

Carolyn Pina

---

**From:** Christopher Carollo <chris@floridafilldirt.com>  
**Sent:** Thursday, March 12, 2026 1:05 PM  
**To:** Carolyn Pina  
**Cc:** 'Alan Garman'; Frank DiCaro  
**Subject:** Lecanto Sand Mine ERP  
**Attachments:** FRASURE\_HULL\_PEACH\_ORCHARD.pdf; DITTRICH,\_JOHN.pdf; Permit\_Issue\_136109.pdf; LecantoSand MineDEP.pdf

You don't often get email from chris@floridafilldirt.com. [Learn why this is important](#)

**[EXTERNAL SENDER] Use caution before opening.**

Hello Carolyn.

Nice to meet you today and thanks for coming out to the site. I have CC'd Frank and Alan from ProCivil 360 who will submit the permit and provide whatever information requested.

I have also attached all the documents we went over today.

Per our conversation we will file either one ERP for the entire 70 acres or two separate ERP's, one for the 25 and one for the 45. I will let you two experts decide on the best course of action to take.

Thanks again,

Chris

*Christopher T. Carollo*

CEO & Co-Owner

**Lecanto Sand LLC, Velocity Landholdings LLC, & Centralia Sand LLC.**

[23110 State Road 54, #243, LUTZ, FL 33549](#)

(239) 537-3933

This email and all attachments hereto, if any, are covered by the provisions of the U.S. Electronic Communications Privacy Act. This communication and all attachments are confidential and privileged information that is for the sole use of the intended recipient at this address. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited by law. Any unauthorized copying, disclosure or distribution of this material is strictly forbidden.



BOARD OF COUNTY COMMISSIONERS  
 CITRUS COUNTY  
 EXECUTIVE OFFICES  
 NEW CITRUS COUNTY COURTHOUSE  
 110 North Apopka Avenue — Room 251  
 Inverness, Florida 32650

(904) 726-8500 Ext. 284

Reply To:

DEPARTMENT OF DEVELOPMENT

In reply, refer to: DD-Z-84-107

- Building Inspection (904) 746-4222
- Zoning and Permits (904) 746-4223
- Planning (904) 746-4223

P.O. Box N • Lecanto, Florida 32661

March 19, 1984

TO WHOM IT MAY CONCERN:

An affidavit has been submitted to this office stating that Lots 34, 35, and 36 in Frasure Hull Peach Orchards was used as a sand pit prior to August 15, 1979, and continuously thereafter to the present date. This property is located in Section 19, Township 19S, Range 18E, Citrus County, Florida.

Based on the above affidavit, we conclude that this use represents a valid non-conforming use which, under the Citrus County Zoning Ordinance as presently written, may continue. However, this decision may be appealed by any person aggrieved by that decision, as provided by Section 163.235 of the Florida Statutes and by the Citrus County Zoning Ordinance.

ATTEST:

*John A. Wishart*  
 \_\_\_\_\_  
 John A. Wishart, Director  
 Department of Development Regulation  
 Zoning and Permits Division

JAW:ami

*current property owner:  
 Jackson Sand + Clay  
 11/2001*

*alt Key - 1507367*

*19-18S-18E  
 1A000-0340*

*#3*

*Current property owner:  
 John Dittrich  
 7/21/88*

# PHONE MEMO



REORDER NO. RS0-178

TO <i>Back on Dinner</i>		DATE <i>5/4</i>	TIME <i>10:10</i>	AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>
FROM <i>Donald Cook</i>		AREA CODE		
OF <i>Travis &amp; Shell</i>		NO. <i>628-2405</i>		
		EXT. <i>-</i>		
MESSAGE				
<i>Peace Orchard -</i>				
<i>They are</i>				
<i>Working today -</i>				
PHONED <input checked="" type="checkbox"/>		CALL BACK <input checked="" type="checkbox"/>	RETURNED CALL <input type="checkbox"/>	WANTS TO SEE YOU <input type="checkbox"/>
SIGNED <i>[Signature]</i>		WILL CALL AGAIN <input type="checkbox"/>	WAS IN <input type="checkbox"/>	URGENT <input type="checkbox"/>

MADE WITH RECYCLED PAPER

A F F I D A V I T

I hereby state that lots # 34, 35 and 36 in Frasure Hull Peach Orchards, have been and are being used as sand pits. I bought and owned the land prior to any zoning in Citrus County. All surrounding lots are also being used as sand pits for the purpose of mining. These lots have been used prior to Aug. 15th, 1979 and continually there after to the present date.

