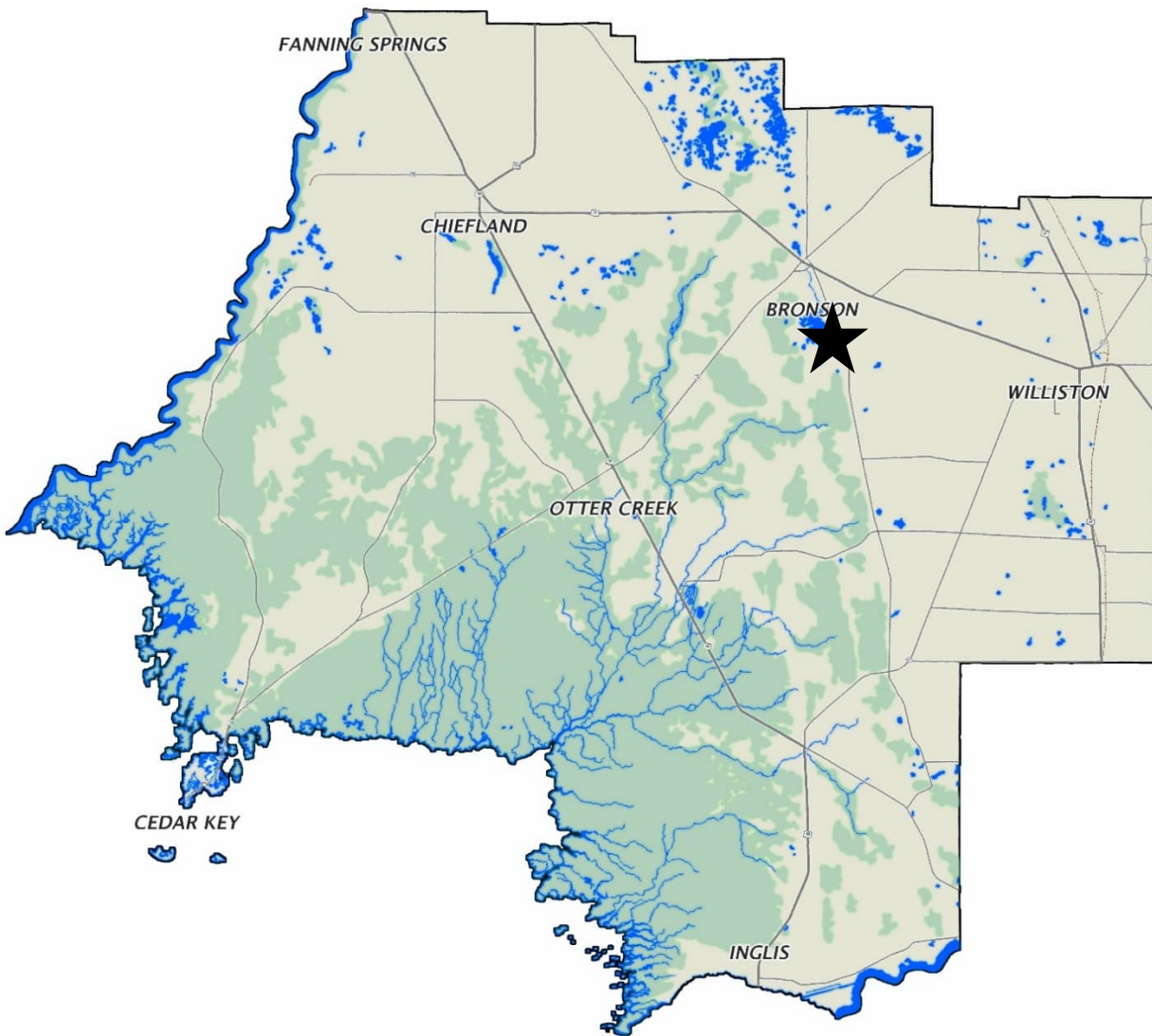


SPECIAL EXCEPTION APPLICATION SE 23-01

3RT Sand Mine



PREPARED
JUNE 12,
2023

REVISED FOR
DEC. 5TH
BOCC WITH
PLANNING
COMMISSION
CONDITIONS

LEVY COUNTY PLANNING AND ZONING DEPARTMENT
STAFF REPORT

To: Levy County Planning Commission and Board of County Commissioners
From: Stacey Hectus, Planning and Zoning Director

Owner(s): Ryan Thomas
11151 NE 35th Street
Bronson, FL 32621

Lee Thomas
4990 NE 195th Street
Williston, FL 32696

Applicant: DNM Engineering Associates, Inc. on behalf of Ryan Thomas
PO Box 42
Ocala, FL 34478

Legal

Description: See legal descriptions attached as part of the application

Parcel ID Number(s): Mine Parcels: 0359701600, 0359700400, 0359700000, and 0359700300
Ingress/Egress Parcels: 0360400600, 0360400000, 036040040B, 036040040A, 0360400400, 0360400500, 0360600500, 0360600300, 0360600000, 0359400000, and 0359200000

Commission Dist.: District 1, Commissioner John Meeks

Total Project Area: Approximately 400 acres of mining and 713.35 additional acreage for ingress/egress for a total acreage of 1113.35 MOL.

Current Land Use Designation: Agriculture/Rural Residential (A/RR) and Rural Residential (RR)

Current Zoning Designation: Mining area in Agriculture/Rural Residential (A/RR) and Access in Agriculture/Rural Residential (A/RR) and Rural Residential (RR)

Existing Use of Property: Residential, vacant, pastureland, cropland and accessory farming structures

Proposed Use: Major Mining, Excavation and Fill (Sand Mine), no blasting

Staff Review Based on Submitted Application:

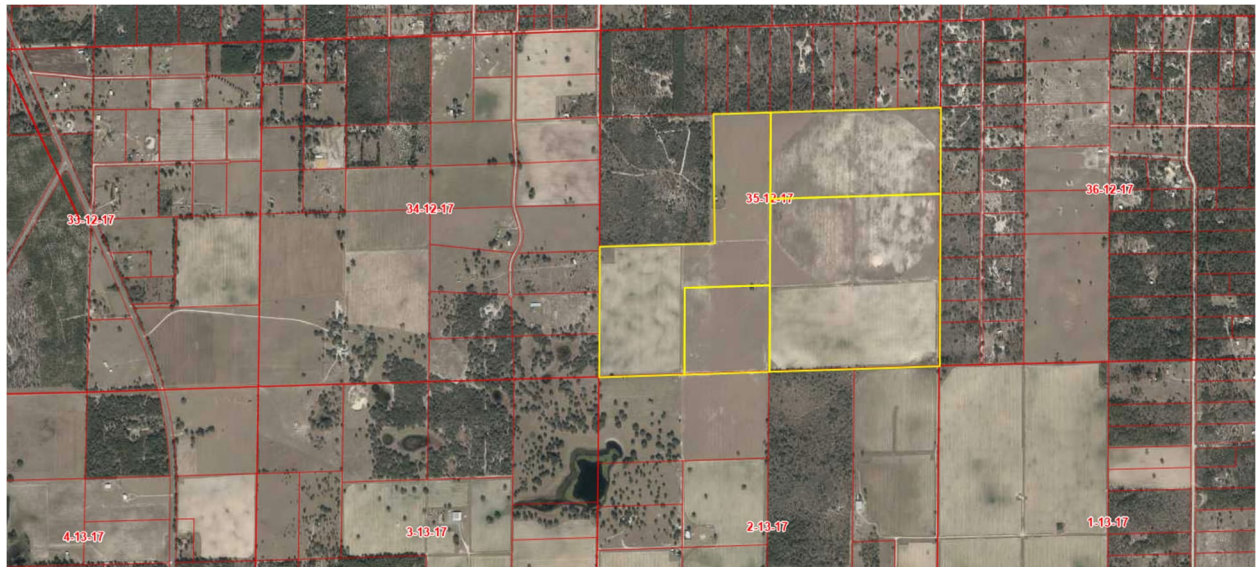
The applicant is requesting a Special Exception via Land Development Code Section 50-796 and specifically from Sec. 50-719 Mining and excavation of minerals, resources, or natural resources, and site reclamation. In Agriculture/Rural Residential, sand mines require a Special Exception. The applicant is considering this Major Mining because the following threshold has been met: a mining activity or operation where more than 10,000 cubic yards of earth, minerals, resources, or natural resources are excavated or removed from or deposited on a tract or parcel of 20 acres or greater.

