

RESOLUTION Z-12-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; TO AMEND AN EXISTING SPECIAL USE PERMIT FOR FLORENCE C&D FACILITY ON APPROXIMATELY 47.3 ACRES LOCATED AT 3003 SE 15TH STREET ON TAX PARCEL NUMBER 16227-000-000

WHEREAS, the Application has been duly filed and was considered by the Alachua County Planning Commission at its meetings of June 22, 2010 and July 21, 2010;

AND, WHEREAS, was considered by the Alachua County Board of County Commissioners at its meeting of August 10, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOS-03-10, a request by Clay Sweger of Eng, Denman & Associates, Inc., agent, for Southeast Landholdings, Inc., owner, for renewal of an existing special use permit for Florence C&D facility on approximately 47.3 acres located at 3003 SE 15th Street on Tax Parcel Number 16227-000-000, as summarized in Exhibit A in this resolution, is hereby approved with the following amended conditions and bases:

Conditions

1. **Permittee.** This Special Use Permit is issued to Southeast Landholdings, Inc., for the operation of a construction and demolition debris landfill with limited recycling. Operations shall remain under the direction of Mr. Paul Florence or a family member with experience in the operation of the facility. Transfer of the property or operation of the facility to another person or entity shall result in termination of this special use permit. This special use permit shall expire on May 10, 2015 and may be extended or renewed in accordance with the County's mining, excavation and fill ordinance.

2. **Extent of Permit.** This special use permit shall be limited to lots 10, 11, 22, 23 and the eastern 200' of lot 24 except as specifically provided herein.

3. **Conformance with Zoning Regulations.** Operations shall conform to Alachua County's zoning regulations for Excavation and Fill Activities, Chapter 404, Article 24.

4. **Hours and Days of Operation.**
 - a. There shall be no operations on the following holidays: New Year's Day, Memorial Day, Labor Day, Thanksgiving, and Christmas.

 - b. Trucks may haul loads of debris to the site although there shall be no operation of heavy equipment on the following holidays: Martin Luther King Day, the day after Thanksgiving, Christmas Eve, and New Year's Eve.

 - c. The hours of operation for various activities shall be as follows:

Trucks hauling loads to the site: 8:30 a.m. to 4:30 p.m., Monday-Friday.

Operation of heavy equipment: 9:00 a.m. to 4:30 p.m., Monday-Friday.

5. **Source of Loads Hauled to Site.** This site is limited to the landfill disposal of loads of Construction and Demolition Debris from trucks owned or leased by the applicant. Incoming loads shall be screened and processed at a transfer station prior to arriving on the site. Exceptions to these requirements shall be made for:
 - a. Material from demolition sites that is screened prior to loading; and
 - b. Loads of soil material to be used for cover of the site.

6. **Screening of Loads.** All loads of construction and demolition debris shall be screened offsite prior to transport to the landfill, either at a transfer station or at the site of a demolition. At the landfill site, the loads shall be screened again by placing them in staging/separation area, isolated from the working face of the landfill, for inspection and removal of prohibited and/or recyclable waste. An exception to this requirement may be allowed for Construction and Demolition Debris loads that do not contain detectable amounts of prohibited or recyclable wastes. Unauthorized solid wastes and/or hazardous wastes that have been unloaded shall be removed from the waste stream and segregated for recycling or disposal into Class III, Class I, or hazardous waste. Specific, discrete, temporary holding areas for each class of such wastes shall be provided. Class III and Class I wastes shall be removed to an appropriate disposal facility as needed. Hazardous waste shall be stored in accordance with all local, state, and federal regulations. A hazardous waste storage facility that meets all

standards of the Alachua County Hazardous Materials Management Code (HMMC) shall be provided.

7. **Excavation for Cover Material Only.** The purpose of this Special Use Permit is to allow filling with specified materials for eventual closure of the site. No additional excavation shall take place except to provide earth for required cover if sufficient cover material cannot be acquired from off-site sources. Cover material excavated from the site shall remain on the site and shall not be stockpiled beyond that necessary to cover the debris resulting from approximately one week of operations.

8. **Elevations and Slopes.** Filling shall be to grades shown on the final development plan, including the placement of fill to elevation ~~133.00~~ 159.5 ft/msl at the center of the facility and the sloping of the fill to the toe points. The reclaimed slopes should be no greater than 2% except where needed for stormwater management facilities, berms constructed as visual/noise attenuation barriers, or the toe of the fill placed at 4:1 slopes.