Marvin Parker

Marvin Parker

STATE OF GEORGIA  
COUNTY OF WHITFIELD

Before me personally appeared MARVIN PARKER to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that MARVIN PARKER executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 21st day of October  
A.D. 19 83.

Wm. L. Clark  
NOTARY PUBLIC  
State of Georgia  
My Commission Expires March 1, 1987

My commission expires

DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION

PM2-09-021

MEMORANDUM

**To:** Gary W. Maidhof, Director, Department of Development Services  
**From:** Sue Farnsworth, Environmental Planner, Community Development Division  
**Thru:** Kevin A. Smith, AICP, Director, Community Development Division  
**Date:** February 4, 2009  
**Subject:** Dirt Boy's Inc. Mine Vesting Status

---

On December 15, 2008 Paul Furman of McKean & Associates wrote to confirm that seven parcels owned and operated by Dirt Boy's, Inc., are vested for sand borrow pit use. The subject area is lots 31 and 32 (2B000-0315, 2B000-0321, 2B000-0325, and 2B000-03230) and lots 34, 35, and 36 (1A000-0340, 1A000-0350, and 1A000-0360) of Frasure Hull Peach Orchard.

He states that these lots are currently and have historically been used for sand extraction. Mr. Furman provided aerial photographs showing lots 34, 35, and 36 being used for extraction prior to 1985. He also provided a 1984 VNU determination (DD-Z-84-107) for sand mining on lots 34, 35, and 36. The aerial photographs show evidence of mining on lots 31 and 32 starting some time between 1995 and 2003. Mr. Furman also provided a copy of letter DS-05-313 which acknowledges the VNU approval on lots 34, 35, and 36. Letter DS-05-313 further states that a permit to mine would be required for the other lots designated extractive.

Our records indicate all seven parcels are designated Extractive on the Future land Use Map. The Land Development Code Atlas identifies lots 31 and 32 as "Extractive" and lots 34, 35, and 36 as "Low Density Residential". VNU files indicate lots 31 and 32 were not included in the 1984 VNU request. Other applications on the subject property include Conditional Use requests for operation of a vegetative grinder (CU-06-08 and CU-08-03), operation permit for a vegetative grinder, and tree removal on lots 34 and 35 to expand the existing sand pit.

Mr. Furman specifically requests confirmation of vested mining setbacks for all the parcels. He states that they are 50 feet based on vested rights for lots 34, 35, and 36 and other vested sand operations within the area. There was no setback specified within the 1984 VNU determination. Letter DS-05-313 states that "In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine".

Memo: Dirt Boy's Inc. Mine Vesting Status  
February 4, 2009

An annotated copy of the LDC Atlas, DS-05-313, and DD-Z-84-107 are attached for your reference.

SF/kmy

Cc: Jenette B. Collins, AICP, Assistant Community Development Director  
~~"Dittich, John - vested rights file"~~  
Mining-Vested Rights General File  
Frasure Hull Peach Orchard project file





BOARD OF COUNTY COMMISSIONERS  
 CITRUS COUNTY  
 EXECUTIVE OFFICES  
 NEW CITRUS COUNTY COURTHOUSE  
 110 North Apopka Avenue - Room 251  
 Inverness, Florida 32650

(904) 726-8500 Ext. 284

Reply To:

In reply, refer to: DD-Z-84-107

DEPARTMENT OF DEVELOPMENT

- Building Inspection (904) 746-4222
- Zoning and Permits (904) 746-4223
- Planning (904) 746-4223

P.O. Box N • Lecanto, Florida 32661

March 19, 1984

TO WHOM IT MAY CONCERN:

An affidavit has been submitted to this office stating that Lots 34, 35, and 36 in Frasure Hull Peach Orchards was used as a sand pit prior to August 15, 1979, and continuously thereafter to the present date. This property is located in Section 19, Township 19S, Range 18E, Citrus County, Florida.