The mine will operate on the four parcels listed above and utilize 11 other “family” property for ingress/egress to access CR 337, a county, maintained, paved road classified as a major collector. See the specific parcels listed above.

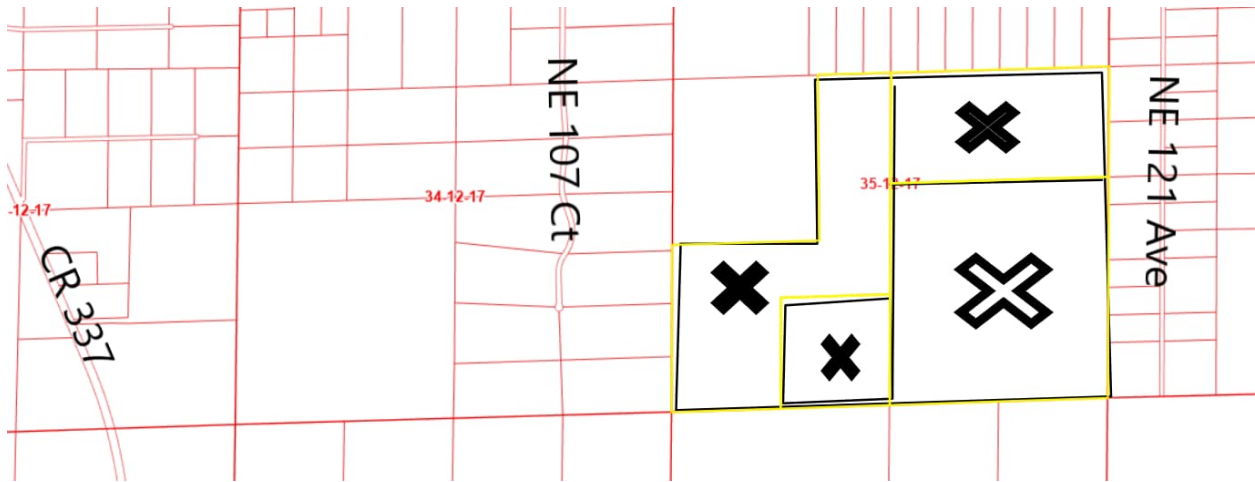
This property lies approximately 4 miles from downtown Bronson. This parcel is surrounded by Agriculture/Rural Residential (A/RR) and Rural Residential (RR). It is also adjacent to the University of Florida Rosemary Hill Observatory which has a future land use and zoning of Public Facilities.

The applicant, included in their submittal, their detailed site plan, ingress/egress plan, photo array, ERP Application including the Geotech Report. This will be required to permit through both the Southwest Florida Water Management District and the Department of Environmental Protection.

Aerial Location Map 3RT Sand Mine (mine parcels)



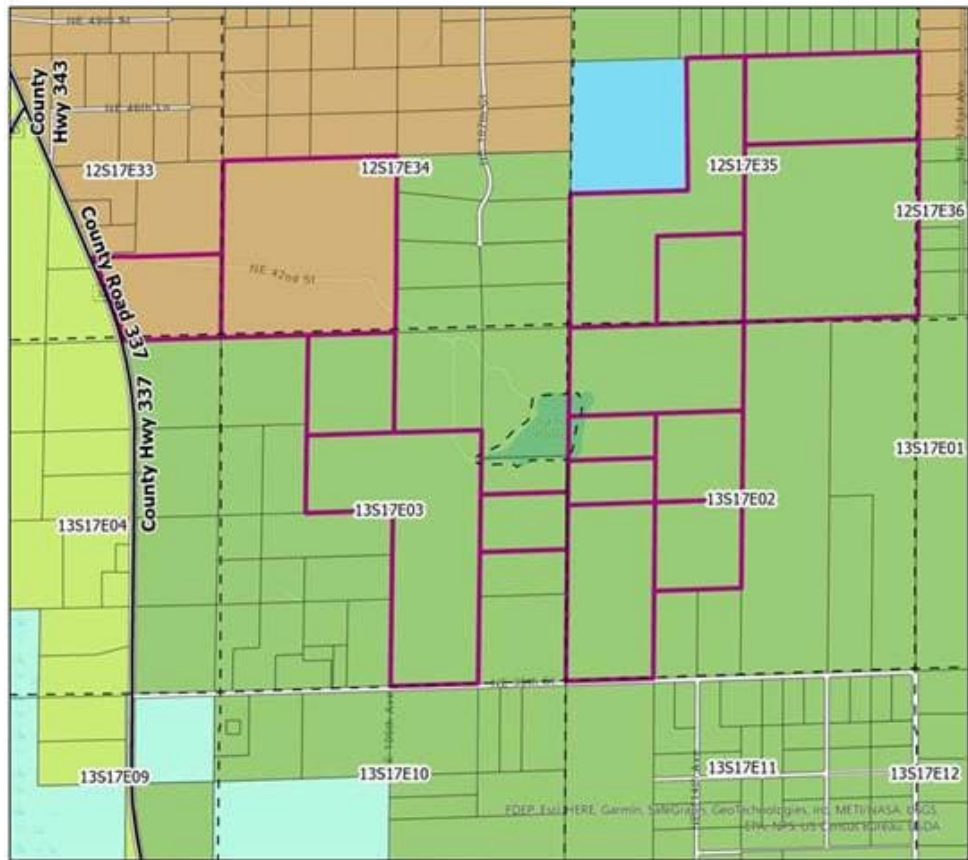
Parcel Map 3RT Sand Mine (mine parcels)



Future Land Use Map of Proposed 3RT Sand Mine Parcels, including those used for access.

Legend

- Levy Highways
- Sec. Twn Rng
- Sand Mine Parcels
- Parcels
- Future Land Use
- Levy_FLU
 - Agricultural / Rural Residential
 - Commercial
 - Forestry / Rural Residential
 - Industrial
 - Low Density Residential
 - Medium Density Residential
 - Natural Reservation
 - Public
 - Recreation
 - Rural Residential



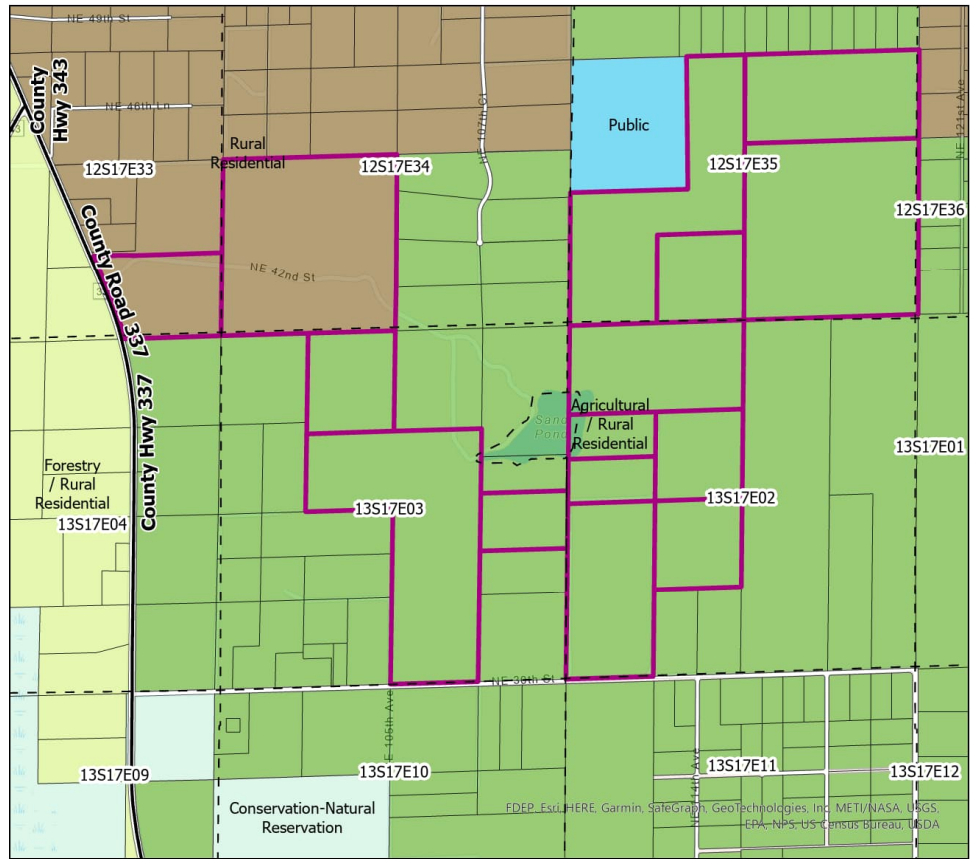
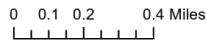
Zoning Map of Proposed 3RT Sand Mine Parcels, including those used for access.

