



Levy County Board of County Commissioners

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**LEVY COUNTY
Planning and Zoning Department**

Presented by: Kathie Ebaugh, FAICP, JBPro, Interim Zoning Official

Date: September 22, 2025

Petition: SE 24-01

Applicant: Kimley-Horn & Associates, Inc. representing Anderson Columbia Co., Inc.

Owner: Mildred Johns and June Stoeber

Property Address: 11986 NE State Road 24, Archer, Florida 32618

Parcel ID: 0322100200

Parcel Size: ± 99 acres

FLUM Designation: A/RR (Agricultural/Rural Residential)

Zoning District: A/RR (Agricultural/Rural Residential)



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1. Request Summary

The applicant, Kimley-Horn and Associates, Inc. representing Anderson Columbia Co., Inc. on behalf of owners, Mildred Johns and June Stoeber, requests a Special Exception for Parcel Number 0322100200 (the “subject parcel”). The request seeks to allow mining operations in A/RR (Agricultural/Rural Residential) zoning. The subject parcel consists of approximately 99 acres and is located at 11986 NE State Road 24, Archer, Florida 32618 in Levy County, Florida. The mining activities involve non-blasting excavation of sand used for construction use.

2. Subject Property Land Use Designation

Surrounding Area

Image 1 and Table 1 below show the surrounding land uses. As indicated on the table, the subject parcel is currently zoned A/RR (Agricultural/Rural Residential). As illustrated on the map, the parcel is contiguous to other A/RR zoned properties along the north, south and east boundaries and Rural Residential to the west.

Image 1

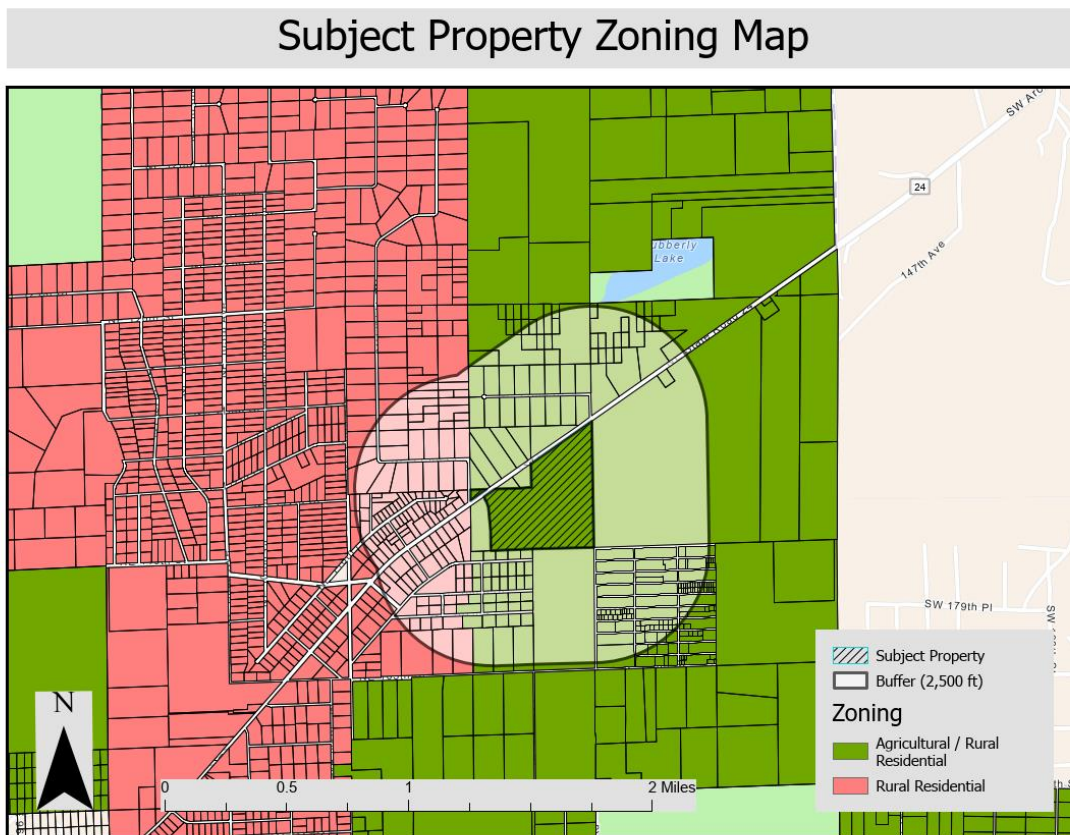
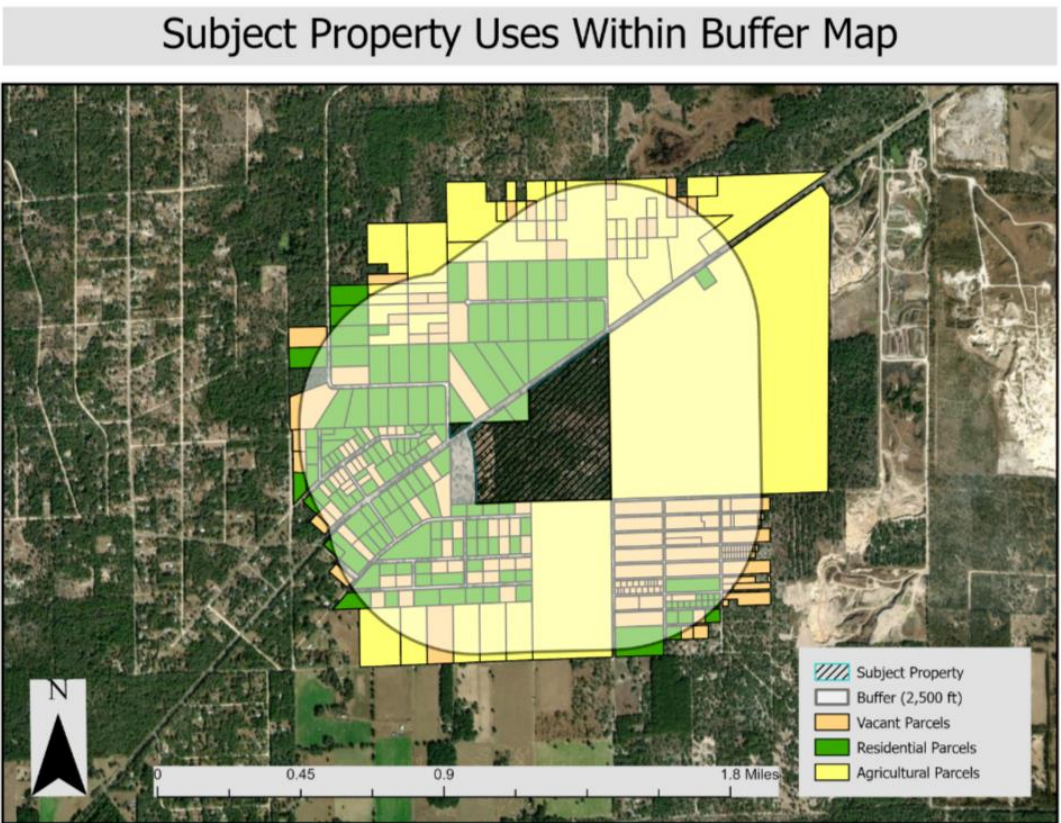