Based on the above affidavit, we conclude that this use represents a valid non-conforming use which, under the Citrus County Zoning Ordinance as presently written, may continue. However, this decision may be appealed by any person aggrieved by that decision, as provided by Section 163.235 of the Florida Statutes and by the Citrus County Zoning Ordinance.

ATTEST:

*John A. Wishart*

John A. Wishart, Director  
 Department of Development Regulation  
 Zoning and Permits Division

JAW:ami

*current property owner:  
 Jackson Sand + Clay  
 11/2001*

*alt Key - 1507367*

*9-195-18E  
 4000-0340*

*#3*

*Current property owner:  
 John Dittrich  
 7/21/88*



# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>

Toll Free (352) 489-2120 • TTY (352) 527-5312  
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

DS-05-313

October 24, 2005

Mr. John Barnes  
J&K Consultants  
4177 S. Suncoast Boulevard  
Homosassa, Florida 34446

Re: Sand Pit – Frasure Hull Peach Orchards

Dear Mr. Barnes:

The above referenced property was recognized as a valid non-conforming use in March 1984. Therefore, mining of those lots may continue regardless of an ownership change. The other identified lots are designated Extractive and could be added to the existing mine, but a permit to mine them must be obtained. In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine.

A grinder would be allowed, but a permit application must be submitted for approval.

Respectfully,

Gary W. Maidhof, Director  
Department of Development Services

GWM:pla

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5236  
Fax 527-5252



## FRASURE HULL PEACH ORCHARD

### RELATED FILES

DDS-Z-88-308	Donald Cook – Extraction lots 38, 45, & 46
VNU-04-06	Donald Cook – Extraction lots 38, 45, & 46
VNU (1984)	John Dittrich – Sand pit lots 34-36
BCC-CPA-94-03	Frasure Hull Peach Orchard
CU-05-12 (A)	Incinerator at D.M. & Sons sand pit
CU-06-05 (D)	Vegetative Debris Disposal at R&B fill site
CU-06-08 (A)	Vegetative Grinder at Dirt Boys (AKA Jackson Sand & Clay)
VR-35 (A)	Donald Cook – Extraction lots 3, 15, 38, 39, & 40 (now precision)
CU-08-04	Vegetative Grinder at R&B fill site
CU-08-03	Vegetative Grinder at Dirt Boys
<i>DS-08-429</i>	<i>R&amp;B Fill Vested Rights Confirmation - lots 38, 45 &amp; 46</i>

DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION

PM2-09-021

MEMORANDUM

**To:** Gary W. Maidhof, Director, Department of Development Services  
**From:** Sue Farnsworth, Environmental Planner, Community Development Division   
**Thru:** Kevin A. Smith, AICP, Director, Community Development Division   
**Date:** February 4, 2009  
**Subject:** Dirt Boy's Inc. Mine Vesting Status

---

On December 15, 2008 Paul Furman of McKean & Associates wrote to confirm that seven parcels owned and operated by Dirt Boy's, Inc., are vested for sand borrow pit use. The subject area is lots 31 and 32 (2B000-0315, 2B000-0321, 2B000-0325, and 2B000-03230) and lots 34, 35, and 36 (1A000-0340, 1A000-0350, and 1A000-0360) of Frasure Hull Peach Orchard.

He states that these lots are currently and have historically been used for sand extraction. Mr. Furman provided aerial photographs showing lots 34, 35, and 36 being used for extraction prior to 1985. He also provided a 1984 VNU determination (DD-Z-84-107) for sand mining on lots 34, 35, and 36. The aerial photographs show evidence of mining on lots 31 and 32 starting some time between 1995 and 2003. Mr. Furman also provided a copy of letter DS-05-313 which acknowledges the VNU approval on lots 34, 35, and 36. Letter DS-05-313 further states that a permit to mine would be required for the other lots designated extractive.