Legend

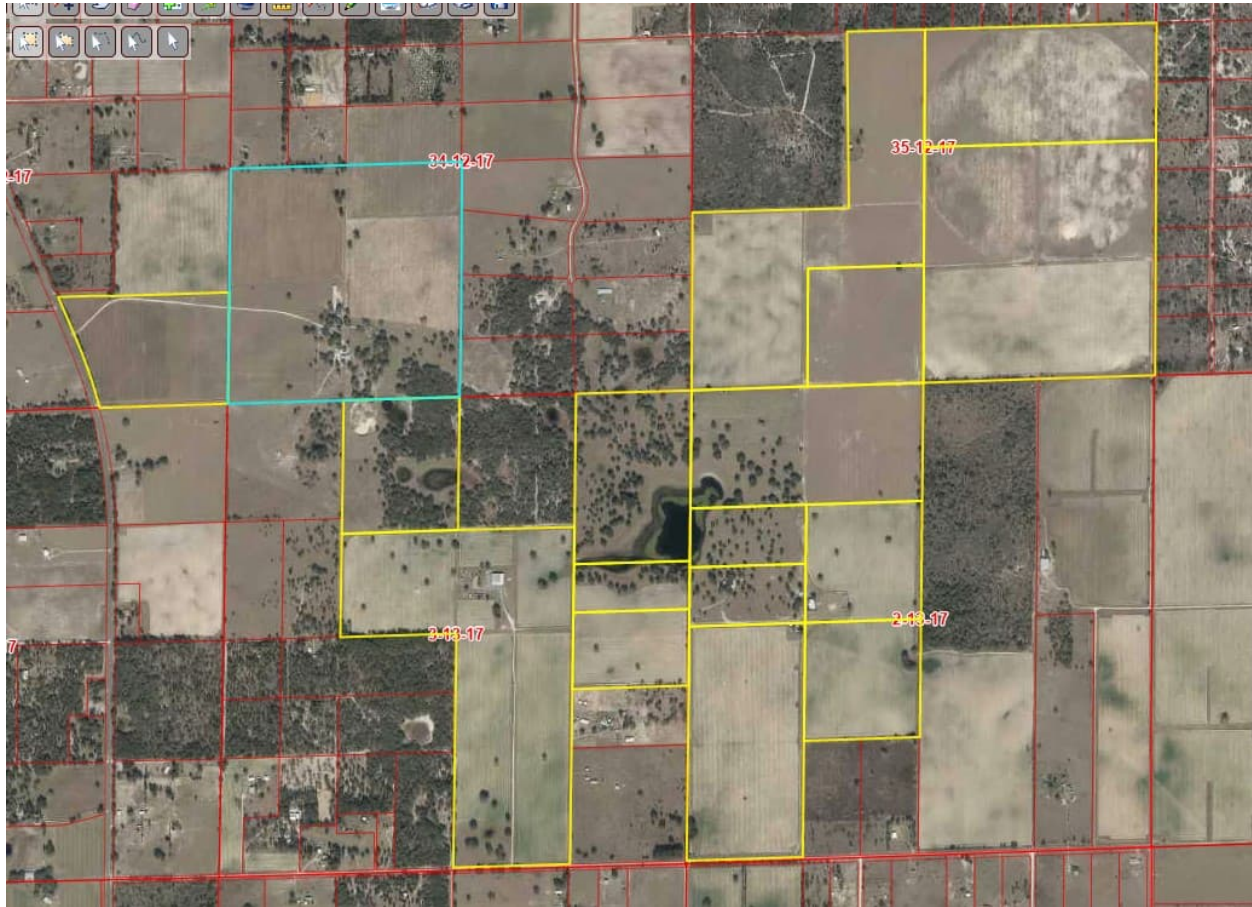
- Levy Highways
- - - Sec Twn Rng
- ▭ Sand Mine Parcels
- ▭ Parcels

Zoning

- Zoning Category**
- Agricultural / Rural Residential
 - C-1
 - C-2
 - C-3
 - C-4
 - Conservation-Natural Reservation
 - Forestry / Rural Residential
 - Industrial
 - Muni, ROW
 - Public
 - R-1
 - R-2
 - RMU
 - RR-3C
 - Recreation
 - Rural Residential



Ingress/Egress map to CR 337



Code Section Review of Application:

The following are the code sections related to special exceptions. Staff has provided comments following each applicable code section marked in **bold**.

DIVISION 5. STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS

Subdivision I. Special Exceptions in General

Sec. 50-796. Generally.

Special exceptions, as enumerated in Schedule 1. Use Regulations, of section 50-676 hereof, or as contained in the Levy County Comprehensive Plan shall be permitted only upon authorization by the board of county commissioners subsequent to review by the planning commission. In granting any special exception, the board of county commissioners may require appropriate conditions and safeguards, made a part of the terms on which the special exception is granted, which if not complied with shall be deemed a violation of this article. The board of county commissioners may grant an application for special exception, provided that such application for special exception and the uses proposed therein shall be found by the board of county commissioners to comply with the

following requirements or criteria and any other applicable requirements, criteria or standards set forth in this article. Sec. 50-676 of the Land Development Code is what enables an applicant to apply through Sec. 50-796. Applicant response in *italics*. Staff response in **bold**.

1. That the use is a special exception as set forth in Schedule 1, Use Regulations, of Section 50-676 hereof or as set forth in Levy County Comprehensive Plan.

Mining is allowed as a special exception within A/RR and RR zoning.

2. That the use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

The proposed use is remotely located and will be operated in accordance with the requirements of Chapter 50-719 of the Levy County Code in order to protect Public Health, Safety, Welfare and Convenience.

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

By incorporating the requirements of 50-719 of the Levy County Code into the design of the proposed use, the proposed use will not cause substantial injury to the value of the property (s) in the neighborhood where it is located and the land will return to the original use of Farm/Crop land upon completion.

4. That the property that is the subject of the special exception is suitable for the type of use proposed by virtue of its location, shape, topography, and by virtue of its compatibility with adjacent development, with uses allowed in adjacent land use and zoning districts, and with the character of the zoning district where it is located.

The proposed property is suitable for the proposed mining activity based upon the geotechnical evaluation performed on the property and based upon the location, shape, topography, and is similar in compatibility with neighboring properties that major mining activities are allowed as a Special Exception within District A/RR.

5. That adequate buffering, landscaping and screening are provided as required in this article, or as necessary to provide a visual and sound barrier between adjacent property and the property that is the subject of the special exception.

The proposed project will incorporate a vegetative buffer consisting of the planting of sand pines spaced 6 feet apart in staggering rows 6 feet apart within a minimum 50 feet width of the provided 100 feet setback from the property lines and to provide a minimum 80% opacity while standing at the property lines.

6. That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with or congestions of vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways.

No off-street parking and loading are required for the proposed use and the Ingress/Egress to/from the property will be from a privately owned improved road therefore not causing congestion of vehicular or pedestrian traffic on abutting streets.

7. That the use conforms with all applicable regulations governing the district where located, as may otherwise be determined for large-scale developments.

The proposed major mining use conforms with all applicable regulations governing the District A/RR.

8. That the use is consistent with the provisions of the Levy County Comprehensive Plan and the Land Development Code, and that the application and use comply with the applicable provisions of subdivision II of this division 5 and with any specific requirements for the use contained in subdivision II of division 3 hereof.

