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Special Use Permit Minor Amendment Application



Project Request: A minor amendment to renew the existing Special Use Permit for the Watson C & D debris disposal facility.

Project Location: 44.5-acre property located at 20103 SW Archer Road (parcel number 05104-002-002)

Project Owner: CountyLine Landfill, LLC

Submittal Date: September 10, 2012

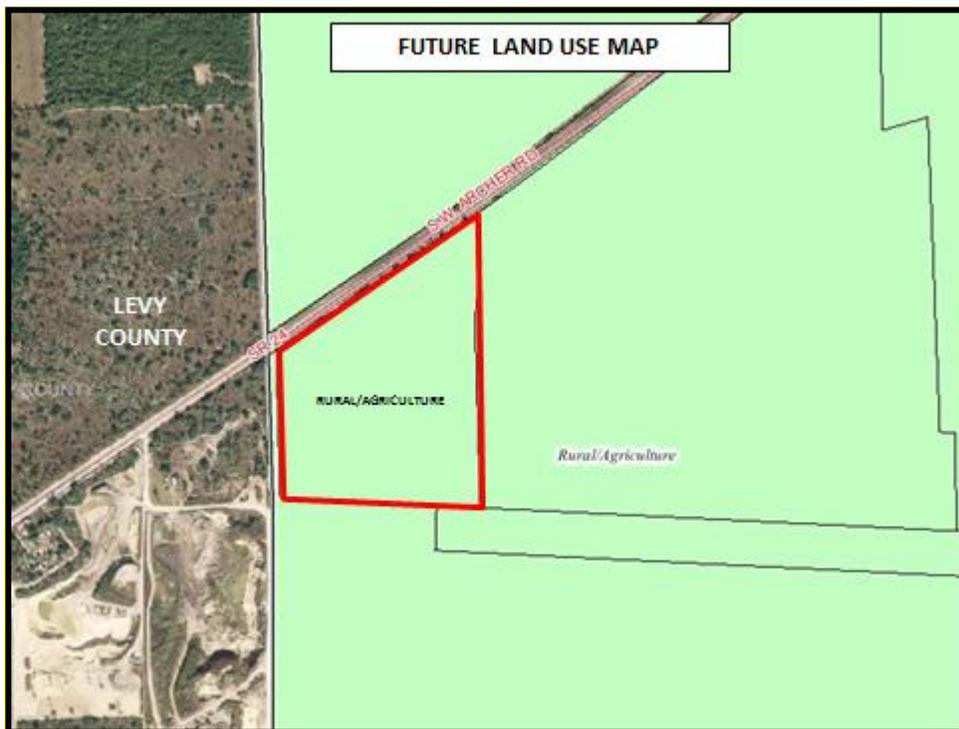
Prepared By: Eng, Denman and Associates, Inc.