Our records indicate all seven parcels are designated Extractive on the Future land Use Map. The Land Development Code Atlas identifies lots 31 and 32 as "Extractive" and lots 34, 35, and 36 as "Low Density Residential". VNU files indicate lots 31 and 32 were not included in the 1984 VNU request. Other applications on the subject property include Conditional Use requests for operation of a vegetative grinder (CU-06-08 and CU-08-03), operation permit for a vegetative grinder, and tree removal on lots 34 and 35 to expand the existing sand pit.

Mr. Furman specifically requests confirmation of vested mining setbacks for all the parcels. He states that they are 50 feet based on vested rights for lots 34, 35, and 36 and other vested sand operations within the area. There was no setback specified within the 1984 VNU determination. Letter DS-05-313 states that "In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine".

Memo: Dirt Boy's Inc. Mine Vesting Status  
February 4, 2009

An annotated copy of the LDC Atlas, DS-05-313, and DD-Z-84-107 are attached for your reference.

SF/kmy

Cc: Jenette B. Collins, AICP, Assistant Community Development Director  
"Dittrich, John" vested rights file  
Mining-Vested Rights General File  
~~Pressure Hill Peach Orchard project file~~

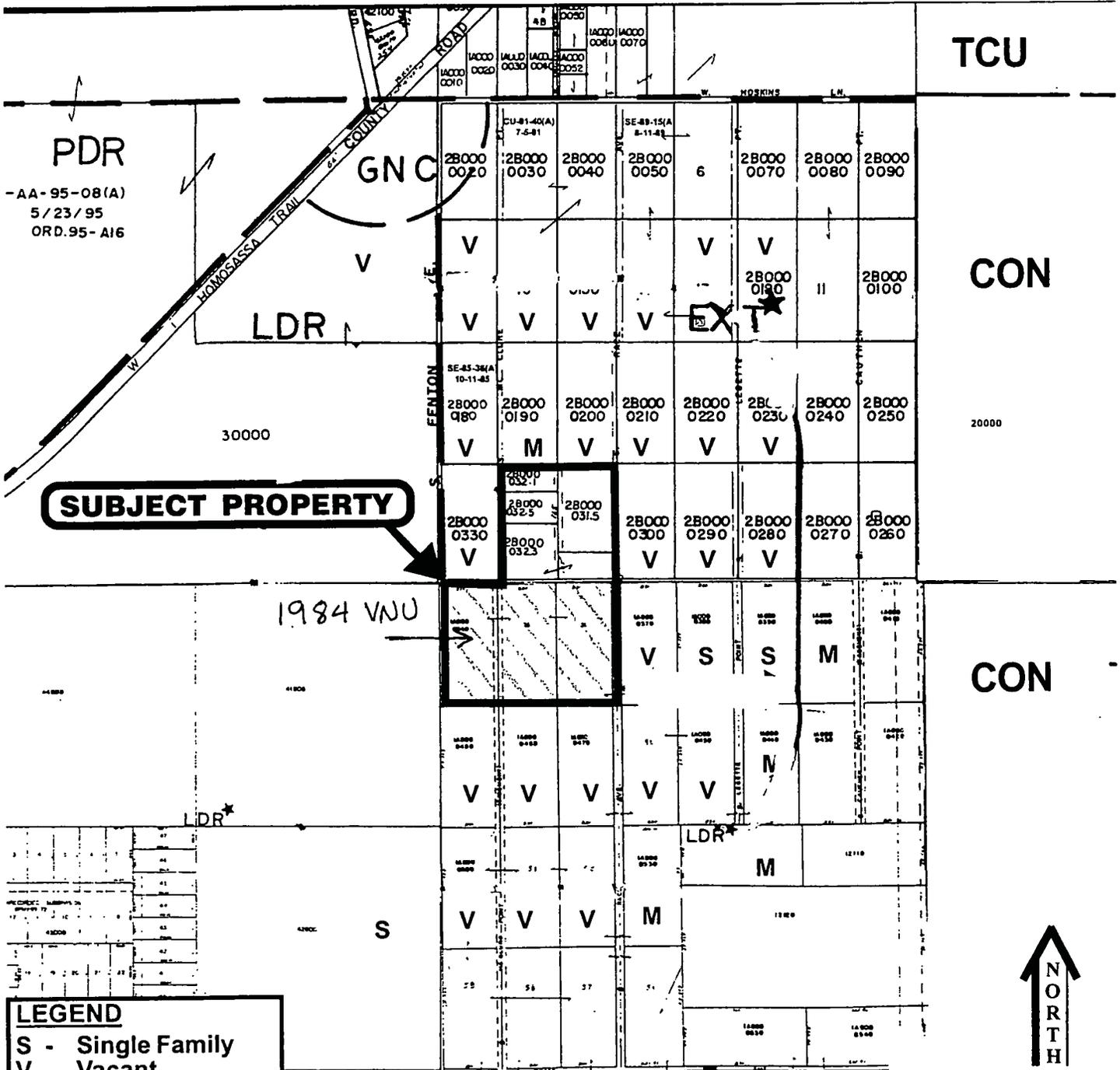
Sec.: 18  
19

Twn.: 19

Rge.: 18

Qtr.: SE  
NE

### Existing Land Use and Current Land Use Designations



**SUBJECT PROPERTY**

**LEGEND**

- S - Single Family
- V - Vacant
- M - Mobile Home

Subject Property is "EXT" on G, FLUM

Scale: 1" = 400'





BOARD OF COUNTY COMMISSIONERS  
CITRUS COUNTY  
EXECUTIVE OFFICES  
NEW CITRUS COUNTY COURTHOUSE  
110 North Apopka Avenue - Room 251  
Inverness, Florida 32650

(904) 726-8500 Ext. 284

Reply To:

In reply, refer to: DD-Z-84-107

DEPARTMENT OF DEVELOPMENT

- Building Inspection (904) 746-4222