The proposed major mining use is consistent with the Levy County Comprehensive Plan, Land Development Code, and the application and use complies with the applicable requirements of Chapter 50-719 of the Levy County Code

Staff Review of Code Section 50-719 (c) and (d) Minimum criteria, standards and conditions

(c) Minimum criteria, standards and conditions. When reviewing an application for special exception for a major mining operation, the planning commission shall not recommend approval of such application unless the application meets all of the applicable criteria, standards, conditions and requirements contained in all applicable sections in division 5, article XIII, of this chapter 50, and in this section. The board of county commissioners may grant a special exception application for a major mining operation, provided that such application complies with all applicable provisions and requirements of division 5, article XIII, of this chapter 50, and all applicable provisions of this section. A finding by the board of county commissioners that any of the criteria, standards, conditions or requirements in this section have not been adequately addressed to protect area residents, businesses and the health, safety and welfare of the community as a whole shall result in the denial of an application for a special exception for a major mining operation. In addition to any criteria, standards, conditions, and requirements contained in elsewhere in this division 5 of article XIII of this chapter 50, an application for a special exception for a major mining operation shall meet the following criteria, standards, conditions, and requirements:

- (1) The proposed mining operation complies with all the required regulations and standards of this chapter, including provisions of division 5 and of this section specifically, and all other applicable regulations.

Staff has reviewed and the application meets the criteria.

- (2) The proposed mining operation is serviced by roads of adequate capacity to accommodate the traffic volume and load impacts and not adversely impact surrounding uses; or the applicant

enters into an agreement with the county to make the necessary improvements to the impacted roads.

The primary ingress/egress is required to be off of CR 337. The applicant is requesting additional access off of CR 103 and to HWY 27 ALT via a 30' easement. Staff would require a 60-foot easement with this kind of truck volume. So the easement access to HWY 27 ALT is not supported by staff. The southerly route is acceptable to County Engineer and Road Department, if provisions are made for the applicant to demonstrate acceptable strength of the roadway for the additional truck traffic and/or enters into an "agreement with the county to make necessary improvements" to sufficiently handle the roadway and to contribute to the maintenance of this roadway based on their proportionate fair share and that adequate connection is made at the connection to LCR 103.

(3) Screening and buffering for the proposed mining operation, where necessary, is of such type, dimension and character to improve compatibility of the proposed mining operation with uses and structures of adjacent and nearby properties.

Staff feels the plans as submitted and the description of the buffer and screening meet the intent of this code section.

(4) The proposed mining operation is consistent with the comprehensive plan and conforms with the general plans of the county as embodied in the comprehensive plan.

The type of use is consistent with the A/RR and RR land use and zoning designations as a special exception to the zoning.

(5) The proposed mining operation will not adversely impact springs, rivers, tributaries, or water quality. The director of the county development department or the board of county commissioners may require that a licensed professional geologist, registered with the State of Florida, make this determination by using existing or new geological, hydro-geological, water quality or any other pertinent data. If required by the director of the county development department, the applicant shall supply the determination prior to the hearing on the application with the planning commission. If required by the board of county commissioners, the applicant shall supply the determination when directed by the board.

Based on the reports submitted, and the distance from any of these natural resources, and without the South West Florida Water Management District or Florida Department of Environmental Protection finding any objections to this proposed sand mine, staff does not feel that these resources would be impacted negatively since this is a mine that will not be affecting the water table.

(6) The proposed mining operation will not result in such noise, odor, dust, vibration, off-site glare, substantial traffic or degradation of road infrastructure so as to adversely impact surrounding development or cause hazardous traffic conditions.

Beeping from the backing of the trucks could potentially be a noise issue.

(7) The proposed mining operation will not adversely impact the recreational enjoyment of state, federal or county parks by the public.

This mine would not negatively affect impact the parks in the county as it is not near any county, state or federal parks.

(8) The proposed mining operation will not cause an adverse environmental impact to dumpsites, landfills or effluent ponds, or public water supply wellhead, as shown by an environmental impact study prepared by a firm or individual qualified by experience and any necessary licensing to prepare such study, which study shall be submitted by the applicant with the application. Such study may be included as part of a mining impact assessment report submitted by the applicant.

Per the applicant's cover letter there will be no adverse environmental impacts to the above listed since it is not in the vicinity of the above listed.

(9) The proposed mining operation is not located in a prohibited area, and meets all requirements regarding buffering, access, application, impact assessment report, documentation, setback, slope, and reclamation requirements, and any other requirements, all as contained in this section.

The application, as submitted, and the text that accompanies it, demonstrates these requirements are met.

(10) The proposed mining operation has obtained all other federal, state or local permits.

The applicant has obtained an Environmental Resource Permit from the SWFWMD and has submitted a notice of intent to mine to FDEP. Note that the application package for the notice of intent to mine does not appear to have been provided in the Special Exception package.

(11) The proposed mining operation will not be detrimental to the area residents or businesses, or the public health, safety or welfare of the community as a whole.

As discussed above the proposed activity appear to be sufficiently separated from residential and business areas to not be detrimental to the public health, safety or welfare of the community as a whole.

(d) Specific criteria, standards, conditions and requirements for special exceptions for major mining operations. In order to meet the criteria, standards, conditions, and requirements for approval of an application for a major mining operations special exception, in addition to the minimum criteria, standards, and conditions provided above, the following provisions shall apply:

(1) Prohibited areas for major mining operations. The following are areas where major mining operations shall be prohibited:

- a) **Site not located within required distance of abandoned dumpsites, landfills, or effluent ponds as identified by FDEP.**
- b) **Site is not located within 1000 feet of a public water supply wellhead and no blasting is proposed.**
- c) **Site is not located within one mile of a public water supply wellhead.**
- d) **Site is not located within 2 miles of Manatee Springs or Fanning Springs State park.**
- e) **Site is not located within one mile corridor (one-half mile on either side) of known geological features with the potential to Impact Manatee Springs or Fanning Springs. Additional study is not recommended to be required.**
- f) **The site is not located within one-quarter mile of schools, hospitals, parks.**
- g) **The site is not located within one-quarter mile of a platted and recorded subdivision with lot sizes of 5 acres or less. There are unrecorded subdivision with 5 acre lots adjacent to the east boundary of the site. The applicant is proposing a 100 foot buffer with a minimum 50 vegetative area. A berm is also proposed in some areas to provide additional screening.**

(2) Buffering standards. When required by the board of county commissioners for any major mining operation, the following buffer standards shall apply:

- a) **Applicant is proposing a 100 foot buffer round the total mine area. This is shown on the plans and described in the DNM cover letter. Note that the plans do not specify or detail the makeup of the buffer.**
- b) **Applicant is proposing a 100 foot buffer. This is shown on the plans and described in the DNM cover letter. Note that the plans do not specify or detail the makeup of the buffer.**
- c) **The applicant in the DNM cover letter proposes a 50 feet area within the 100 foot buffer be in planted with 3 rows spaced at 8 feet of sand pines spaced at 6 feet with a stagger. Additionally the DNM cover letter describes a berm to provide additional screening to meet the 80% opacity requirement. Specifications nor detail of the buffer or berm appear to be provided in the plans.**
- d) **The proposed buffer described in the DNM cover letter appears to provide the required buffer described in the code, however this information does not appear to be provide in the plans.**
- e) **An 8-foot high earthen berm is described in DNM cover letter with slopes not exceeding 1V:1H. The plans appear to show the berm or provide details as to where or how to construct it. No indication of method of stabilizing the berm is provided in the letter or in the plans. Sufficient topography is not provided in the plans to**

determine if a berm would be detrimental to offsite properties by not allowing runoff to continue into the mine area.