9. **Stormwater Facilities.** Stormwater facilities shall be maintained according to the approved final development plan. Permanent vegetative cover including native trees, shrubs and littoral plantings shall be established in and around the stormwater facilities within 60 days of the issuance of this permit. The Alachua County Environmental Protection Department shall provide a list of appropriate native vegetation and sizes of containers for each tree, shrub or groundcover. Certified apparently weed-free sod shall be used. An average of one shade tree

shall be planted for every 35 linear feet, or part thereof, of the basin perimeter.

10. **Setbacks and Buffers.** A minimum 150-foot setback shall be provided from all property lines, including the northern property line of lot 24 adjacent to the facility entrance. A 200-foot wide buffer shall be provided and maintained along the west property line of lot 10, and the west and south property lines of lot 24. A 100-foot wide buffer shall be provided along all other exterior property lines (i.e., north of lots 10 and 11, east of lots 11 and 22, and south of lots 22, 23, and 24). A berm eight (8) feet in height, with landscaping as approved by the Development Review Committee (DRC), shall be provided and maintained along the southern boundary of lot 22, and along the southern 1/3 of the eastern border of lot 22; the 100 foot wide buffer shall include this berm. Buffers shall be of sufficient density to obscure the view of the filling operation from adjoining residential property, and existing vegetation in undisturbed areas along the perimeter of the site shall be maintained. No additional excavation shall take place within the established buffers.
11. **Offsite Potable Wells.** The following materials only shall be deposited in within 500 feet of any off-site potable water wells, clean debris including rocks, brick, glass ceramics, uncontaminated concrete, and uncontaminated soil.
12. **Facility Maintenance.** The applicant will be responsible for minimizing dust emissions; dust retardant treatments may be required. Approval of dust retardant techniques such as suppressants shall be evaluated by the County and receive approval before use. Landfill roads shall be graded as necessary to

minimize noise and shall be watered as required to suppress fugitive dust. The crosswalk across the existing paved entrance driveway connection to SE 15th Street shall be striped by the applicant annually. The striping shall conform to existing Florida Department of Transportation (FDOT) standards and be performed under the supervision of the Public Works Department. A pedestrian warning sign and a stop sign in accordance with Part IIC of the Manual on Uniform Traffic Control Devices shall be posted at the site. The facility entrance shall be maintained in a satisfactory operating condition by the applicant.

13. **Revised Final Development Plan.** Revised final development plan approval shall be required within six months of renewal of this permit. An extension up to six months may be authorized by the Development Review Committee. The revised development plan shall outline and indicate the approximate acreage for areas that have been excavated, filled, and reclaimed, and areas that are currently excavated and continue to be used as working areas to receive fill. It shall also outline and indicate areas that are planned for excavation, fill, or reclamation in the five year special use permit (SUP) renewal period. Future use or abandonment of any well(s) which may exist on the property will be specified in the plan and well abandonment shall be carried out in compliance with the regulations of the St. Johns River Water Management District.

14. **Hazardous Materials Management Plan.** A hazardous materials management plan shall be established for the purpose of outlining spill cleanup and hazardous materials disposal procedures. This plan shall be evaluated by the Development Review Committee as a condition of final development plan approval. In the

event that unauthorized materials that can be reasonably expected to cause groundwater quality violations, are disposed of on the site, the Alachua County Environmental Protection Department reserves the right to conduct environmental monitoring associated with unauthorized materials. Onsite containers must be provided for the disposal of non-permitted materials. These shall be transferred to a facility permitted for the handling of such materials.

15. **Waste Management Plan.** A waste management plan for the handling of unauthorized wastes shall be established for the purpose of outlining procedures for properly managing the disposal of wastes other than C&D materials that are discovered. This plan shall be evaluated by the Development Review Committee as a condition of final development plan approval.

16. **Groundwater Quality Monitoring Plan.** The applicant shall comply with all requirements of the Florida Department of Environmental Protection (FDEP), including the conditions issued as part of the Department's 2004 landfill permit regarding the facility's groundwater quality monitoring plan, new monitor well requirements, quarterly and semi-annual monitoring reports, and stormwater management facility requirements. All required data, correspondence and reports related to groundwater on the site shall be submitted to the Alachua County Department of Environmental Protection at the time that they are submitted to the FDEP. In the event contamination cleanup is required by FDEP as the result of ongoing groundwater monitoring, the County will be contacted. All correspondence related to contamination cleanup that is provided to or received by FDEP shall be provided to the Alachua County Environmental

Protection Department on an ongoing basis. Alachua County reserves the right to require that additional groundwater monitoring wells be placed on the site. Any violation of the FDEP groundwater quality plan shall be considered a violation of the conditions of this special use permit.

17. **Exotic/Invasive Plants.** An exotic, non-native plant management plan shall be established as part of this SUP renewal and will be implemented throughout the duration of the permit. Monitoring of the site shall occur on an annual basis and an update shall be provided to Environmental Protection Department for review.