- Zoning and Permits (904) 746-4223
- Planning (904) 746-4223

P.O. Box N • Lecanto, Florida 32661

March 19, 1984

TO WHOM IT MAY CONCERN:

An affidavit has been submitted to this office stating that Lots 34, 35, and 36 in Frasure Hull Peach Orchards was used as a sand pit prior to August 15, 1979, and continuously thereafter to the present date. This property is located in Section 19, Township 19S, Range 18E, Citrus County, Florida.

Based on the above affidavit, we conclude that this use represents a valid non-conforming use which, under the Citrus County Zoning Ordinance as presently written, may continue. However, this decision may be appealed by any person aggrieved by that decision, as provided by Section 163.235 of the Florida Statutes and by the Citrus County Zoning Ordinance.

ATTEST:

*John A. Wishart*

John A. Wishart, Director  
Department of Development Regulation  
Zoning and Permits Division

JAW:ami

*current property owner:  
jackson Sand + Clay  
9/1/2001*

*alt Key - 1507367*

*9-19S-18E  
A000-0340*

*#3*

*Current property owner:  
John Dittrich  
7/21/88*



# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>  
Toll Free (352) 489-2120 • TTY (352) 527-5312  
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

DS-05-313

October 24, 2005

Mr. John Barnes  
J&K Consultants  
4177 S. Suncoast Boulevard  
Homosassa, Florida 34446

Re: Sand Pit – Frasure Hull Peach Orchards

Dear Mr. Barnes:

The above referenced property was recognized as a valid non-conforming use in March 1984. Therefore, mining of those lots may continue regardless of an ownership change. The other identified lots are designated Extractive and could be added to the existing mine, but a permit to mine them must be obtained. In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine.

A grinder would be allowed, but a permit application must be submitted for approval.