Table 1 Surrounding Land Uses

| Direction | Current Use | Future Land Use Category | Zoning District |
|----------------|---------------|-------------------------------|-----------------|
| Subject | Vacant | Agriculture/Rural Residential | A/RR |
| North | Residential | Agriculture/Rural Residential | A/RR |
| South | Residential | Agriculture/Rural Residential | A/RR |
| West | Residential | Rural Residential | RR |
| East | Vacant/Mining | Agriculture/Rural Residential | A/RR |

Image 2 below provides greater detail about the existing use of the surrounding properties. Of the 337 properties located within 2,500 feet of the subject property, 146 are occupied residential units, 28 are agricultural uses (including timberlands, mining, and food production), and 163 are vacant residential parcels.

Image 2 Existing Land Uses





Land Development Code Consistency

Chapter 50 of the Land Development Code, Sec. 50-700, permits mining by Special Exception within the A/RR zoning district. Section 50-759 outlines the criteria to be considered by County staff, the Planning Commission, and the Board of County Commissioners when reviewing such Special Exceptions. The evaluation of the standards established in Sec. 50-759 (2), (3), and (4) is presented below.

(2) Minimum Criteria, Standards and Conditions

- (a) **Access; hauling.** *Capacity: Each mining operation must be serviced by roads of adequate capacity and strength to accommodate the traffic volume and/or impacts of the mining operation.*

The roads are expected to remain at Level of Service (LOS) C after the addition of traffic from proposed site operations. Projected project traffic will have a less than 1% de minimum impact on the surrounding transportation network. As a result, SR 24 has adequate capacity to accommodate the traffic volume and/or impacts of the mining operation. This criterion has been determined to be met by staff.

Staff finds that this criterion has been met.

- (i) *Ingress and egress must be directly from a paved road classified as a major collector or greater.*

Access to the borrow pit will be provided via a new driveway connection to SR 24, a minor rural arterial maintained by FDOT, and thus is classified as a major collector or greater. SR 24 is categorized as an Access Class 4 roadway by the Florida Department of Transportation (FDOT) that, according to the attached traffic summary, is paved and “designed to accommodate truck traffic.”

Staff finds that this criterion has been met.

- (ii) *Access and truck routes to and from the site are prohibited through recorded subdivisions or Type II subdivisions filed with the clerk of the court.*

The proposed access driveway is located in a place that will ensure the truck access does not traverse through a subdivision.

Staff finds that this criterion has been met.

- (iii) *The applicant shall ensure that neither public nor private property is damaged by the hauling of material, and that hazardous traffic conditions will not be created.*

According to the prepared traffic study, proposed mining activities will not damage public or private property, nor will they create hazardous traffic conditions. Submittal materials state that hauling trucks (16-yard triaxle dump trucks) will be covered in a manner to prevent spillage, consistent with FDOT Highway Safety and Motor Vehicle Standards, and all hauling vehicles shall display the hauling company on the side of the truck.

The original staff report created and presented by North Florida Professional Services, Inc., notes that the site plan includes a three (3) inch concrete driveway apron to prevent public roadway damage. Also noted is the recommendation to condition approval upon the authority to evaluate damage to public or private property and to require any repair needed to restore property to its condition prior to such damage.

Staff finds that this criterion has been met.