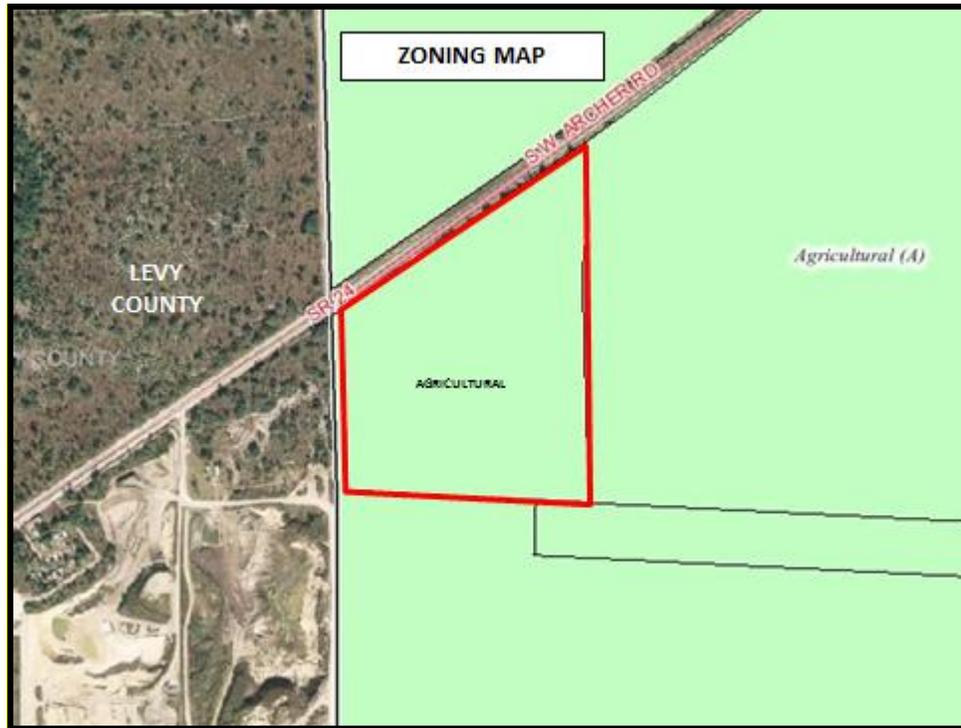
Project Summary

The applicant requests a Special Use Permit amendment for the existing Watson C&D disposal facility on approximately 44.5 acres located at 20103 SW Archer Road. The subject property has an Agriculture zoning and a Rural/Agriculture future land use designation. The parcel number associated with the project is 05104-002-002. Specifically, this application requests a 5-year renewal (2012 – 2017) of the special use permit as required by Alachua County with no other modifications to the permitted facility. Therefore, the operation will not increase in size or scope and the existing setbacks, buffers, hours of operation and operation plan will continue as seen today.

Future Land Use Designation and Zoning District

The subject property currently has a Rural Agriculture Future Land Use map designation and Agriculture zoning district, as shown on the following maps:





Comprehensive Plan Consistency

The proposed SUP renewal is consistent with the Future Land Use Element, the Solid Waste Element, and the Conservation and Open Space Element of the Comprehensive Plan, and is compatible with surrounding land uses. This operation will be properly regulated to ensure proper solid waste disposal methods are followed.

Future Land Use Element

Policy 5.1.1 Potential locations for major future institutional uses are identified on the Future Land Use Maps. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0, and within the Comprehensive Plan as a whole.

Policy 5.1.2 The following uses are considered institutional and governmental uses in Alachua County:

- c. Public Utility, Communications and Infrastructure Services (e.g. utility transmission and distribution facilities, landfills)*

Consistency: Policy 5.1.2(c) indicates that C&D facilities (landfills) are considered to be institutional uses. Further, Policy 5.1.1 states that such institutional uses may be allowed in areas specifically designated for institutional use on the Future Land

Use Map, as well as other land use categories (such as the Rural Agriculture designation on the subject property).

Policy 5.2.1 The following criteria shall determine the appropriateness of potential institutional locations and uses requiring special use permits shall be demonstrated prior to establishing the institutional use:

- a. Optimum service area*
- b. Optimum operating size*
- c. Access to clientele*
- d. Compatibility of the scale and intensity of the use in relation to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.*
- e. Nature of service provision.*
- f. Needs of the clientele*
- g. Availability and adequacy of public infrastructure to serve the particular use.*
- h. Preservation and strengthening of community and neighborhood character through design.*
- i. Consistency with the goals, objectives and policies of the Conservation and Open Space Element.*

Policy 5.2.2 Institutional uses shall be designed and located for integration into the surrounding community. Land use decisions concerning location of institutional uses shall take into consideration environmental justice.

Consistency: These policies indicate that institutional land uses shall not be located where they would have an adverse impact on surrounding land uses. Uses adjacent to the subject property include similar excavation and fill operations and an arterial state road. The Watson C&D facility has been in operation for many years and has operated in good standing with the county and other regulatory agencies. The proposed SUP amendment should not create any additional impacts upon surrounding uses as the facility is not expanding in size or scope.

