

## MINUTES

### Levy County Planning Commission

December 3, 2007

6:30 p.m.

The Levy County Planning Commission was called to order by Chair Thad Barber. Other members present were:

Ron Grant  
Thomas Harper  
Vaughn Lee  
Toni Collins

Also present was Development Director, Rob Corbitt and County Attorney, Anne Brown.

Chair Barber called for a motion to either approve or deny the minutes from September 11 and September 25, 2007. Mr. Harper motioned to approve the minutes as submitted. Mr. Grant seconded the motion; motion carried.

Chair Barber then called for anyone giving testimony for the petitions listed on the agenda to be sworn in by the county attorney. Attorney Brown officially swore in anyone that wished to speak or present themselves as an expert witness.

Chair Barber called for the board to disclose any ex-parte communications related to the petitions being presented. Mrs. Collins stated her ex-parte communication as being a site visit for the proposed special exception SE 9-07.

### NEW BUSINESS:

**PETITION NO. SE 9-07** Tarmac America, LLC representing Plum Creek Timberlands, LP, petitioning the board for a Special Exception to allow a major mining operation to include blasting, excavation, crushing and processing of limerock, located in all of Sections 9, 10, 11, 12 and N ½ of Section 23, all of Section 15 LESS AND EXCEPT the West 700 feet of the South 1100 feet thereof, all of Section 16 LESS AND EXCEPT THE SW ¼ of the SW ¼ and less the East 900 feet of the South 1000 feet of the SE ¼; and the E ½; the N ½ of the NW ¼; the S ½ of the SW ¼; the NE ¼ of the SW ¼; and the SW ¼ of the NW ¼ of Section 22, all being in Township 16S, Range 16E. Said mine plans will contain approximately 4,796.4 acres more less of the 9,400 acres of the total project area. Said parcel is located within a Forestry/Rural Residential "F/RR" zone.

Mr. Corbitt gave a brief summary of his staff report along with comments from both the County Engineer and Planning Department.

Mr. Corbitt said since the writing of his staff report, there were several other documents produced which he had the applicant address.

Mr. Corbitt said that one of the items not included in the application were a boundary survey and certified legal description of the mining area. Mr. Corbitt stated that at this time an excavation

and fill permit application has not been provided. Mr. Corbitt stated that the applicant did not tie the existing and proposed improvements to a boundary survey. Mr. Corbitt said that the County Engineer also noted the same in his report and pointed out that it would be important to include the whole project to show that the 4600 acres would go to mitigation.

Mr. Corbitt said the Planner noted that the application needed a boundary survey and future land use map showing the mining location and the surrounding land uses. Mr. Corbitt stated that the property is totally surrounded by "F/RR" Forestry/Rural Residential, but would like to expand on the surrounding land use to be able to see the commercial located on US 19 south of King Road. Mr. Corbitt said in summary of the Planner's report, the application is consistent with several policies of the Comprehensive Plan, but she feels it would be important to provide an existing land use map.

Mr. Corbitt stated that in addition to the certified legal description and boundary survey, the County Engineer would like to see more topographical information prior to making a recommendation to both the Planning Commission and Board of County Commissioners. Mr. Corbitt said there is a traffic concurrency study that says the traffic analysis for the highway is operating at a level of service "A" now. The level of service on the highway in the year 2010 at full production will be an "A." Mr. Corbitt said he asked the applicants to address the level of concurrency that would be on Highway 40, CR 336 and CR 40 east of Inglis and east of Lebanon Station.

Attorney Jake Varn representing Tarmac America, LLC was present to discuss this petition. Mr. Varn stated that Mr. Greg Beauchamp was present to assist in the legal aspects. Also present were Al Townsend - Project Manager, Cindy Burns - Tarmac, Jeff Harris - Tarmac, Jeff Straw - geosonics, Don Garlanger - hydraulics and Steve Godley.

Mr. Varn explained the applicant's conceptual plan and how a mining operation/process worked. Mr. Varn stated that his clients did not have at this time a water use permit, DOT approval for access, Environmental Protection Permit, Army Core of Engineers Permit, Department of Environmental Protection Permit for the reclamation plan and have not yet filed an application for an excavation and fill permit. Mr. Varn stated that the site is suitable and compatible for the proposed use. Mr. Varn stated that they would need an operating permit in the future and need to provide a performance bond.

Break 8:00 p.m. - Reconvene 8:10 p.m.

Chair Barber asked for anyone in support of the petition. Mr. Kenneth Elsie (Levaughn Robinson's son) stated that he did not feel any effects from the blasting that had been done. Mrs. Levaughn Robinson said the Levy County needs this type of industry in order to increase the tax base and jobs.

Chair Barber asked for anyone in opposition to the petition.

Larry Cohan (Chairman of the Yankeetown Planning and Zoning Commission), Sally Price, Michael Lamb, James Hurd Jr., Bruce Crichton, Fawn Scott, Brack Barker Wilson, Catherine Proveaux, Emily Casey, Sonny Arnold, Tom Thomas, Lori Castellese, Jack Ceccarelli, Betty Berger, Eldridge Fowler, Helena Fletcher, Bruce Morgan, Jim Snavelly, Nelson Martin, John

Biels, Francis Proveaux and Steve Brady stated concerns with noise (blasting), water (town's supply), salt water intrusion, potential long term negative impact on potable water, quality of life, truck traffic, warnings for blasting, animals, water loss (evaporation), storm surge, air quality (dust), property values, storm water runoff and negative impact on ecosystem. In addition to these concerns, the opposition expressed to the board to table the application for more studies to be done and to arrange for additional workshops with the Town of Yankeetown, Planning Commission and citizens.

Chair Barber closed floor

Mr. Varn added that the terms and conditions that were proposed within the staff report would be acceptable by his client (Tarmac).

### **ISSUES OF CONCERN:**

Mr. Harper stated his concern regarding no dye test having been done for water quality and the adverse impact as a result of the mining activity. Mr. Grant stated that his main concern was in regards to the water and not so much the blasting. Mrs. Collins stated that she had several concerns, the biggest being what impact the mine will have on the property values. Mrs. Collins asked if there was a requirement in the codes for a study showing how the mine may impact property values. Mr. Corbitt said that in the Land Development Code it states that the special exception use cannot substantially devalue property in the area. Mr. Corbitt also stated that the applicants did not provide professional opinions as to what the effect would be. Mrs. Collins stated her concern on the distance of the blasting to salt water (surface water). Mrs. Collins asked that with the Crystal River Nuclear Plant and Dixie Hall mining operation already near, would the Tarmac project being in close proximity to the Project Energy site create a problem. Mrs. Collins stated her concern about the residents that currently use King Road and being re-routed.

After all discussion, Chair Barber called for a motion to this item. Mr. Harper motioned to table the application so that workshops could be conducted with DEP. Mrs. Brown said that the item could be tabled, but asking for a workshop during this process would not be appropriate. Mrs. Brown said this was a quasi-judicial process and workshops are legislative. Mr. Harper asked if the board could request additional information from the state agencies. Mrs. Brown said that this item was an applicant driven process and that the board could ask the applicant to bring information or Mr. Corbitt, Development Director but not the state agencies. Mr. Harper then motioned to table the application for the applicant to provide a more detailed water plan, water flow direction, and more detail regarding salt water intrusion. Mr. Harper motioned that this information is to be provided within an adequate amount of time for review. Mrs. Collins seconded the motion. Mr. Harper, Mrs. Collins, Mr. Grant and Mr. Barber voted "aye." Mr. Lee voted "ney." Motion carried.

There being no further business for the Levy County Planning Commission, the meeting was adjourned.

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Chairman