- (iv) *Ingress and egress from the driveway connection point into the mining property a minimum distance of 250 feet is required to be paved or constructed of other durable and appropriate material that reduces the tracking of dust, soil and/or rock onto the public roadway. Geometry of the connection shall be in accordance with Florida Department of Transportation specifications or as required by the county based on characteristics of the connecting roadway and the proposed mining operation.*

As confirmed in a pre-application meeting with FDOT and supported by the project's traffic study, a turn lane is not warranted for this project. Instead, FDOT has requested that driveway tapers be provided for trucks entering and exiting the site to mitigate off-tracking and protect the pavement edge.

Ingress and egress will be through a single access point on SR 24, designed to FDOT specifications. To address dust control and reduce soil and rock being tracked onto the roadway, the developer has stated that dump trucks will cover their loads, pavement will be tapered at the access point, and a 250-foot driveway will be included in the site plan to further minimize dust and debris tracking.

Staff finds that this criterion has been met.

- (v) *Advanced warning signs shall be installed on the connecting roadway to alert users to the ingress and egress points. At a minimum, the advanced warning shall be "Truck Entering Highway" sign. Flashing lights or other devices may be required by the county based on the conditions at the connection. A stop sign shall be provided on all egress points.*

Signage will be installed, warning motorists of potential trucks entering the highway. Site plan outlines a “trucks entering highway” sign 325’ away from the driveway centerline.

Staff finds that this criterion has been met.

- (vi) *Internal access routes from the mining operation to the public roadway shall be identified and shall have the least adverse impact on surrounding uses.*

As stated in the “Operation” section of the mining impact assessment report, internal access routes and staging areas will vary as minable areas become exhausted of minable materials. The staging of vehicles will not occur within any public rights-of-way and no other access points will be used other than what is proposed in the site plan (one access point off of SR 24) without seeking required approvals for governing jurisdictions.

Staff finds that this criterion has been met.

- (vii) *Any anticipated adverse impacts on the roadways or safety from the mining operation must be addressed at the expense of the applicant.*

The attached traffic study has determined that no adverse impacts will be created on the roadway or safety are expected from the mining operation, further confirmed by the Access Connection Permit process with FDOT. The segment of SR 24 adjacent to the proposed mine has an asphalt pavement thickness between 5 to 6 inches, which is adequate to sustain the estimated addition of 48 one-way truck trips and 4 passenger vehicle trips per day. According to the Traffic Impact Analysis report, approximately 42 (80%) of daily trips would travel to and from the east, and 10 (20%) would travel to and from the west, which, according to the traffic study, will distribute any roadway impacts. According to the Traffic Impact Analysis report, the proposed development would increase the total annual average daily traffic by 0.66% and the truck AADT by 6.6%. This would not have any severe impact on the roadway LOS.

Staff finds that this criterion has been met.

- (viii) *The receipt of a permit from the county shall include an irrevocable license to enter the mining operation to complete any inspections deemed necessary to assurance compliance and/or to complete any necessary reclamation in the event that the mining operation fails to do so.*

The applicant acknowledges this requirement. Receipt of the County permit will serve as the granting of an irrevocable license for County staff to enter the mining operation for the purpose of conducting inspections as necessary to ensure compliance with permit conditions. Furthermore, the applicant understands and

agrees that this license also authorizes the County to complete any necessary reclamation activities in the event the mining operation fails to fulfill its obligations.

Staff finds that this criterion has been met.

- (b) *Setback requirements.*** *No mining operations may occur within 100 feet of any boundary of the property.*

Per the applicant's site plan, there are no setbacks that are less than 100 feet from an existing property line. Setbacks of at least 150 feet proposed along any property lines abutting existing residential uses to provide additional buffering from mining activities.

Staff finds that this criterion has been met; however, staff recommends requiring the applicant to maintain the 100-foot buffer as a condition of approval, with the understanding that failure to do so may result in the loss of Special Exception status.

- (c) *Buffering.*** *Each mining operation must provide adequate buffering of such type, dimension and character to improve compatibility of the proposed mining operation with uses and structures on adjacent properties. The minimum requirements for buffering are summarized below:*

- (i)** *Length. The buffer shall be of sufficient length so as to shield mining activity from incompatible land uses.*

The proposed buffering covers the entire perimeter of the site, and offers a minimum setback of 100 feet, meeting the minimum standards outlined in the above setback criteria. A setback of at least 150 feet is proposed along any property lines abutting existing residential uses to provide additional buffering from mining activities. While not identified as a setback in the site plan, it should be noted that the anticipated path of excavation (and thus, the actual mining activities) will result in an additional ~50-100 feet buffer of mining activities from the property line.

Staff finds that this criterion has been met.

- (ii)** *Opacity. The buffer shall provide a minimum opacity of 80 percent when viewed from the property line into the property toward the mining operations from ground level to a height of ten feet minimum in order to shield mining activity from adjacent uses. Components of the mining operation such as towers, stockpiles, and other similar items that exceed ten feet in height are not required to be shielded. The required opacity shall be provided prior to the start of mining operations using any combination of the following methods:*

- 1) *Vegetative screen comprised of native vegetation when sufficient to provide the required opacity during all seasons.*

Unless otherwise stated in the site plan, it appears that existing vegetation and tree cover will be left intact to provide a vegetative screen for existing residential properties adjacent to the borrow pit, including for undeveloped tracts directly east and south of the subject property, in case future development occurs. From the mining impact assessment, “The existing wooded area is to be preserved within the setback area to comply with the buffering opacity requirement of 80% in Sec.50-579(2)(c) of the Levy County Land Development Code. For portions of the setback area where the 80% opacity cannot be achieved with existing vegetation, a berm shall be constructed...”