Policy 5.5.2 Sanitary landfills, solid waste transfer stations, and regional sewage treatment plants shall be adequately buffered from residential neighborhoods.

Consistency: The facility is surrounded by similar types of excavation and fill operations and is not located near any residential areas. In addition, setbacks and buffers are also provided in the SUP conditions.

Policy 7.1.2 Proposed changes in the zoning map shall consider:

- a. consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan.*
- b. the availability and capacity of public facilities required to serve the development...*

- c. *the relationship of the proposed development to existing development in the vicinity and considerations related to environmental justice.*

Consistency: The continued operation and modification of the C&D facility will not cause level of service standards to be exceeded. The proposed SUP application should not result in an increased use of any public facilities. The existing facility is compatible with the existing development pattern in the area. There are excavation/fill operations located on three sides of the facility and an arterial state road on the fourth.

Solid Waste Element

Objective 1.3 Regulate, consistent with local, state, and federal regulations, all privately-operated landfills, including C&D landfills, and solid waste management facilities to ensure proper disposal methods and protection of natural resources including groundwater.

Consistency: This objective requires that private fill operations (such as the project site) be regulated consistent with local, state and federal regulations to ensure proper disposal methods and protection of natural resources including groundwater. The conditions of the special use permit restrict materials allowed for fill to construction and demolition (C&D) debris only. This operation is properly regulated on the site by the conditions in the existing special use permit. In addition, the facility has been issued the appropriate permits from the Florida Department of Environmental Protection.

Policy 1.3.1 Each landfill operator, including C&D landfill operators, shall be required to maintain accurate daily logs of, and report to the County, the volume or weight of materials disposed by material type. Penalties will be imposed for failure to report. The County will track landfill, including C&D landfill, disposal reporting.

Consistency: The existing C&D facility maintains daily logs to track all on-site activity.

Policy 1.3.2 Solid waste disposal systems shall be designed to prevent air, water and soil pollution, and danger to public health and safety. The use of land, water or air for uncontrolled disposal of any waste shall be prohibited. Development regulations shall require use of appropriate methods for preventing leachates which violate water quality standards from entering ground and surface water at all active landfill sites. At the County's discretion additional regulatory methods may include, but not be limited to, periodic inspections and monitoring programs during the permitting, operation, closure, and after closure of landfills. The need for additional regulatory methods will be based upon site specific conditions such as hydrogeology, ecological characteristics, and neighboring land use. Additional inspections and groundwater monitoring requirements shall be at the expense of the owner. It shall be the responsibility of the permit holder and/or land owner to provide for the cost of monitoring and proper closure. Monitoring

and closure shall be reviewed by the County and/or appropriate agencies. This policy does not preclude the proper use of manure, mulching or composting of yard waste, or regulated use of biosolids for land application.

Consistency: The existing C&D operation operates in full compliance with all applicable federal, state and local regulations, including site specific SUP conditions to ensure that proper monitoring and inspections occur at the facility.

1.3.2.1 Each landfill operator, including C&D landfill operators, shall be required to monitor soil and groundwater, using sufficient methods to ensure no contamination of ground and surface waters as a result of the landfill activity. Monitoring programs shall be, at a minimum, in accordance with Florida Department of Environmental Protection landfill permits. The County may require a more stringent monitoring program at specific landfill sites. A monitoring program imposed by the County that is more stringent than that called for in the FDEP permit(s) shall consider the expense of the increased requirements.

Consistency: This C&D operation will continue to operate in full compliance with all applicable monitoring requirements and all applicable federal, state and local regulations, including site specific SUP conditions to ensure that the facility is properly operated.

Policy 1.3.3 Land based solid waste disposal systems shall provide for the eventual closure and reuse of the site.

Consistency: This existing fill operation contains a reclamation plan to provide for the closure and eventual reuse of the site. No changes to the reclamation plan are proposed as part of this application.

Conservation and Open Space Element

Objective 4.3 Regulate extraction activities so that they do not adversely affect the quality of air, groundwater, surface water, land and wildlife.