18. **Closure Plan.** Closure of the site shall be in accordance with FDEP Permit Number 0070754-002. Filling and capping portions of the active landfill site shall be performed as follows:
 - a. Filling should occur in a contiguous manner.
 - b. Upon filling of five acres of the site, a 24-inch-thick layer of soil will be placed and compacted over the fill material.
 - c. The upper 6 inches of this layer shall be capable of supporting vegetation.
 - d. All cover as well as revegetation for a 5-acre portion of the site shall be in place within 180 days of final receipt of waste.
 - e. The site shall be graded to eliminate ponding, promote drainage, and minimize erosion.
 - f. Final grading of the site shall include ties for vehicle access to Lot 12.

19. **Record Keeping.** The operator shall maintain a record of the waste stream and records showing the final disposal location for these materials shall be

maintained for County inspection. The following information, at a minimum, shall be compiled monthly and maintained on site, or at the operator's local office:

- a. tons or cubic yards of C&D debris received;
- b. tons or cubic yards of waste recycled by type of material (i.e. concrete, shingles, cardboard, wood, etc.); and
- c. tons or cubic yards of materials removed from the waste stream by type (i.e., Class I, Class III, hazardous waste).

20. **Annual Report.** The operator shall be responsible for providing an annual report to the Alachua County Growth Management Department by November 15th of each year, to cover the period from October 1st to September 31st. The report shall include the following information:

- a. An updated site plan showing location and acreage of:
 1. areas that have been excavated, filled and reclaimed;
 2. areas that are currently excavated and continue to be used as working areas to receive fill; and
 3. areas that are planned for excavation, fill or reclamation within the following year.
- b. A calculation of the remaining available capacity (volume) for C&D debris volume.
- c. A monthly compilation of the waste stream records.
- d. A summary of activities and the status of exotic/invasive plants, including:
 1. a graphic or written description of the locations of and the species of existing exotic/invasive plants;
 2. a log of activities during the past year intended to identify and

eradicate problem plants; and,

3. a narrative about how the operator intends to deal with problem areas during the next year.

e. An inventory and update on the condition of plantings in and around the required stormwater facilities.

21. **Operations during an Emergency.** When a state of emergency has been declared by the Alachua County Commission or when the off-site transfer station has been rendered inoperable by fire, storm damage, or other natural disaster and the operator is in the process of reconstruction, then the activities specified below may be authorized by the County Zoning Administrator at the site for a limited and specified duration:

- a. accepting waste directly without prior screening at the transfer station or major demolition site, provided that waste is screened on the site and unpermitted and hazardous materials are removed; and
- b. conducting limited recycling activities.

The burning of vegetative matter or other debris shall not be allowed on the site, even during declared emergencies.

22. **Access for Inspection.** The site shall be accessible by County, State and Federal personnel at reasonable hours to allow for inspection of the filling operation.

23. **Compliance.** The applicant shall comply with all federal, state, and local laws, rules, regulations, and ordinances, now and hereafter in force, which may be

applicable to the use of the site. Any violation of these regulations or of the terms and conditions of this permit shall be grounds for suspension or revocation by the Alachua County Board of County Commissioners.

24. **Location of Excavation Areas.** Excavation of new borrow areas will be limited to within five feet of high season water table (HSWT).

25. **Method of Excavation.** The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the pit. The use of the land should be so that excavation begins at one part of the property and proceeds to the remainder of the property, carrying this depth throughout the width and length of the land. A registered land surveyor, licensed in the state of Florida, shall establish accessible benchmarks representative of mean sea level elevation equal to five feet above high season water table. The benchmarks shall be placed at a maximum of 500 foot centers within the limits of the areas of active excavation to ensure excavation does not exceed this depth. Field adjustments shall be made as necessary to accomplish this intent.

26. **Setbacks for Excavation.** The Development Review application will include a demonstration that the proposed location of the new borrow area (shown as Borrow Area No. 2 on the submitted development plans) is located with appropriate setbacks to filled C&D areas and stormwater management systems per local and state permitting requirements.

Bases

1. Policy 5.1.2 of the Future Land Use Element determines that landfills are institutional uses. **Policy 5.1.1** states that such institutional uses may be allowed in areas specifically designated for institutional land use on the Future Land Use Map, as well as in other land use categories, as provided in the Land Development Regulations.

