and along the access drive.
10. Hours of Operation will be 7am -6pm Monday-Friday.
11. There will be no staging or queueing on any public right of way. All staging or queueing must happen within the applicant's property at a location which is located away from any residential structure.
12. Meet all FWC and DEP Threatened and Endangered Species guidelines and regulations for habitat protection and restoration.
13. No processing of materials will occur on the site other than excavating and loading of materials. No washing or screening of the materials will be allowed.
14. A mining and reclamation plan shall be prepared and implemented which provides for a maximum active mining area of 20 acres and completed mining area shall be reclaimed by reestablishment of vegetative cover as soon as feasible or within a maximum of three month. The completed area shall be returned to agricultural production.
15. No rock and clay extraction will be allowed on this parcel and the applicant must adhere to the excavation plan submitted and approved.
16. Signs warning travelers on C-337 of the facilities access point shall be installed and shall include flashing lights during operating hours or other methods as deemed appropriate by the County Road Department. The cost of the signs and maintenance of them shall be paid for by the applicant.
17. Warrants for the installation of auxiliary lanes (acceleration, deceleration, and left turn lane shall be investigated.
18. The applicant shall explore and utilize OSHA approved alternatives to the back-up warning audible when technically feasible.
19. Mining operations shall be completed within 45 years unless the Special Exception is amended.
20. The entrance connection to C-337 shall be paved for a minimum distance of 1500 feet from the edge of C-337 to minimize dust and soil tracking at the connection.
21. The trucks entering and exiting the mine shall only utilize the C-337 access connection. LCR-103 shall not be utilized for access for the mine.
22. Other conditions as assigned by the Planning Commission and the Board of County Commissioners based on public participation.