Consistency: All extraction activities have concluded on the property and fill operations are what remain to occur. Therefore, there will be no extraction activities that could have a negative impact to the quality of air, groundwater, surface water, land and wildlife.

Policy 4.3.3 The development shall address mining, land excavation and filling activities, and shall include provisions for reclamation and reuse, and assure successful completion of approved reclamation and reuse plans. Mining, land excavation, and filling activities shall be consistent, at a minimum, with the Alachua County Excavation and Fill Ordinance and the Alachua County Surface Mining and Land Reclamation Ordinance which provide for permit requirements and standards for site location, site design, environmental protection and reclamation.

Consistency: The existing C&D fill operation will continue to operate in full compliance with the ULDC and all applicable federal, state and local regulations, including site specific SUP conditions to ensure that the facility is properly operated. In addition, the operator will implement a reclamation plan upon closure of the facility. The conditions applied to this special use permit ensure that the operation complies with all applicable regulations.

Policy 4.3.4 The quality and quantity of ground and surface waters shall not be significantly altered through extraction operations. Potential groundwater impacts shall be evaluated by the applicant prior to commencement of mining activities as part of the permitting process. Water quality and quantity monitoring activities at extraction sites shall be reviewed by the County. Costs for providing water quality and quantity monitoring at extraction sites shall be borne by the extractor.

Consistency: The quality and quantity of ground and surface waters shall not be significantly altered. No additional extraction activities are proposed as this site is presently a fill operation.

Policy 4.9.2 During the land use planning and development review processes, the County shall minimize the effects of development on significant plant and wildlife habitat. All developments shall protect the significant plant and wildlife habitat that occurs on site, subject to the limitation of 4.9.12.

Consistency: The SUP amendment does not propose any expansion of the geographic area of the project and subsequently, will not affect any additional undisturbed lands. In addition, no significant plant and wildlife habitat has been identified on-site.

Unified Land Development Code (ULDC) Consistency:

Sec. 400.02 is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of Alachua County, and to encourage the orderly, harmonious and judicious use of land, consistent with the goals, policies and strategies of the Alachua County Comprehensive Plan. This application demonstrates consistency with the intent of the ULDC through compliance with all applicable federal, state and local regulations, including site-specific conditions.

Sec. 402.125 states that, in granting any special use permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health safety, and welfare, in conformity with the ULDC. Again, this application demonstrates consistency through compliance with all applicable federal, state and local regulations, including site-specific conditions.

Sec. 402.126 defines minor and major amendments to existing special use permits. The County has determined that renewals of existing SUP's and amendments as proposed are considered to be a minor amendment. Therefore, as this application is a renewal request, it shall be reviewed as a minor amendment.

Sec. 404.90 states that the purpose of this article is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or preservation areas identified on the future land use map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the county. The proposed application addresses these criteria through the provision of setbacks, landscape buffers, operations plans, monitoring plans and a reclamation plan (included in the application).

Sec. 404.91 states that the requirements of this article shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special use permit, mining master plan, development plan or mining permit approved by January 30, 2006. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this article. In addition, any mining or excavation and fill operation shall be subject to the requirements of this article as part of any annual report, as required by section 404.102, or as a result of an application to expand or modify the facility.

Sec. 404.95 states that the approval of a special use permit and development plan for a mining or excavation and fill operation shall be valid for a maximum of five years or for a period specified in the special use permit necessary for the completion of all operations, including necessary reclamation. This application requests a five year renewal from the previous SUP approval in 2007.

Sec. 404.96 outlines the general standards for mining or excavation and fill operations. This ULDC section is indicated below with the applicant's statement of consistency listed after each section.

(a) Prohibited activities. Unless permitted by a special use permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.

(1) Surface waters and wetlands. Mining, excavation or filling shall not be permitted in surface waters or wetlands, except as provided in the applicable requirements of this ULDC. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated except as provided in the approved development plan.

Consistency: There are no surface waters or wetlands located on the subject property.

(2) Operations in groundwater. Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except

as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of an aquifer beyond the boundaries of the approved mining or excavation and fill operation.