2. Policy 5.2.2 of the Future Land Use Element states that institutional land uses shall be located where they may be integrated into the surrounding community. Adjacent uses include low-density residential developments, an institutional use, and single-family dwellings on larger lots. The amended special use permit, if approved, will not create any additional impact upon these surrounding uses. **Policy 5.5.2** states that sanitary landfills shall be adequately buffered from residential neighborhoods. The setbacks and buffers previously required have effectively protected surrounding residential areas and are maintained in the conditions of this special use permit.

3. Policy 1.3.1 of the Solid Waste Element states that landfill operators should keep a log of materials disposed on the site. The Florence Landfill site provides daily information on the intake of materials to the FDEP, where they are available to the County at any time by request. On an annual basis, the applicant will provide information concerning the total amounts of solid waste received at the site, the amount of unpermitted materials removed from the waste stream, as well as a calculation of the remaining capacity and an account of other changes on the site. **Policy 1.3.2** At the County's discretion additional regulatory methods may include, but not be limited to,

periodic inspections and monitoring programs during permitting, operation, closure, and after closure of landfills, and states that the need for such methods will be based upon site-specific conditions such as hydrogeology, ecological characteristics, and neighboring land use. **Policy 1.3.3** states that all solid waste disposal systems shall provide for the eventual closure and reuse of the site. A condition of this special use permit outlines certain methods for reclamation and requires that a reclamation plan be developed for the site and approved by the Development Review Committee. A condition in the special use permit requires that the site be filled continuously and then closed incrementally in sections of no greater than 5 acres in size. In addition, the site is regulated by a reclamation plan under the permit issued by the FDEP.

4. Policy 7.1.2 of the Future Land Use Element states that proposed changes to the zoning map shall be considered in light of the availability and capacity of public facilities required to serve development, as well as the relationship of the proposed development to existing development in the vicinity. The solid waste management facility is located on a minor arterial road that has existing capacity remaining. The continued use of the site under the proposed special use permit will not impact emergency services or school capacity in Alachua County. Surrounding land uses include single-family residential subdivisions, residences on large lots, and large undeveloped parcels. There is a church directly adjacent to the site on the west. The future land use designations of properties in the area are primarily estate residential, with institutional land use on the parcel with the church. This construction and demolition landfill is a relatively incompatible use with the surrounding residences, bringing truck traffic into the area and involving the regular operation of heavy equipment. In addition, the future land use designation of estate residential on the subject property is not the preferred

location for such a use. However, the use is previously established and there is a current need to continue the filling operation on the site until it may be properly closed.

5. Section 402.125 states that, in granting a special use permit, the Board may prescribe conditions and safeguards in order to protect the public health, safety and welfare. **Section 402.126** determines minor and major amendments to existing special use permits. The requested changes to this SUP constitute a major amendment.

6. Chapter 404, Article 24 of the ULDC regulates mining and land excavation and filling activities and protects surrounding residential areas as well as conservation and preservation areas. **Section 404.91** provides the criteria under which review of mining and fill operations shall occur. The Florence Landfill operates under a valid SUP approved by the Board prior to January 30, 2006. However, per **Section 404.95**, the operator of this C&D landfill shall request renewal of the SUP every five years. The previous SUP renewal occurred in 2005. The renewal period will extent from 2010 until 2015, per amended Condition #1 of this SUP.

7. Section 404.96 provides the general standards for mining and excavation and fill operations. These include prohibited activities, material disposal, hours of operation, site access, road stabilization and dust control. In each case, the Florence operation, either through conditions set forth in the SUP or associated state permits, meet the requirements of 404.96. The operation is therefore consistent with this section of the ULDC.

8. Additional requirements for mining and excavation/fill operations are found in **Section 404.98 of the ULDC**. These include method and depth of excavation as well as reclamation standards. Again, the conditions set forth in the SUP as well as state standards for mining operations ensure that these requirements are being met. Monitoring requirements are set forth in the ULDC as well as at the state level to ensure these standards are maintained.

9. Lastly, **Section 404.100** provides a list of all required material that shall be submitted as part of any SUP application or renewal. These include a project description, maps, photographs, a development plan as well as a survey. The applicant has provided a complete set of materials for review by staff. These include: a location map, a project description, aerial photographs, a development plan, floodplain maps, soils map, topographic survey, a list of available water resources on the site as well as a site survey. All materials were provided in accordance with the criteria set forth in this chapter of the ULDC.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 10th day of August, A.D., 2010.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Cynthia Moore Chestnut, Chair

ATTEST:

J. K. Irby, Clerk

APPROVED AS TO FORM

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS



Department of Growth Management

Authorized Designee

EXHIBIT A

LOTS 10, 11, 22, 23, AND 24 LESS THE NORTH 110 FEET OF LOT 24, LESS THE EAST 100 FEET OF LOT 11, OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 20 EAST, AS PER A PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 92 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.