Staff finds that this criterion has been met.

- 2) *Vegetative screen comprised of planted vegetation consisting of evergreen or other non-deciduous trees native to the area and compatible with area soils.*

This criterion is not applicable to this site plan.

- 3) *A berm, provided it is used in conjunction with a minimum 50-foot vegetative area located between the berm and the property lines. The berm must be of sufficient height (not exceeding ten feet above natural surface of the ground) to provide the required opacity. The berm shall be stabilized with the planting of suitable vegetation. The slopes of the berm shall not exceed 1:3. The berm shall not impair the existing natural flow of stormwater runoff from adjacent properties into the site.*

According to the site plan, a berm is planned along the western boundary of the site. Based on the site plan, it appears that the berm is intended to provide screening to adjacent residential properties; however, two residential properties (Parcels 0322000500 and 0972601700) are not screened by the berm, and seemingly will retain natural vegetation. Based on aerial imagery, it is likely that these two properties are not along the path of the berm because there exists natural screening/buffering due to tree coverage.

11650 FL-24, Archer, FL 32618, that is not along the path of the proposed berm () likely needs screening from the berm, as most of the natural screening offered by the existing tree line would be deforested based on the proposed site plan and resulting tree clearing.

The proposed berm meets the requirements of a minimum 50-foot vegetative area located between the berm and the property lines. The proposed berm

meets the height and slope requirements as it is proposed at 7' and a slope of 3:1.

Staff finds that this criterion has been met.

- 4) *A perimeter fence 6-foot to 10-foot in height which provides the required opacity and alternative methods are not applicable to this site plan.*

Adequate buffering is provided in the site plan, which meets the minimum requirements summarized above.

Staff finds that this criterion has been met.

- (d) ***Environmental impacts.*** *The mining operations shall not adversely impact surface waters, including springs, rivers, tributaries in quantity or quality; aquifers in quantity or quality; existing dumpsites, landfills, effluent disposal areas or public water supply wellheads.*

Mining operations are not expected to adversely impact (or impact at all) surface waters, existing dumpsites, landfills, effluent disposal areas, or public water supply wellheads.

Concerning aquifer quality, the mining impact assessment outlines that the maximum excavation of the minable area shall adhere to standards set in place by the SWFWMD and FDEP (SWFWMD Volume II-5.4.1(b) and FDEP Volume I-8.5.2.2) to prevent breaching an aquitard, and potentially mixing untreated surface water with underground potable water.

Concerning aquifer quantity, the mining impact assessment outlines that water will not be sourced on-site, uses will be limited to dust mitigation, and will be sourced off-site as no water wells are proposed.

The mining impact assessment does not quantify a volume of water used daily or yearly, and instead states that the volume of water used for dust mitigation will vary depending on daily site conditions and the intensity of mining operations.

Staff finds that this criterion warrants additional conditions for approval related to: (1) more specific dust control measures, and (2) an appropriate setback from the water table. Staff further notes that stricter guidelines than the code minimum may be appropriate given the presence of vulnerable residential populations in proximity to the proposed development.

- (e) ***Nuisance or hazardous conditions.*** *The mining operations may not create noise, odor, dust, vibration, off-site glare, or other conditions so as to adversely impact adjacent property or cause hazardous conditions.*

Water trucks will be used regularly and as needed for dust control. The existing perimeter woods and/or proposed berms will serve as the primary method to control noise and light pollution. Vibrations will be zero to minimal as no blasting is proposed, and off-site propagation of vibrations is not anticipated. The primary mineable material of the site is sand, likely posing little to no hazards to adjacent residential parcels other than dust. The applicant has submitted information concerning dust mitigation.

The application does not include an explicit plan for hazardous waste mitigation should any be generated or uncovered during mining. The applicant has stated that Anderson Columbia Co., Inc.'s best management practices for project spills will be followed, and these practices are included as part of the application.

Staff finds that this criteria warrants additional conditions for approval. It is appropriate to require the applicant to prepare and maintain a hazardous waste mitigation plan, in addition to implementing the listed best management practices, given the site's proximity to the water table and adjacent private wellheads.

- (f) **Slope requirements.** *Sides of reclaimed limestone, shell and dolomite mines must provide a shore line slope consistent with the latest regulations of the department of environmental protection bureau of mine reclamation. Sand, clay or dirt borrow pits shall be left with side slopes not steeper than one foot vertical for each three foot horizontal measurement, or the slope requirement provision of the state agency issuing the environmental resource permit. Excavations which extend below the water table shall be left with side slopes not steeper than one foot vertical for each four foot horizontal measurement to a depth at least six feet below the average water level and no greater than one foot vertical for each two feet horizontal measurement six feet below the average water level.*

Applicant meets the required slope requirements per their site plan. As noted in the original staff report, the applicant states in the Mining Impact Assessment Report that reclamation and final contouring of the mine shall be completed no more than one year after mining operations/activities have ceased.

Staff finds that this criteria warrants additional conditions for approval.

- (g) **Hours of operation.** *General operations at the site shall be restricted to daylight hours (sunrise to sunset) Monday through Saturday, unless further restrictions are imposed by the board to minimize impacts on surrounding uses. Maintenance work or emergency operations may be undertaken at such hours as necessary to address immediate safety or welfare issues.*

The borrow pit's operation hours will adhere to those allowable by the Levy County Development Code. From the mining impact assessment: "In consideration of residential uses within the area, the proposed hours of operation for the mine will be Monday to Friday from 7:00 A.M. to 5:00 P.M."