Consistency: No activities are proposed within groundwater of the Floridan or intermediate aquifer systems.

(3) Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.

Consistency: No vibration that would cause damage or any kind to persons or property is anticipated as any part of this special use permit.

(4) Blasting. Where specifically permitted by the conditions of a special use permit, blasting or other use of explosives shall comply with all applicable federal, state and county standards.

Consistency: No blasting shall occur on site.

(5) Degradation of water quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.

Consistency: Sheet C1.00 includes a note that indicates that during the initial phase (Phase 0) where fill will occur below natural grade, a slope will be maintained to direct stormwater runoff away from the working area of the fill operation. In subsequent phases when fill occurs above natural grade, stormwater basins are required to be constructed to collect runoff away from the fill areas.

(b) Limited disposal of materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to construction and demolition debris or further limited to clean debris and land clearing debris, as specified by the approved special use permit for the site.

(1) Construction and demolition debris. Construction and demolition debris shall be limited to glass, brick, concrete, asphalt material, gypsum wallboard, and lumber (excluding CCA pressure-treated), nonrecyclable scrap metal (steel, iron, aluminum), clay construction materials (brick, pipe), and plastics (pipe, sheeting), uncontaminated soil and rock and land-clearing debris from construction

projects. Asbestos materials are specifically excluded. Contamination of construction and demolition debris with any amount of other types of solid or hazardous waste will cause it to be classified as other than construction and demolition debris.

Consistency: The on-site fill operation permits construction and demolition debris, as defined in this section.

(2) Clean debris and land clearing debris. Clean debris shall be limited to brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees, and other vegetative matter from land clearing for a construction project.

Consistency: Clean debris and land clearing debris used as fill is also permitted as part of this proposed fill operation.

(c) Hours of operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special use permit.

Consistency: The existing hours of operation is Monday-Saturday, 7:00 a.m. – 8:30 p.m. and closed on Sundays, based on approved FDEP permit.

(d) Access routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.

Consistency: Truck traffic enters the project site through an established driveway entrance from State Road 24. No modifications to the existing access route as part of this SUP amendment is proposed.

(e) Temporary road stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The development plan shall include an identification of all areas proposed as asphalt or material storage areas and a procedure for the disposal of material utilized for temporary road stabilization.

Consistency: No use of milled or crushed asphalt is proposed for temporary road stabilization. No permanent storage or burial of asphalt will be permitted on-site.

(f) Dust controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation with the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the DRC and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

Consistency: Dust control measures shall be incorporated as part of the facility and are required as part of the existing FDEP permit.

Section 404.98 contains the following additional excavation and fill operation requirements.

(a) 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 site. The use of the land shall be so that excavation is brought to the permitted depth at one part of the property and then proceeds to the remainder of the property.

Consistency: No excavation shall occur as part of this existing C&D debris disposal facility.

(b) Depth of excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than 15 vertical feet above the top of the Floridan Aquifer, to ensure that a minimum of 15 feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks at 500 foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure 15 feet of undisturbed soil remains above the top of the Floridan Aquifer.

Consistency: No excavation will occur within 15 feet of the Floridan Aquifer.

(c) Continuous reclamation. Permanent vegetative cover shall be established in five or ten acre increments. Upon filling of five acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten acres of the site is being actively filled. For those areas that are not planned for backfilling, 1:4 (rise:run) side slopes shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately

after activity within an area of the site. Revegetation of all areas shall be accomplished no later than 90 days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil's condition and terrain features prevalent on the site.

Consistency: An existing and approved reclamation plan shall be implemented upon completion of various project phases and is consistent with the requirements of this ULDC section.

Sec. 404.100 provides a comprehensive list of all required materials for special use permit review. This application addresses each of the following applicable criteria:

The information in this section shall be submitted by an applicant as part of special use permit review.