3. Access Requirements.
 - a. **The proposed route to C-337 provides access to a road classified as “Major Collector-Rural”. The southern alternate route to LCR 103 does not provide direct access to a road with a minimum classification of major collector or arterial road as it is classified as a “Local” road. The northern alternate route does provide access to US 27 Alt classified as a “Principal Arterial” which exceeds the criteria.**
 - b. **The proposed route to C-337 provides ingress and egress onto a paved county road. The alternate routes also provide access onto paved county or state roads. However the classification of LCR 103 for the southern alternate does not meet the requirement to be a minimum classification of major collector.**
 - c. **The proposed access to C-337 is not through a platted recorded or unrecorded subdivision. The northern alternate route appears to go through unrecorded subdivisions and is adjacent to a recorded subdivision. The southern alternate does not appear to go through platted recorded or unrecorded subdivisions.**
 - d. **The applicant provided traffic information to demonstrate that the proposed activity will not be detrimental to C-337. The proposed haul route to C-337 is within the “family” property of the applicant. The northern alternate route would require travel through private property. No assurances have been provided that the northern route would not damage the private property.**
4. Setback Requirements
 - a. **The proposed activities are not within 100 feet of any road right-of-way boundary.**
 - b. **A 100 foot buffer is proposed along the entire perimeter of the mine area, therefor the requirement to be 50 feet away from undeveloped lot and 100 feet from a developed lot is met.**
5. Slope requirements. **The proposed side slopes of the sand mine excavation are proposed at a maximum of 1V:3H.**
6. Reclamation plan. **The DNM cover letter indicates that a notice of intent to mine was submitted to FDEP. The contents of this notice do not appear to have been submitted with the Special Exception application. No reclamation plan appears to be provided in the application other than grading the side slopes to no steeper than 1V:3H and a brief mention in the “fill activities” section of the Mining Impact Assessment Report which indicates that “clean fill may be used to reclaim the subject property back to the original agricultural use and existing grade.”**

7. Mining impact assessment report. All applications for proposed major mining operations that will include blasting or the processing of raw material shall present a mining impact assessment report prepared by a professional environmental consulting, planning or engineering firm addressing subsections a. through d. below. The assessment report shall identify impacts to reflect all individual and cumulative impacts resulting from phasing of the proposed mining operations or activities.

Mining Impact Assessment Report. The DNM cover letter provides responses to the required items.

- a. Compatibility. Blasting is not proposed. A 100 foot buffer is proposed to mitigate sound and vibration transmission to offsite area. The proposed activity is not expected to cause vibration beyond the proposed buffers. The equipment utilized for loading and the trucks area typically equipped with back-up alarms which may be heard beyond the proposed buffers especially when operated near the perimeter of the mine. The ERP report submitted indicates no issues with environmental resources. There does not appear to be any cultural or historical resources in the area of concern.**
 - b. Transportation System. A traffic study was submitted by Kittelson & Associates and Pavement Analysis for C-337 by Geo-Tech, Inc. as discussed in IIC2 above.**
 - c. Water Pumping Activities. Water pumping activities do not appear to be proposed or required for the facility. It is noted that there are two existing wells within the proposed excavation area. It appears that a 100 foot buffer will be provided around these wells.**
 - d. Fill Activities. The DNM cover letter indicates that they “will only utilize clean fill material to reclaim the subject property to the original agricultural use and existing grade.” No specific fill activities are indicated in the plans. Any plans for filling should be provided for review and approval.**
- 8. Documentation/Application. The applicant has provided the following documents:**
 - a. DNM cover letter to Levy County Planning & Zoning date May 24, 2023 which includes brief description of the project and provides narrative to the items required by Section 50-719 Subdivision II (c) and (d). This includes a section entitled “Mining Impact Assessment Report.”**
 - b. Environmental Resource Permit Application for 3RT Sand Mine dated March 2023 prepared by DNM Engineering & Associates, Inc.**
 - c. Environmental Resource Permit Plans for 3RT Sand Mine dated 3/1/2023 by DNM Engineering & Associates, Inc.**
 - d. SWFMWD ERP permit 43046299.000 issued 12/22/2022**
 - e. Boundary survey by Rogers Engineering, LLC date 2/28/2023**

- f. **Pavement Analysis dated 4/21/2023 prepared by Geo-Tech, Inc.**
- g. **Traffic Impact Statement dated 4/17/2023 prepared by Kittleson & Associates**
- h. **Ingress/Egress Map dated 5/4/2023 prepared by DNM Engineering & Associates, Inc.**
- i. **Property Appraisers Aerial Overlay dated 2/28/2023 prepared by DNM Engineering & Associates, Inc.**
- j. **Photograph array of mine property**
- k. **Special Exception Application**

(9) Application fee. An application for a special exception for a major mining operation shall be accompanied by the applicable fee set out in the fee schedule maintained by the county development department. The application fee is non refundable, whether the application is ultimately approved or denied.

The application fee and fee for mailing additional letters for the 2-mile radius were paid at the time of submittal.

10. Excavation and Fill permit

- b. Required for major mining operation
- c. Application Requirements.
 - i. Boundary Survey was provided for the mine area. A boundary for the property containing the haul route was not provided.
 - ii. Site Plan was provided as Sheet SM2. The site plan provides the required information with the exception of distances of buildings to property lines and distances to existing offsite structures.
 - iii. A sheet with the proposed hauling route was provided.
 - iv. A description of the proposed work was provided in the DNM letter. The expected duration of the activity does not appear to have been provided.
 - v. The proposed activity is not within an environmentally sensitive area. A copy of the SWFWMD ERP permit was provided.
 - vi. The project is not located within the 100-year flood plain of the Suwannee River.
 - vii. The project does not appear to be creating a pond. The proposed excavation depth is indicated to be 3 feet above the estimated seasonal high water table established in the geotechnical report provided in the ERP application.
 - viii. The project is not within an existing body of water.
 - ix. The project is not near any stormwater system currently maintained by a public or private entity.
 - x. A berm is mentioned in the DNM letter within the 100 foot buffer. The berm is not shown or detailed in the plans provided. It is not apparent if such a berm would affect the natural flow or drainage patten of surface water into the site from offsite areas.
 - xi. Application Fee. Defer to the Development Department.
- d. Permit Review and approval process

- i. Hauling Requirements.
 - a. Does not appear to be applicable to a mine.
 - b. Does not appear to be applicable to a mine.
 - c. Does not appear to be applicable to a mine.
 - d. Include in the permit or Special Exception order.
- ii. The maximum excavation depth is proposed to be 3 feet above the estimated seasonal high water table as established in the geotechnical report provided in the ERP application.
- iii. No blasting is proposed.
- iv. No excavation is proposed within 100 feet of the right-of-way of a public road, nor 50 feet of a property line or a private easement.
- v. The proposed side slopes of the excavation are indicated to be 1V:3H maximum
- vi. This review serves as the County Engineers review of the Excavation and Fill permit application and the Special Exception permit application.
- vii. The County Engineer finds that the 3RT Sand Mine is not expected to be detrimental to the health, safety or general welfare of the adjacent properties or the community, with the following stipulations:
 - a. Any berm constructed along the perimeter be design and constructed to permit runoff from offsite areas which historically flowed into the mine property to continue to do so.
 - b. Buffers as described in the DNM letter are implemented around the perimeter of the mining area.
 - c. Should offsite areas adjacent to the proposed haul route be adversely affected, the haul route will be adjusted to eliminate the adverse condition.
 - d. Should any groundwater become apparent in the excavation area, the area will be backfilled to a level 3 feet above the water level.
 - e. Existing wells within the mine area will either be properly abandoned or a minimum 100 foot radius buffer will be maintained around the well.
 - f. Once final grades are reached by the excavation, the area will be reclaimed by restoring vegetation to the area within 3 months.
 - g. A berm, excavation or other method shall be implemented where runoff from the excavation area may leave the site.
 - h. Areas within the proposed mine area, which are not currently being mined shall remain either as pasture or cropped in accordance with established Best Management Practices.
- viii. Include language in the permit.
- ix. The SWFWMD permit has been obtained and provided. Acknowledgement and approval of the FDEP notice of intent to mine shall be provided prior to issuance of permit.
- e. Operation of permit
 - i. Posting permit at site. Include language in permit.
 - ii. Duration. Duration of the permit needs to be established. A sunset provision needs to be provided. Can a permit be for each mining block? So that they have to get a new permit for each mining block so that we can review what they have done?

- iii. Inspections. Include language in permit. Annual inspection? Code language doesn't appear to anticipate an ongoing mine project.
- iv. Forfeiture. Include language in permit.

An Excavation and Fill permit application was submitted in conjunction with the Special Exception application. The Excavation and Fill permit has been reviewed by the County Engineer. A copy of his review is attached and has been incorporated into the staff comments herein for the special exception.

(9) Application fee. An application for a special exception for a major mining operation shall be accompanied by the applicable fee set out in the fee schedule maintained by the county development department. The application fee is non refundable, whether the application is ultimately approved or denied.

The application fee and additional cost of mailing was provided at the time of submittal.

(10) Excavation and fill permit application included. An application for a special exception for a major mining operation shall be accompanied by an application for an excavation and fill permit which meets all the requirements for such permit as provided in this section.

An excavation and fill permit application has been submitted.