- (h) **Reclamation plan.** *A reclamation plan shall be prepared which meets the requirements of state agencies. The plan shall include timeframes for implementation and the anticipated future use of the site.*

The mining impact assessment does not explicitly identify a formal reclamation plan, though a section titled “Reclamation” outlines proposed reclamation activities. The developer states that reclamation activities will be conducted in accordance with Levy County, the Southwest Florida Water Management District, and the Florida Department of Environmental Protection regulations, and that reclamation will begin at the earliest practical time once mining has concluded.

Stated reclamation activities include revegetation of final contoured areas with native plants or trees, relocation of protected wildlife as necessary, mitigation of dust and sound impacts on adjoining properties, removal of junk and debris, and a commitment that backfilling will not occur.

Staff finds that this criterion warrants conditions of approval related to the enforcement of reclamation requirements. Conditions should require additional details within the reclamation plan, including (1) specific reclamation activities and (2) an explanation of what will occur during the stated two-year grace period between the conclusion of mining activities and the start of reclamation.

3) Prohibited areas. Mining operations are prohibited in the following areas:

- (a) **Non-blasting mine:** *Within a 500-foot radius of abandoned dumpsites, landfills or effluent disposal areas as identified by the Florida Department of Environmental Protection; within a 1,000-foot radius of a public water supply wellhead with a capacity of 100,000 gallons or greater per day, or the identified well withdrawal area, if larger; or within 300 feet of any lot that is five acres or less and is zoned RR, R-1, R-2, RR3-C or RMU.*

The site is not located within a 500-foot radius of abandoned dumpsites, landfills, or effluent disposal areas. It is not within a 1,000-foot radius of a public water supply wellhead with the stated capacity. The site is also not within 300 feet of any lot that is five acres or less and zoned RR, R-1, R-2, RR3-C, or RMU. Staff notes, however, that the western boundary of the site is approximately 340 to 425 feet from two parcels zoned RR, meaning the minimum distance requirement is just met.

Staff finds that this criterion has been met.

- (b) **Blasting mine.** *Within a 1,000-foot radius of abandoned dumpsites, landfills or effluent disposal areas as identified by the Florida Department of Environmental Protection; Within a one mile radius of a public water supply wellhead with a capacity of 100,000 gallons or greater per day, or the identified well withdrawal area, if larger; or within 1320 feet of any lot that is five acres or less and is zoned RR, R-1, R-2, RR3-C or RMU.*

This criterion is not applicable to this site plan.

- (i) *Protected Areas: Any mines. Within two miles of the Manatee Springs or Fanning Springs State Park boundaries; Within the Priority Focus Area of any Basin Management Action Plan as defined by the Florida Department of Environmental Protection; or within 1,320 feet of schools; hospitals; county, state or federal parks, conservation and/or natural resource areas.*

This criterion is not applicable to this site plan.

- (4) **Mining impact assessment report.** All proposed mining operations shall provide a mining impact assessment report prepared by a licensed engineer registered in the State of Florida or other qualified expert. The report shall identify all individual impacts resulting from the mining operation and all cumulative impacts from similar activities within one-quarter mile of the site. The report shall address the following criterion.
- (a) **Compatibility.** *This section of the report shall address the impact of all activities proposed at the site on the surrounding area within one-quarter mile of the site including uses, environmental, cultural and historical resources. This assessment shall include blasting, vibration, sound, and dust at a minimum. The report shall identify all design and buffering improvements proposed to mitigate the impacts to the surrounding area identified in the report.*

The application includes a compatibility section, however, it does not include any mention of impact on environmental, cultural, or historical resources or if they do not exist on the site and therefore will not be impacted.

Staff finds that this criterion has not been met

- (b) **Transportation system.** *This section of the report shall address the impact of the proposed activities on the roadway system serving the mining operation. A traffic analysis shall be provided that identifies the existing background traffic, proposed traffic generation throughout the life of the mining operation, the existing and projected level of service of the roadway system, the structural strength of the existing roadway and the required strength to support the projected traffic, the sight distances at the connecting road, and recommendation as to whether accessory lanes are needed at the connection point. An impact analysis on the existing roadway system shall be provided which includes recommendation for any upgrade deemed necessary to prevent damage, method of repair to damage caused by and/or mitigation of impacts to the roadway system. This analysis shall include a cost estimate to accomplish the remediation, repair, or mitigation.*

The application includes a transportation system section identifying existing background traffic (current AADT on SR 24 is 7,920 trips) and proposed traffic generation (52 additional daily trips, about 80% truck traffic, increasing AADT by 0.66%). Sight distances at the connecting road are not addressed, and accessory lanes are not required at the proposed site per information from a pre-application meeting with FDOT.

A separate traffic impact analysis covers issues such as necessary upgrades, mitigation, and cost estimates; however, this information is not included in the Transportation System section of the mining impact assessment.

Staff finds that this criterion has been met.