(a) Project description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:

- (1) Types of minerals or materials to be mined or excavated on the site;*
- (2) The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;*
- (3) Estimated total area, in acres, to be mined or excavated and filled;*
- (4) Proposed approximate dates for beginning and completing all mining or excavation and fill operations;*
- (5) Proposed days and hours of operation;*
- (6) Proposed method for onsite processing of minerals or materials;*
- (7) Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;*
- (8) A description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within 1,000 feet of the site;*
- (9) A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;*
- (10) The anticipated number of trips per day to or from the site; and*
- (11) The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transportation.*

Consistency: The applicable descriptions are included in this report and exhibits.

(b) Location map. This map shall show the location of the site and boundaries of property lines in relation to state and county roads.

Consistency: Indicated on the Site Plan Cover Sheet.

(c) Aerial photograph. An aerial photograph taken within one year of application submittal, showing property lines and areas proposed for mining, excavation or fill.

Consistency: An aerial photograph is included in the Site Plan submittal.

- (d) *Development plan. This graphic shall include the following features:*
- (1) *All property lines within 500 feet of subject property;*
 - (2) *Public and private roads, paved or unpaved;*
 - (3) *Planned access from public or private roads;*
 - (4) *Utility lines and easements on site;*
 - (5) *Septic tanks and drain fields on site;*
 - (6) *Conservation areas on or adjacent to site;*
 - (7) *The approximate location and acreage of existing and proposed mining or excavation and fill areas, with a legend relating approximate time frames of activity within these areas;*
 - (8) *Cross-sectional of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic materials, based on test borings performed on the site;*
 - (9) *Proposed location of groundwater monitoring wells on the site;*
 - (10) *Proposed location of buildings and structures on site, including pipelines;*
 - (11) *Proposed location of height of milled asphalt storage piles, stockpiles, and spoil or other excavated materials;*
 - (12) *Proposed location of tanks for liquids stored on the site;*
 - (13) *Location of all fences, walls, earth berms or vegetative buffers to be installed or existing on site;*
 - (14) *Dimensions and total square feet of existing and planned impervious areas on the site;*
 - (15) *Location and dimensions of planned stormwater management facilities;*
 - (16) *Setbacks proposed for all structures and operations; and*
 - (17) *Existing potable water wells within 500 feet of the site boundaries.*

Consistency: The attached Site Plan indicates all the applicable features listed above.

(e) *Floodplain map. A USGS floodprone area map or USGS topographic map with 100-year floodprone areas is acceptable. The map shall include property lines of the proposed mining or excavation and fill site. The director shall have the right to require the applicant to submit data to establish the location of the 100-year floodprone area.*

Consistency: A floodplain map is included as part of the environmental resource inventory.

(f) *Soils map. A map of generalized soils, with property lines delineated. Natural Resource Conservation Service (NCRS) maps may be used for general reference.*

Consistency: A soils map is included as part of the attached environmental resource inventory.

(g) *Site topography. A map of topography consistent with the 7 1/2 USGS Minute Series or any more recent replacement, showing property lines and contour lines on the site at a maximum of two-foot intervals.*

Consistency: A topographic map is included in this application.

(h) *Water resources. A map of all wetlands and aquifer recharge areas on the site, delineating project property lines. This map shall show the proposed location of test wells on the site, which will be used to determine average and seasonal high water table depths and the direction of flow gradient.*

Consistency: No wetlands or high aquifer recharge areas are located on the site.

(i) *Survey of site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one year prior to the application submittal. The survey shall include locations and elevations of required 500-foot-centered benchmarks in areas designated for mining, excavation, or fill.*

Consistency: A survey is included in this application.

Proposed Revisions to Special Use Permit Conditions:

The only revision to the current Special Use Permit is to extend the timeframe of the facility by 5 years (2012 – 2017), as indicated below:

- This special use permit is issued to CountyLine Landfill, LLC (Larry Watson, President) to allow excavation, fill, and recycling of construction and/or demolition debris and shall expire October 9, ~~2012~~ 2017. In the event of transfer of this property or business to any other operating entity, this Special Use Permit shall terminate.*