(11) Public notice requirement. In addition to any other notice requirements for a special exception contained within [division 5](#) of article XIII [sic article II], the extent of the notice required to be provided to surrounding property owners for an application for a special exception for a major mining operation shall be extended from 300 feet to two miles in the event that the proposed major mining operation includes blasting or 50 or more one way truck trips per day. The additional cost incurred by providing notice beyond 300 feet shall be calculated and paid for by the applicant prior to the public hearing on the special exception to be held before the planning commission.

Because of the number of daily trips this sand mine required the two-mile radius mailing requirement. Approximately 2,800 notices were mailed on April 14, 2023.

(12) Duration of approval; amendment of approval. Any special exception approval granted for a major mining operation pursuant to the provisions hereof shall be valid for a period specified for completion of all operations, including necessary reclamation as set forth in the approved mining and reclamation plan. The board of county commissioners, as it determines necessary to protect the public interest, may require such changes in the duration of a special exception approval as conditions warrant. The applicant or subsequent owner or operator of an approved major mining operation may also, on any anniversary date of the approval of the special exception, seek an amendment of the special exception conditions in order to vary or expand the scope of the major mining operation by filing an application for amendment to the original special exception. Any such amendment to the original special exception conditions shall meet all requirements and be processed as an original application.

These details will be determined in the Special Exception Orders after petitions are heard.

(13) Transfer of special exception. Notwithstanding any other provision in this section to the contrary, a special exception approval for a major mining operation shall be issued only in the name of the applicant and may be transferred only when the interest of the applicant in the lands that are the subject of the special exception are transferred. Prior to such transfer, the applicant and the prospective transferee must apply to, and receive approval from, the board of county commissioners for an amendment to the special exception application submitted to the county development department. All financial liability and permit filing obligations shall be transferred at the time the interest in said lands is conducted.

These details will be determined in the Special Exception Orders after petitions are heard.

(14) Liability for major mining operations. The applicant or operator of any major mining operation that receives special exception approval pursuant to the provisions of this section shall have absolute liability and financial responsibility for any damages to public or private property, human, animal or plant life, or any mineral or water-bearing geologic formations incurred due to mining operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined lands. At or prior to the time of issuance or transfer of the excavation and fill permit for the applicable major mining operation, in order to protect the interests of the board of county commissioners and the public, the applicant shall post with the board the following bonds or other surety in a form approved by the board of county commissioners:

a. For each acre of land designated to be mined, the amount of \$2,000.00 as a reclamation performance bond; and

b. For each acre foot of storage to be contained in a slime, retention or thickening pond in and above grade, the amount of \$1,000.00. This bond shall remain in effect for as long as unconsolidated slime remains in the pond.

The required bond set forth in a. will be required as part of the Special Exception Order. The bond in b. is not required for this project as proposed in the application.

(15) Annual report and inspection. As a condition of approval of a special exception for a major mining operation, the applicant or operator of such major mining operation shall provide an annual report to the county development department for review by the county engineer documenting compliance with the special exception and excavation and fill permit requirements for the major mining operation. The county engineer shall make an onsite inspection to the major mining operation to assure compliance with the special exception, the excavation and fill permit and any report submitted by the applicant or operator.

These details will be determined in the Special Exception Orders after petitions are heard.

(16) Forfeiture. Upon a finding of noncompliance with this section, or any special exception condition for a major mining operation, or any approved site plan for the major mining operation or reclamation, the building official shall notify the applicant or operator of the major mining operation in writing of noncompliance and the pending forfeiture of the permit. The applicant or operator shall have 30 days to respond. If compliance is not accomplished within such 30-day period, the major mining operation shall cease and the special exception shall be revoked.

Regardless of revocation or compliance with any special exception condition, the applicant shall repair, perform reclamation, or perform any other activity at the major mining operation site that the building official or county engineer deems is necessary in the interest of the public health, safety or welfare.

These details will be determined in the Special Exception Orders after petitions are heard.

a. Appeal. Any appeal of a noncompliance finding issued in accordance with this subsection shall be submitted to the county development department and the office of the board of county commissioners within 15 days of the date of such noncompliance finding. Such appeal shall be heard by the board of county commissioners at a noticed public hearing. No appeal filed later than 15 days after the date of such notice shall be acted upon by the board of county commissioners.

This will be incorporated into the Special Exception Orders if approved.

Staff Recommendations:

Should the Planning Commission, and subsequently, the Board of County Commissioners upon review and recommendation of the Planning Commission, find the requested “Special Exception Use” consistent with the Comprehensive Land Use Plan and Land Development Code, staff recommends the following conditions be attached to the approval of the Special Exception Use Order:

Conditions of Approval for SE 23-01 3RT Sand Mine

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 (staff would be ok with 25 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.

To include: Levy County Engineer staff review and reference to DNM cover letter dated November 20, 2023.



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
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OFFICE OF COUNTY ENGINEER
D. ANDREW CARSWELL, PE, PSM

REVIEW 3RT SAND MINE:

Section 50-719 Mining and Excavation...

- I. A special exception approval is required.
 - a. Proposed activity is classified as Major Mining as it proposes to remove more than 10,000 cy of material from a parcel greater than 20 acres.
Requires compliance with 50-719 and applicable section of Chapter 50, Division 5, Article XIII [sic]prior to commencement of operations.
Requires a Excavation and fill permit prior to operations.
 - b. This site is not a vested or approved existing mining operation
 - c. Exemptions. Proposed activity does not appear to meet the criteria for any of the listed exemptions.
- II. Special Exception for major mining criteria, standards and conditions:
 - a. Special Exception approval required by being a mining or excavation activity
 - b. The proposed project does not appear to meet the exemption requirements
 - c. Minimum criteria
 1. Must meet requirements of 50-719 and Division 5
 2. The access for the proposed activity is shown to be through "family" land from the mining area to County Road C-337. County Road C-337 is classified as "Major Collector-Rural" on the FDOT Functional Classification Map. The applicant has submitted a "Pavement Analysis" for C-337 which indicates the roadway has sufficient strength to accommodate the additional truck traffic based on 75 one-way trips and that the increase in traffic is minimal. The applicant also submitted a "Traffic Impact Statement, Roadway Capacity" which found that the roadway has adequate volume capacity to handle the additional traffic.

While the project traffic volume is low relative to the background traffic on C-337, the project truck traffic is a significant portion of the Equivalent 18K Axle Loads (ESAL). Using background traffic information from FDOT Open Data Hub Truck Volume TDA website, the proposed additional truck traffic represents approximately 50 to 60 percent of the total projected ESALs on C-337. This has the effect of decreasing the expected life of the roadway by 50 to 60 percent.

Based on the information submitted by the applicant, the roadway volume capacity would not be diminished below Level of Service C (the Comprehensive Plan required level of service). On a volume of traffic basis, the level of service of the roadway is adequate to serve the proposed mine activity.

Sight distances at the connection to C-337 were not addressed in the report. There is an existing driveway for the property at this location.

The proposed main route from the mine area to C-337 meanders around the edges of and through the interior of the applicant's "family" property. At parcel 036060020A, the route is adjacent to the north boundary of this parcel where the main building on the site is approximately 300 feet south of the route boundary. Parcel 0360500700 has a structure approximately 700 feet west of the route boundary. Parcel 0360600100 has a structure approximately 650 feet from the route. Parcels 0359200100 and 035900060A are north of the route where it comes out to C-337, however there does not appear to be any structures on these parcels. The route also appears to be located near a house described as the life estate of Janet Dean which is interior to the applicant's property. This house appears to be served by an easement to C-337 which will be utilized by the mine traffic. With the exception of the Dean house, the other properties appear to be located sufficiently away from the route so as to not adversely impact them. If these areas are deemed an issue (noise, dust, vibration, etc.), then vegetative buffer or additional separation could be implemented.

It is noted that the application also has offered alternative routes from the mine to other existing roadways. The southern alternate proposes to route mine traffic through the applicant's property south to County Road LCR 103. The northern route proposed to route mine traffic through private ownership to US 27 Alt using an existing 30 foot easement (NOTE: The northern route was withdrawn from the information submitted for the December 5, 2023 Board meeting.)