Respectfully,

Gary W. Maidhof, Director  
Department of Development Services

GWM:pla

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5234  
Fax 527-5252

**DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION**

PM2-

**MEMORANDUM**

**To:** Gary W. Maidhof, Director, Department of Development Services  
**From:** Sue Farnsworth, Environmental Planner, Community  
Development Division  
**Thru:** Kevin A. Smith, AICP, Director, Community Development Division  
**Date:** February 4, 2009  
**Subject:** Dirt Boy's Inc. Mine Vesting Status

---

On December 15, 2008 Paul Furman of McKean & Associates wrote to confirm that seven parcels owned and operated by Dirt Boy's, Inc., are vested for sand borrow pit use. The subject area is lots 31 and 32 (2B000-0315, 2B000-0321, 2B000-0325, and 2B000-03230) and lots 34, 35, and 36 (1A000-0340, 1A000-0350, and 1A000-0360) of Frasure Hull Peach Orchard.

He states that these lots are currently and have historically been used for sand extraction. Mr. Furman provided aerial photographs showing lots 34, 35, and 36 being used for extraction prior to 1985. He also provided a 1984 VNU determination (DD-Z-84-107) for sand mining on lots 34, 35, and 36. The aerial photographs show evidence of mining on lots 31 and 32 starting some time between 1995 and 2003. Mr. Furman also provided a copy of letter DS-05-313 which acknowledges the VNU approval on lots 34, 35, and 36. Letter DS-05-313 further states that a permit to mine would be required for the other lots designated extractive.

Our records indicate all seven parcels are designated Extractive on the Future land Use Map. The Land Development Code Atlas identifies lots 31 and 32 as "Extractive" and lots 34, 35, and 36 as "Low Density Residential". VNU files indicate lots 31 and 32 were not included in the 1984 VNU request. Other applications on the subject property include Conditional Use requests for operation of a vegetative grinder (CU-06-08 and CU-08-03), operation permit for a vegetative grinder, and tree removal on lots 34 and 35 to expand the existing sand pit.

Mr. Furman specifically requests confirmation of vested mining setbacks for all the parcels. He states that they are 50 feet based on vested rights for lots 34, 35, and 36 and other vested sand operations within the area. There was no setback specified within the 1984 VNU determination. Letter DS-05-313 states that "In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine".

An annotated copy of the LDC Atlas, DS-05-313, and DD-Z-84-107 are attached for your reference.

SF/kmy

Cc: Jenette B. Collins, AICP, Assistant Community Development Director  
"Dittrich, John" vested rights file  
Mining-Vested Rights General File  
Frasure Hull Peach Orchard project file



**B/ARD OF COUNTY COMMISSIONERS**  
**DEPARTMENT OF DEVELOPMENT SERVICES**

Web Address: <http://www.bocc.citrus.fl.us>  
Toll Free (352) 489-2120 • TTY (352) 527-5312  
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

DS-05-313

October 24, 2005

Mr. John Barnes  
J&K Consultants  
4177 S. Suncoast Boulevard  
Homosassa, Florida 34446

Re: Sand Pit – Frasure Hull Peach Orchards

Dear Mr. Barnes:

The above referenced property was recognized as a valid non-conforming use in March 1984. Therefore, mining of those lots may continue regardless of an ownership change. The other identified lots are designated Extractive and could be added to the existing mine, but a permit to mine them must be obtained. In addition, a variance would be necessary if your client desires to mine at the same setbacks as the existing mine.

A grinder would be allowed, but a permit application must be submitted for approval.

Respectfully,

Gary W. Maidhof, Director  
Department of Development Services

GWM:pla

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5234  
Fax 527-5252



# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>

Toll Free (352) 489-2120 • TTY (352) 527-5312

3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

DS-08-429

December 5, 2008

Paul J. Furman, Project Manager  
McKean & Associates Engineering, Inc.  
625 US Highway 41S  
Inverness, Florida 34450-6401

Re: R&B Fill, Inc. Mine Vested Rights

Dear Mr. Furman:

County staff has completed their review of the information transmitted with your November 5<sup>th</sup> letter and concurs that three of the properties in question are vested pursuant to DDS-7-88-308. Therefore, the vested rights determination recognizes Parcels 1A000-0380, 1A000-0450, 1A000-0460 of Section 19-19-18.

