

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

APPLICATION NO. SE 24-01 (the “Application”) requesting a Special Exception pursuant to Sections 50-755 and 50-759 of the Levy County Land Development Code (“LDC”) to allow a sand mine (no blasting) on approximately 99 acres of land located in Levy County, Florida, at 11986 NE State Road 24, Archer, Florida 32618, Parcel ID No. 0322100200 (the “Property”).

Parcel ID Number for the Property: 0322100200

Property Owners: Mildred Johns and June Stoeber

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

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

Current Zoning Designation: A/RR (Agricultural/Rural Residential)

ORDER DENYING SPECIAL EXCEPTION

WHEREAS, by Special Exception Application on file in the County Planning and Zoning Department, the Applicant requested a Special Exception to allow mining operations on the Property; and

WHEREAS, on November 17, 2025, the Levy County Planning Commission conducted a Public Hearing to consider the Application and recommended approval with conditions to the Levy County Board of County Commissioners (the “Board”), which conditions included: (1) an on-site well for water spray/treatment; (2) endeavor to make acceleration/deceleration and access to the Property safer in cooperation with FDOT; and (3) provide all permits, reports and notifications that must be submitted to SWFWMD to the County as well; and

WHEREAS, on December 16, 2025, the Board conducted a public hearing to consider the Application (the “Public Hearing”) and, upon conclusion of the Public Hearing, voted 4-1 to direct the County Attorney to prepare an order denying the Application, to be noticed and placed before the Board for final action pursuant to Section 50-755(c)(4), LDC.

NOW THEREFORE, based on the testimony and evidence presented and received at the Public Hearing, the Board issues the following written order denying the Application:

Section 1. Findings. The above recitals are true and correct and are hereby incorporated by reference. All terms defined in the recitals shall have the same meaning

when used herein.

Section 2. Denial of Application No. SE 24-01. Application No. SE 24-01 is hereby DENIED. The reasons for denial of the Application include, but are not limited to, the following:

A. The Applicant failed to satisfy their burden to demonstrate, by competent substantial evidence presented at the Public Hearing and made a part of the record, that the Application satisfied the criteria set forth in Section 50-755(a), LDC. With respect to the criteria set forth in Section 50-755(a), LDC, the Board finds and determines as follows:

1. The Applicant failed to demonstrate, by competent substantial evidence, that the proposed mining use is designed, located and proposed to be operated in a manner that it will not be injurious to the public health, safety, and welfare (Section 50-755(a)(1), LDC). More specifically:

a. The Applicant failed to establish that the noise and dust impacts from the proposed mining use will not be injurious to surrounding properties, many of which are residential. In addition to the Applicant failing to meet their burden to establish that the proposed mining use will not result in adverse noise and dust impacts to neighboring residential properties, competent substantial evidence presented at the hearing demonstrated that the proposed mining use will result in adverse noise and dust impacts to neighboring residential properties.

b. The Applicant failed to demonstrate that the proposed mining use will not adversely impact groundwater water quality and quantity in the area, including for the many surrounding properties that rely on private wells. In addition to the Applicant failing to meet their burden to establish that the proposed mining use will not adversely impact groundwater water quality and quantity in the area, competent substantial evidence presented at the hearing, including expert witness testimony, demonstrated that the proposed mining use could in fact negatively impact water quality and quantity.

c. The Applicant failed to establish that traffic impacts from the proposed mining use, including the large number of heavy trucks that would consistently enter and exit the Property, will not be injurious to public health, safety, and welfare. In addition to the Applicant failing to meet their burden to establish that the traffic impacts from the proposed mining use will not be injurious to public health, safety, and welfare, competent substantial evidence presented at the hearing demonstrated that traffic from the proposed mining use is likely to cause interference with and/or congestion of vehicular traffic on State Road 24.

2. The Applicant failed to demonstrate, by competent substantial evidence, that the Property is suitable for the use proposed by virtue of its location, shape, topography, and by virtue of its compatibility with adjacent development, and with the

character of its zoning district (Section 50-755(a)(3), LDC). Numerous occupied residential properties directly abut or are adjacent to the Property. The Applicant failed to demonstrate that the proposed mining use is consistent and compatible with the existing residential character of the area. In addition to the Applicant failing to meet their burden as to this issue, competent substantial evidence presented at the hearing established that the adverse noise, dust, visual, traffic, and environmental impacts that would result from the proposed mining use are inconsistent and incompatible with existing adjacent residential uses.

3. The Applicant failed to demonstrate, by competent substantial evidence, that adequate buffering, landscaping and screening are provided to create visual and sound barriers from adjacent property (Section 50-755(a)(4), LDC). As previously described, the area surrounding the Property is overwhelmingly residential in nature. The Applicant failed to meet their burden to demonstrate that adequate buffering, landscaping, and screening would be provided to effectively attenuate visual and noise impacts to adjacent properties.

4. The Applicant failed to demonstrate, by competent substantial evidence, that adequate off-street parking and loading are provided and ingress and egress is designed to cause minimum interference with or congestion of vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways (Section 50-755(a)(5), LDC). As stated above, in addition to the Applicant failing to meet their burden as to this issue, competent substantial evidence presented at the hearing demonstrated that traffic from the proposed mining use is likely to cause interference with and/or congestion of vehicular traffic on State Road 24.

B. The Applicant failed to satisfy their burden to demonstrate, by competent substantial evidence presented at the Public Hearing and made a part of the record, that the Application satisfied the criteria set forth in Section 50-759, LDC. With respect to the criteria set forth in Section 50-759, LDC, the Board finds and determines as follows:

1. The Applicant failed to demonstrate compliance with Section 50-759(4)(g), LDC. More specifically, the Application does not include a cost estimate for the required reclamation plan, as required pursuant to Section 50-755(4)(g), LDC.

2. The Applicant failed to demonstrate that groundwater quality will be protected, as required pursuant to Section 50-759(4)(c), LDC. Additionally, as stated above, competent substantial evidence presented at the hearing, including expert witness testimony, demonstrated that the proposed mining use could in fact negatively impact groundwater quality.

3. The traffic analysis submitted by the Applicant is inconsistent with the requirements of Section 50-759(4)(b), LDC. The traffic count data used for the analysis was collected from February – March, 2023, which is approximately two and a half years prior to the date on which the Application was submitted. Due to the age of the data

included in the traffic analysis, the Applicant failed to adequately demonstrate, by competent substantial evidence, the existing background traffic, existing and projected level of service of the roadway system, and the impact of the proposed activities on the roadway system serving the proposed mining operation.

4. The Applicant failed to demonstrate that the mining operations will not create noise, odor, dust, vibration, off-site glare, or other conditions so as to adversely impact adjacent property or cause hazardous conditions (Section 50-759(2)(e), LDC). As discussed above, numerous occupied residential properties directly abut or are adjacent to the Property. The Applicant failed to demonstrate that the proposed mining use will not adversely impact or cause hazardous conditions to these adjacent properties. In addition to the Applicant failing to meet their burden as to this issue, competent substantial evidence presented at the hearing established that the proposed mining operations are likely to cause will adverse noise, dust, visual, and environmental impacts to adjacent properties.

Section 3. Effective Date. The effective date of this Order shall be the date approved by the Board as set forth below.

DONE AND ORDERED on January 27, 2026.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Tim Hodge, Chair

ATTEST:

Matt Brooks, Clerk of
Circuit Court And Ex officio Clerk to the
Board of County Commissioners

Approved as to form

Heather Encinosa, Interim County Attorney