- (c) **Water use.** *This section of the report shall address the impact that the mining activity will have on the groundwater and surface waters including jurisdictional wetlands within 200 feet of the mining area. Proposed mines within two miles of a listed spring shall identify potential impacts on the spring due to the proposed mining operation. All uses of water within the site shall be identified and quantified. This shall include the effects of changes in use and topography along with any other changes that might affect the groundwater and/or surface waters in and within 200 feet of the site boundary or within 1,320 feet if blasting is proposed. The aquifers under the site shall be identified along with the expected high water level as identified by onsite geotechnical investigation. The report shall indicate how groundwater quality will be protected.*

The application includes a water section, and the subject site is not located within 200 feet of jurisdictional wetlands or surface waters. There is no mention of the site being within two miles of a listed spring; however, according to the Florida Department of Environmental Protection’s “Florida Springs” map, the closest listed spring, LEV719991 SPRING, is located approximately 7.8 miles from the subject property.

The report states that “[t]he volume of water utilized for dust mitigation will vary depending on daily site conditions and the intensity of mining operations.” It further notes that water for dust mitigation will be sourced off-site, as no water wells are proposed. The report also acknowledges that changes in use and topography have been identified. According to the Southwest Florida Water Management District (SWFWMD), maximum excavation of the minable area must comply with SWFWMD Volume II-5.4.1(b) and FDEP Volume I-8.5.2.2 to avoid breaching the aquitard or, where none is present, to prevent excavation from breaching the underlying limestone formation.

The report references a geotechnical study estimating the seasonal high groundwater table to be between 11.5 and 32.5 feet deep. While it does not identify impacted aquifers by name, it states that “[t]hese limitations are to protect the quality of the underlying aquifers from exposure to mining operations,” in reference to the listed SWFWMD and FDEP regulations.

Staff finds the information provided for this criterion to lack sufficient detail. A more accurate and complete estimate of water consumption is required to satisfy the requirement for quantified water use. Without a quantifiable measure of on-site water demand, the information is insufficient to meet this criterion. In addition, the applicant may need to provide information regarding the site’s proximity to listed springs.

- (d) **Stormwater management.** This section of the report shall address the impact of the proposed mining activity on stormwater runoff into and from the site.

The application includes a stormwater management section. The project proposes a paved driveway connection to SR 24 as required by FDOT, otherwise, no additional impervious area is proposed; therefore, no additional runoff will be generated.

An FDOT drainage connection permit and a Southwest Florida Water Managment Direct (SWFWMD) Environmental Resourse Permit (ERP) have been issued for the project. The drainage report, separate from the mining impact assessment, does explicitly state that pre-development storm runoff patterns will be maintained during mining activities.

Staff finds this criterion has been met.

- (e) **Grading.** *This section of the report shall provide information related to the proposed excavation and fill activities. This shall include a topographic survey of the property and extend a minimum of 100 feet outside of the property, proposed grades after completion of mining and reclamation, typical sections showing perimeter and interior slopes, erosion and sedimentation controls, phasing of activities at the site including initial construction, mining blocks, and reclamation at a minimum. Any flood prone areas within the site shall be identified and reasonable assurance provided that the capacity of the flood zone will not be diminished.*

The proposed civil plans in the submittal package include a topographic survey of the property, as required, along with proposed grading details. Mining activities will be limited to a maximum exposure of 20 acres at any given time, and no excavation will occur within the designated setback area.

Backfilling of the site is not proposed as part of this project. Final slopes will comply with the most stringent standards of the Levy County Land Development Code (LDC), the Southwest Florida Water Management District (SWFWMD), or the Florida Department of Environmental Protection (FDEP). The drainage report further indicates that the site does not contain any flood zones and that no areas have been identified as flood-prone.

Staff finds that this criterion has been met.

- (f) **Operation.** *This section of the report shall provide information related to the day to day operations proposed at the site. This shall include expected activities on the site, hours of operation, internal access routes, staging areas for traffic, methods of excavation, methods of processing fill material, types of materials onsite, storage methods, methods to control dust, noise, light and vibration to levels, and the life of the mining operation at a minimum. Additional information may be needed based on the activities proposed.*

Expected activities on site include the mining of sand as the target minable mineral, with excavation being the anticipated method of extracting materials before being placed in dump trucks to be hauled off-site. Internal access routes and staging areas will vary as

minable areas become exhausted of minable materials. The proposed path of extraction is outlined in the civil plans included in the submittal package, which in turn provides a hypothetical path of internal access routes and staging areas. Water trucks will be used regularly as needed for dust control. The existing perimeter woods and/or proposed berms will serve as the primary method to control noise and light. Vibrations will be zero to minimal as no blasting is proposed, and off-site propagation of vibrations is not anticipated. The proposed work hours by the developer will be Monday through Friday from 7 AM to 5 PM. The anticipated life of the mine based on proposed extraction rates will be anywhere from 20 to 30 years.

Staff finds that this criterion has been met.

- (g) **Reclamation.** This section of the report shall provide information on how the mining area will be reclaimed after the mining activity is completed. This shall include time frame for the completion of the reclamation, the anticipated future use of the site and any other information. A cost estimate shall be provide for the approved reclamation plan.

According to the mining impact assessment, “reclamation activities shall be coordinated with mining activities and initiated at the earliest practical time once mining activities have concluded.” If mining activities cease for more than two years, all reclamation requirements shall be met. A time frame for completion of reclamation is not included in the mining impact assessment. A cost estimate for the approved reclamation plan is not included in the mining impact assessment.

The developer shall revegetate the final contoured areas no more than one year after contours have been established, so long as it does not interfere with mining activities. The mining impact assessment outlines the type of vegetation that will be used for revegetation as part of the reclamation plan, signage that will be put in place to deter trespassers, and methods to care for displaced or impacted wildlife.

Staff finds that this criterion has been met.