The southern route will mentioned was not analyzed in the applicant's submittal. It would access a LCR 103, a paved county road classified as "local". This route does not meet the code requirement for access. The following analysis is provided only because it was presented as an option in the application. This route may be acceptable if the code were revised at some future date and a Special Exception amendment was approved to allow this route to be utilized. The amendment application would need to demonstrate acceptable strength of the roadway for the additional truck traffic and/or enters into an "agreement with the county to make necessary improvements" to sufficiently handle the proposed traffic and/or to contribute to the maintenance of this roadway based on their proportionate fair share. The connection at LCR 103 would also need to be approved by the Road Department.

(NOTE: The northern alternate route was removed from the application in the submittal for the December 5, 2023 meeting.)The northern alternate proposes to route mine traffic through an existing 30-foot easement to US Highway 27A easterly of Levy County Road 102. While this route would avoid use of any county roadways, it has several downsides. The first downside is that it is only a 30 foot wide easement that traverses adjacent to a residential subdivision with 1 to 5 acre lots. At this width, there would not appear to be adequate room to develop a roadway for truck and provide any buffering to the residential areas. The second downside is the addition of trucks entering the highway at the intersection of US 27A and County Road 102. Accessory lanes would most likely need to be provided if FDOT would allow the connection. This route is not recommended by the County Engineer.

3. A 100 foot buffer measured from the property boundary toward the mining area is proposed around the perimeter of the mine area only. The buffer consists of a berm and three rows of sand pines. This appears to be adequate to visually screen the activity from surrounding areas. This may not be adequate for sound and dust. Some areas of the haul route may need to provide buffering where nearby to existing residential units.
4. The proposed project does not appear to be against any policies in the Comprehensive Plan. The use is compatible with the present zoning and future land use. The project is not within environmentally sensitive lands. The project does not appear to breach any level of service requirements.
5. The proposed activity does not appear to impact any springs, rivers, tributaries or water quality. Refer to DNM's cover letter dated November 20, 2023, response to c.5 for distances to relevant features and offsite potable wells. The excavation is proposed to stay above the seasonal high water table as determined in borings conducted on the site as presented in the applicants Environmental Resource Permit application submitted and permitted by the SWFWMD under 43046299.000 dated December 22, 2022. The ERP permit indicates no environmental concerns, no flood plain impacts, and no offsite impacts. No blasting is proposed at this site. Further study by a professional geologist does not appear to be necessary.
6. A buffer around the mine area is proposed to control, noise, odor, dust, vibration, off-site glare. Refer to DNM's cover letter dated November 20, 2023, response to c.6. Due to the nature of the proposed activity, the proposed buffers appear to be adequate. Impacts to surrounding development and roadways is commented on in "ii" above.
7. The proposed activity does not appear to near any state, federal, or county park.
8. The proposed activity is not near any dumpsites, landfills, effluent ponds, public water supply wellhead.
9. The site is not located in any prohibited area set forth in (d)(1).
10. The applicant has obtained an Environmental Resource Permit from the SWFWMD and has submitted a notice of intent to mine to FDEP.
11. As discuss above the proposed activity appear to be sufficiently separated from residential and business areas to not be detrimental to the public health, safety or welfare.

d. Specific criteria

1. Prohibited areas

- a) Site not located within required distance of abandoned dumpsites, landfills, or effluent ponds as identified by FDEP.
- b) Site is not located within 1000 feet of a public water supply wellhead and no blasting is proposed.
- c) Site is not located within one mile of a public water supply wellhead.
- d) Site is not located within 2 miles of Manatee Springs or Fanning Springs State park.
- e) Site is not located within one mile corridor (one-half mile on either side) of known geological features with the potential to Impact Manatee Springs or Fanning Springs. Additional study is not recommended to be required.
- f) The site is not located within one-quarter mile of schools, hospitals, parks.
- g) The site is not located within one-quarter mile of a platted and recorded subdivision with lot sizes of 5 acres or less. There are unrecorded subdivision with 5 acre lots adjacent to the east boundary of the site. The

applicant is proposing a 100 foot buffer with a minimum 50 vegetative area. A berm is also proposed in some areas to provide additional screening.

2. Buffering Standards

- a) Applicant is proposing a 100 foot buffer round the total mine area. This is shown on the plans and described in the DNM cover letter. The buffer is shown to consist of three rows of sand pines and a berm.
- b) Applicant is proposing a 100 foot buffer. This is shown on the plans and described in the DNM cover letter.
- c) The applicant in the DNM cover letter proposes a 50 feet area within the 100 foot buffer be in planted with 3 rows spaced at 8 feet of sand pines spaced at 6 feet with a stagger. Additionally the DNM cover letter describes a berm to provide additional screening to meet the 80% opacity requirement.
- d) The proposed buffer described in the DNM cover letter appears to provide the required buffer described in the code, however this information does not appear to be provide in the plans.
- e) An 8-foot high earthen berm is described in DNM cover letter with slopes not exceeding 1V:1H. The plans do not appear to show the berm or provide details as to where or how to construct it. No indication of method of stabilizing the berm is provide in the letter or in the plans. Sufficient topography is not provided in the plans to determine if a berm would be detrimental to offsite properties by not allowing runoff to continue into the mine area.

3. Access Requirements.

- a) The proposed route to C-337 provides access to a road classified as "Major Collector-Rural". The southern alternate route to LCR 103 does not provide direct access to a road with a minimum classification of "major collector" or "arterial" road as it is classified as a "Local" road. The northern alternate route does provide access to US 27 classified as a "Principal Arterial" which exceeds the criteria. (The northern alternative was removed from the application for the December 5, 2023 meeting.)
- b) The proposed route to C-337 provides ingress and egress onto a paved county road. The alternate routes also provide access onto paved county or state roads. However the classification of LCR 103 for the southern alternate does not meet the requirement to be a minimum classification of major collector.
- c) The proposed access to C-337 is not through a platted recorded or unrecorded subdivision. The northern alternate route appears to go through unrecorded subdivisions and is adjacent to a recorded subdivision. The southern alternate does not appear to go through platted recorded or unrecorded subdivisions.
- d) The applicant provided traffic information to demonstrate that the proposed activity will not be detrimental to C-337. The proposed haul route to C-337 is within the "family" property of the applicant. The northern alternate route would require travel through private property. No assurances have been provided that the route would not damage the private property.

4. Setback Requirements

- a) The proposed mining activity is not within 100 feet of any road right-of-way boundary.
 - b) A 100 foot buffer is proposed along the entire perimeter of the mine area, therefore the requirement for it to be 50 feet away from undeveloped lot and 100 feet from a developed lot is met.
5. Slope requirements. The proposed side slopes of the sand mine excavation are proposed a maximum of 1V:3H.
6. Reclamation plan. The DNM cover letter indicates that a notice of intent to mine was submitted to FDEP. The contents of this notice do not appear to have been submitted with the Special Exception application. No reclamation plan appears to be provided in the application other than grading the side slopes to no steeper than 1V:3H and a brief mention in the "fill activities" section of the Mining Impact Assessment Report which indicates that "clean fill may be used to reclaim the subject property back to the original agricultural use an existing grade." The definition of "clean fill" is not a set term and should be defined. The state definition for "clean debris" in Chapter 62-701.200 (15) includes "any solid waste that is virtually inert, is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes bricks, glass, ceramics, and uncontaminated concrete including embedded pipe or steel." The plans submitted for the special exception and the ERP permit do not appear to indicate any backfilling of the mined area. It is not clear if the ERP permit application was reviewed by the water management district for backfilling.
7. Mining Impact Assessment Report. The DNM cover letter provides responses to the required items.
- a) Compatibility. Blasting is not proposed. A 100 foot buffer is proposed to mitigate sound and vibration transmission to offsite area. The proposed activity is not expected to cause vibration beyond the proposed buffers due to the nature of the activity. The equipment utilized for loading and the trucks area typically equipped with back-up alarms which may be heard beyond the proposed buffers when operated near the perimeter. The ERP report submitted indicates no issues with environmental resources. There does not appear to be any cultural or historical resources in the area of concern.
 - b) Transportation System. A traffic study was submitted by Kittelson & Associates and Pavement Analysis for C-337 by Geo-Tech, Inc. as discussed in 11c2 above.
 - c) Water Pumping Activities. Water pumping activities do not appear to be proposed or required for the facility. It is noted that there are two existing wells within the proposed excavation area. It appears that a 100 foot buffer will be provided around these wells. These may be utilized for dust suppression, but was not indicated or addressed in the application.
 - d) Fill Activities. The DNM cover letter indicates that they "will only utilize clean fill material to reclaim the subject property to the original agricultural use and existing grade." No fill activities appear to be indicated in the plans. Any plans for filling should be provided for review and approval. This should include a definition of the items to be allowed and how the fill will be graded, covered or otherwise placed into the mine area.
8. Documentation/Application. The applicant has provided the following documents:

- a) DNM cover letter to Levy County Planning & Zoning dated November 20, 2023 which includes brief description of the project and provides narrative to the items required by Section 50-719 Subdivision II (c) and (d). This include section entitled "Mining Impact Assessment Report."
 - b) Environmental Resource Permit Application for 3RT Sand Mine dated March 2023 prepared by DNM Engineering & Associates, Inc.
 - c) Environmental Resource Permit Plans for 3RT Sand Mine with a digital signature of 12/5/2022 by DNM Engineering & Associates, Inc.
 - d) SWFMWD ERP permit 43046299.000 issued 12/22/2022
 - e) Boundary survey by Rogers Engineering, LLC date 2/28/2023
 - f) Pavement Analysis dated 4/21/2023 prepared by Geo-Tech, Inc.
 - g) Traffic Impact Statement dated 4/17/2023 prepared by Kittleson & Associates
 - h) Ingress/Egress Map dated 5/ 4/2023 prepared by DNM Engineering & Associates, Inc.
 - i) Property Appraisers Aerial Overlay dated 2/28/2023 prepared by DNM Engineering & Associates, Inc.
 - j) Special Exception Application
 - k) Excavation and Fill Permit Application dated 5/19/2023 to Levy County Building Department.
9. Application Fee. Defer to Planning Department
10. Excavation and Fill Permit has been submitted to the Development Department and reviewed by the County Engineer. Refer to Section III below.
11. Public Notice Requirement. Public notice was performed by the Planning and Zoning Department in accordance with this requirement to those properties within 2 miles of the mine area.
12. Duration of Approval. The projected life of the facility does not appear to be provided in the submitted information. The total volume of material proposed to be excavated does not appear to be provided in the submitted information. The applicant stated during the Planning Commission meeting a time frame of 40 to 100 years.
13. Transfer of Special Exception. To be included in Special Exception order.
14. Liability for major mining operations. To be included in Special Exception order. A bond is required in the amount of \$2500 per acre as a reclamation performance bond. No storage for slime, retention or thickening pond is proposed therefore the requirement \$1000 bond in 14(b) is not required.
15. Annual report and inspection. The requirement for an annual report and inspection should be included in the Special Exception order per the code.
16. Forfeiture. This should be included in the Special Exception order.
- e. Major mining operations in rural residential zoning district. This mining area of the project is located in A/RR zone. The major access route passes through an area zoned RR.

The criteria for II (c) and II (d) are discussed above.

- 1. The tract is larger than 10 acres.
- 2. No processing or grading of material is proposed for the project and specifically not in the RR zone.
- 3. The proposed activity is mining of sand and clayey sands. No mining is proposed in the RR zone.

4. The material is proposed to be excavated using mechanical means. No blasting is proposed.
5. The proposed final grades will have a perimeter slope of 1H:3V down to an elevation approximately 3 feet above the seasonal high water table across the remainder of the mined area.
6. The special exception DNM cover letter describes a berm within the perimeter buffer. The DNM cover letter does not appear to include the berm in the perimeter buffer. The berm, if utilized, may block surface runoff from entering the property from outside areas. A specific grading plan for the berm has not been provided. The berm would not be within the RR zone. Otherwise the project does not appear to have any impacts on the surrounding areas.
7. The proposed major access route passes through "family" lands from the mining area to County Road C-337. This is a paved road with a classification of "major collector-rural". This route passes through parcels zoned RR. The route does not pass through recorded or unrecorded residential areas and does not use local roads. The proposed alternate routes do not meet these requirements, but they do not pass through RR zoned areas. The north route would be adjacent to RR zoned platted subdivision.
8. The hours of operation should be stipulated in the Special Exception order and in the excavation and fill permit.
9. The excavation area is not within the RR zone. Signing as required should be implemented if deemed necessary by the Planning Commission or Board.
10. The applicant has provided geotechnical report which includes the required test drilling to establish the seasonal high water table within the mining area. The grading proposes to stay 3 feet above the estimated seasonal high water table.
11. Backfilling is not proposed other than clean material to help with reclamation activities after mining to return the land to agricultural use. See discussion above.

III. Excavation and Fill permit

- a. An Excavation and Fill permit is required since this is a major mining activity.
- b. Application Requirements.
 1. Boundary Survey was provided for the mine area. A boundary survey for the property containing the haul route was not provided.
 2. Site Plan was provided as Sheet SM2. The site plan provides the required information with the exception of distances of buildings to property lines and distances to existing offsite structures.
 3. A sheet with the proposed hauling route was provided.
 4. A description of the proposed work was provided in the DNM cover letter. The expected duration of the activity does not appear to have been provided.
 5. The proposed activity is not within an environmentally sensitive area. A copy of the SWFWMD ERP permit was provided.
 6. The project is not located within the 100-year flood plain of the Suwannee River.
 7. The project does not appear to be creating a pond. The proposed excavation depth is indicated to be 3 feet above the estimated seasonal high water table established in the geotechnical report provided in the ERP application.
 8. The project is not within an existing body of water.
 9. The project is not near any stormwater system currently maintained by a public or private entity.
 10. A berm is mentioned in the DNM cover letter within the 100 foot buffer. The berm is not shown or detailed in the plans provided. It is not apparent if such a

berm would affect the natural flow or drainage pattern of surface water into the site from offsite areas.

11. Application Fee. Defer to the Development Department.

c. Permit Review and approval process

1. Hauling Requirements.

- a) Does not appear to be applicable to a mine.
- b) Does not appear to be applicable to a mine.
- c) Does not appear to be applicable to a mine.
- d) Include in the permit and Special Exception order.

2. The maximum excavation depth is proposed to be 3 feet above the estimated seasonal high water table as established in the geotechnical report provided in the ERP application.

3. No blasting is proposed.

4. No excavation is proposed within 100 feet of the right-of-way of a public road, nor 50 feet of a property line or a private easement.

5. The proposed side slopes of the excavation are indicated to be 1V:3H maximum

6. This review serves as the County Engineers review of the Excavation and Fill permit application and the Special Exception permit application.

7. The County Engineer finds that the 3RT Sand Mine is not expected to be detrimental to the health, safety or general welfare of the adjacent properties or the community and recommends approval of the application with the following stipulations:

- a) Any berm constructed along the perimeter be designed and constructed to permit runoff from offsite areas which historically flowed into the mine property to continue to do so.
- b) Buffers as described in the DNM cover letter are implemented around the perimeter of the mining area. The berm shall only be required where necessary to screen the site from adjacent residential homes.
- c) Should offsite areas adjacent to the proposed haul route be adversely affected, the haul route shall be adjusted to eliminate the adverse condition within a reasonable period of time.
- d) Should any groundwater become apparent in the excavation area, the area will be backfilled to a level 3 feet above the water level.
- e) Existing wells within the mine area will either be properly abandoned or a minimum 100 foot radius buffer will be maintained around the well.
- f) Once final grades are reached by the excavation, the area will be reclaimed by restoring vegetation to the area within 3 months.
- g) A berm, excavation or other method shall be implemented where runoff from the excavation area may leave the site.
- h) Areas within the proposed mine area, which are not currently being mined shall remain either as pasture or cropped in accordance with established Best Management Practices.

8. Include code required language in the development order.

9. The SWFWMD permit has been obtained and provided. Notification regarding the mine has been submitted and acknowledged by FDEP.

d. Operation of permit

1. Posting permit at site. Include language in permit.

2. Duration. Duration of the permit needs to be established. A sunset provision needs to be provided in the special exception order and the excavation and fill permit.
3. Inspections. Code language doesn't appear to anticipate an ongoing mine project. Any required inspections should be included in the Special Exception order and the Excavation and Fill permit.
4. Forfeiture. Include language in permit.

The above information constitutes the County Engineer's review of the 3RT Sand Mine Special Exception and Excavation and Fill Permit Application.

D. Andrew Carswell, State of Florida, Professional Engineer, License No. 45831

This item has been electronically signed and sealed by D. Andrew Carswell, PE on the date indicated here using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

SIGNATURE DATE: 11/28/2023