- (5) **Permits.** The proposed mining operation shall obtain all required federal, state, and local permits prior to commencement of mining activities on the site. A copy of all permits shall be submitted to the county along with the supporting application material. The county may require amendments to the special exception based on information and conditions contained in the other agency permits and supporting application material. All required permits shall be maintained during the life of the mining operation and all operations shall be in compliance with the permits.

Staff finds this criterion warrants a conditional for approval to ensure that (1) the applicant obtains all local, state, and federal permits and (2) the applicant provides

the County with a copy of all applicable permits and/or exemptions prior to commencement of work on the mine.

- (6) **Liability for mining operations; financial surety required.** The applicant and/or operator of mining operation 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 the mining operations, failure of any site improvements such as, but not limited to, dams, spillways, outlet structures, settling or thickening ponds. The following bonds or other surety in a form approved by county shall be provided prior to beginning mining operations. If the mining operations are phased, the bonds, or other surety, may be provided in increments that cover the active phases.
- (a) Reclamation bond. Two thousand dollars per acre of land designated to be mined or 150 percent of the reclamation cost estimate (refer to (4)(g) above), whichever is greater.
- (b) Environmental bond. If the mining operations use storage areas to contain processing water such as slime, settling or thickening ponds, \$1,000.00 per acre-foot of storage area shall remain in effect as long as the storage areas are being used and remain unconsolidated.

Staff finds this criterion warrants a conditional for approval to providing the required surety instrument be a condition of approval and that no work shall commence prior to the County accepting the surety instrument. Release from financial security may be accomplished by written request to the county which includes a topography survey of the affected area of the site. Upon receipt of the request, the county shall make a final inspection to ascertain if the required conditions have been met. The release shall be granted within 30 days of a determination that all conditions have been met.

Comprehensive Plan Consistency

After review of the Comprehensive Plan, the proposed site and its use are consistent with all except the following elements:

Future Land Use Element

The Levy County Comprehensive Plan describes the Agricultural/Rural Residential Future Land Use (FLU) Designation as the following:

This category provides for areas predominately used for agriculture, accessory and supportive uses to the agricultural industry, resource based and/or non-spectator based recreational uses, conservation uses, and very low density rural development. The maximum residential density is one (1) unit per ten (10) acres, except as otherwise



provided by Policy 3.3. The minimum parcel size is ten (10) acres, or parcel of record as of December 31, 1989. Public schools are permitted in this land use category.

While mining is permitted as a Special Exception within the A/RR Future Land Use (FLU) designation, the overall intent of the A/RR designation is not necessarily aligned with the proposed use. According to the Property Appraiser, the subject parcel is 99 acres in size and therefore meets the minimum size requirement.

Staff finds the information provided for this policy to be insufficient to determine whether the application is consistent with the FLUM. While the application meets the minimum parcel size requirement, it does not demonstrate consistency with the overall intent of the A/RR Future Land Use designation. Additional information explaining how the proposed use aligns with the FLUM designation is necessary to fully evaluate compliance with this policy.

Objective 6 Non-Residential Uses in Rural Areas

Reduce the number and intensity of non-residential uses in the rural areas that are inconsistent with the community's character and future land uses by encouraging the conversion of these uses to less intense and more compatible uses.

The proposed use appears inconsistent with the intent of Objective 6, as it introduces a new intensive use that is incompatible with the surrounding rural-residential community.

Staff finds that the application does not demonstrate consistency with Objective 6. Conservation Element

Objective 1, Policy 1.2

Discourage industry that produces heavy air emissions from locating within the County.

The applicant does not provide detail on the potential air quality impacts of the proposed development. In the Mining Impact Assessment, the applicant notes the use of water to limit airborne dust propagation but does not elaborate on application procedures, the volume of water to be used, or the overall efficacy of water as a dust control method. Beyond this reference, the application does not address air quality, air emissions, or dust mitigation, nor does it include any material from the Florida Department of Environmental Protection (FDEP) on this matter.



Staff finds that this policy has not been met. Additional information pertaining to air quality impacts is necessary to meet this policy.

Objective 1, Policy 1.3

Coordinate the review of proposed developments or activities that may have an adverse impact on air quality with appropriate agencies (i.e., EPA, DEP) to ensure that State and Federal air quality standards are met.

The U.S. Environmental Protection Agency (EPA) notes that mining and transporting sand or gravel typically generates particulate matter (PM) and particulate matter less than 10 micrometers (PM-10). The EPA also identifies water, chemicals, and foam as effective methods of suppressing particulate emissions—the same approach generally referenced in the application.

Staff notes that borrow pits are operations that inherently generate air emissions, and coordination with FDEP may be warranted to ensure applicable air quality standards are met. No FDEP statement on air quality was included in the application package.

Staff finds the information provided for this policy to lack sufficient detail. Additional information regarding dust mitigation procedures, quantified water usage, and confirmation from FDEP on air quality compliance is necessary to fully evaluate compliance with this policy.

Objective 1, Policy 3.13

Run-off from excavation or construction sites shall be required to have the same volume, rate of flow and equal or improved quality relative to pre-development and ambient conditions.

The applicant states in the application that the development will not impact the volume, rate of flow, or quality of runoff; however, no evidence or supporting analysis is provided to substantiate this claim.

Staff finds the information provided for this policy to lack sufficient detail. Additional documentation or analysis related to water volume, flow, and run-off is necessary to fully evaluate compliance with this policy.



Objective 1, Policy 3.14

All excavation activities, inclusive of pumping, will employ water conservation practices.

The applicant does not describe any proposed water conservation practices in the application, despite identifying water spraying as the primary method for dust mitigation.

Staff finds the information provided for this policy to lack sufficient detail and as such conditions of approval are warranted to require the use of applicable best management practices (BMPs) for water conservation and dust mitigation.

Transportation Circulation Element

Objective 4, Policy 4.1

Where existing right-of-way width is inadequate, the developer shall dedicate that portion necessary to meet or exceed those standards as adopted in the Levy County Land Development Code as a condition to receiving any development approval or zoning change.

The proposed development does not include a right-of-way dedication in the site plans. It is unclear to staff whether a dedication has already been completed and whether the property line shown on the site plan reflects pre- or post-dedication boundaries. No mention of a right-of-way dedication was included in the FDOT-related submittal documents.

FDOT coordination may be necessary to clarify right-of-way dedication requirements and ensure compliance with Policy 4.1.

Staff finds the information provided for this policy to lack sufficient detail. Additional information is needed to clearly demonstrate consistency with Policy 4.1 and clarification from FDOT regarding right-of-way dedication is necessary to fully evaluate compliance with this policy.

Staff Findings

Petition SE 24-01 has not fully met the criteria in Sec. 50-759 of the Levy County Land Development Code. Discrepancies are outlined below:

1. The portion of the property that is adjacent to existing residential uses not along the path of the proposed berm may need additional screening, as most of the natural screening offered by the existing tree line would be deforested based on the proposed site plan and resulting tree clearing.
2. Unless the “Reclamation” section of the mining impact assessment can be categorized as a reclamation plan, there are no explicit mentions of the developer/contractor intending to follow a ‘reclamation plan’ in the report, only assurances that they will engage in ‘reclamation activities’. “The developer shall ensure that reclamation activities are in accordance with Levy County, Southwest Florida Water Management District, and Florida Department of Environmental Protection regulations. Overall, the reclamation section is not consistent with the Land Development Code as it lacks a cost estimate and time frame for completion.
3. The application includes a water section and the subject site is not located within 200 feet of jurisdictional wetlands or surface waters. There is no mention of the site being located within two miles of a listed spring, however, using the ‘Florida Springs’ map curated by the FDEP, it appears the closest listed spring, ‘LEV719991 SPRING,’ is located approximately 7.8 miles away from the subject property. If it is necessary for the report, it may be necessary to direct the applicant to provide this information.

Concerning water uses, the report states that “[t]he volume of water utilized for dust mitigation will vary depending on daily site conditions and the intensity of mining operations.” It may be imperative to request a more accurate estimate of water consumption from the applicant to meet the criteria requirement of quantified water use. Water for the purposes of dust mitigation will be sourced off-site, as no water wells are proposed.

Effects of changes in use and topography are identified; according to the SWFWMD the maximum excavation of the minable area shall adhere to SWFWMD Volume II-5.4.1(b) and FDEP Volume I-8.5.2.2 to avoid breaching the aquitard or, where an aquitard is not present, to prevent excavation from breaching an underlying limestone formation.

Includes a reference to a geotechnical report that estimates the seasonal high groundwater table to be between 11.5 and 32.5 feet deep.



Does not explicitly identify impacted aquifers by name, but does state that, “[t]hese limitations are to protect the quality of the underlying aquifers from exposure to mining operations,” in reference to the listed SWFWMD and FDEP regulations that the report ensures the developer will adhere to.

Without a quantifiable measure of water use on-site, what is provided is currently insufficient to meet this criteria.

4. It is recommended that providing the required surety instrument be a condition of approval and that no work shall commence prior to the County accepting the surety instrument. Release from financial security may be accomplished by written request to the county which includes a topography survey of the affected area of the site. Upon receipt of the request, the county shall make a final inspection to ascertain if the required conditions have been met. The release shall be granted within 30 days of a determination that all conditions have been met.

Petition SE 24-01 lacks sufficient information to determine compliance with the following Levy County Comprehensive Plan directives.

1. Mining is listed as a special exception within the A/RR FLU designation. The applicant must demonstrate how the proposed use is consistent with the intent of the A/RR designation and with Objective 6, which emphasizes compatibility with the surrounding rural-residential community.
2. Borrow pits may impact air emissions. To demonstrate consistency with Policy 1.2 of the Conservation Element, the applicant must provide evidence that the proposed use will not create adverse air quality impacts. An FDEP statement regarding air quality has not been included in the application package.
3. The application states that the proposed development will not impact the volume, rate of flow, or quality of run-off. The applicant must provide supporting evidence to substantiate compliance with Policy 3.13.
4. The applicant does not explain how it will implement proposed water conservation practices aside from identifying water spraying will be the primary method for dust mitigation. To show compliance with Policy 3.14.
5. The proposed development does not identify a right-of-way dedication in the site plans. It is unclear whether such a dedication has already been performed and whether the



property line shown reflects pre- or post-dedication conditions. The application does not include documentation of a right-of-way dedication in the FDOT-related submittals. The applicant must provide clarification and supporting documentation, and coordination with FDOT may be necessary to confirm compliance with Policy 4.1.

Instructions to the Levy County Planning Commission

The Planning Commission may make the following recommendations to the Board of County Commissioners:

- Recommend approval
- Recommend denial
- Recommend approval with suggested changes

End of Report