Parcel 29 is designated Extractive, but there is no documentation supporting its inclusion within the vested rights determination. The fact that it was previously mined does not provide justification for its inclusion. If you or your client can provide additional documentation regarding Parcel 29, we will be happy to re-evaluate.

This letter, as well as staff's determination, will be added to the vested rights file for R&R Fill, Inc.

Respectfully,

Gary W. Maidhof, Director  
Department of Development Services

GWM:pla

cc: Kimberly Corbin, Code Enforcement Manager  
Sunniva Brown, Customer Service Supervisor

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5239  
Fax 527-5252

DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION

PM2-08-272

MEMORANDUM

**To:** Gary W. Maidhof, Director, Department of Development Services  
**From:** Sue Farnsworth, Environmental Planner, Community Development Division   
**Thru:** Kevin A. Smith, AICP, Director, Community Development Division   
**Date:** December 3, 2008  
**Subject:** R&B Fill, Inc. Mine vesting status

---

On November 25, 2008 Paul Furman of McKean & Associates wrote to confirm that four parcels owned by R&B Fill, Inc., are vested for sand borrow pit use. The subject area is parcels 1A000-0380, 1A000-0450, and 1A000-0460 of Section 19-19-18 and parcel 2B000-0290 of 18-19-18. He states that the first three parcels were recognized for use as a sand borrow pit in DDS-Z-88-308. Parcel 29 is in the Extractive land use district.

Our records confirm that DDS-Z-88-308 recognized the parcels in Section 19 as a sand borrow pit. Parcel 29 is not included in that determination but appears to have been previously mined for sand. 1994 aerial photography shows parcel 29 in use for sand mining. A copy of DDS-Z-88-308, the 1994 aerial, and the LDC atlas maps are attached for reference.

SF/kmy

**Cc:** Jenette B. Collins, AICP, Assistant Community Development Director  
"Donald Cook" vested rights file  
Mining-Vested Rights General File  
~~Frasure Hull~~ Peach Orchard project file



BOARD OF COUNTY COMMISSIONERS  
CITRUS COUNTY  
NEW CITRUS COUNTY COURTHOUSE  
110 North Apopka Avenue  
Inverness, Florida 32650

(904) 726-8500

June 22, 1988

Donald J. Cook  
Star Rt. 1 Box 490-50  
Lecanto, FL 32661

Reply To:

DEPARTMENT OF DEVELOPMENT SERVICES

Director (904) 746-4223  
 Zoning and Permits (904) 746-4223  
 Planning (904) 746-4223  
1300 So. Lecanto Hwy., Lecanto, FL 32661

In reply, refer to: DDS-Z-88-308

RE: Request for Certification as a Valid Nonconforming Use

Dear Mr. Cook,

This is to advise you that after carefully reviewing all evidence received on your request for certification as a valid nonconforming use for excavation/mining fill material, this office has determined that the claim is valid in that such use has been in existence since August 15, 1979 and continuously thereafter on the following described property:

Lots 38, 45 and 46 of Frasure Hull Peach Orchards Unrecorded Subdivision (complete legal description on file in the Zoning & Permits Division) lying in Section 19, Township 19 South, Range 18 East.

Please be further advised that certification of such excavation is limited to the above property only. No excavation shall be permitted to undermine any road right-of-way by maintaining a grade equal to or exceeding the elevation of the road right-of-way within 50 feet of any such road right-of-way. No excavation shall be permitted to penetrate the Florida aquifer. Also, no filling shall be permitted on the property without first obtaining the necessary Special Exception.

Section 4031 of the Citrus County Zoning Ordinance provides that no such nonconforming use shall be enlarged, increased in volume or extent, or expanded to occupy more of the land or building than was so used at the time of adoption of this Ordinance; and no such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Ordinance; except where such movement will have the effect of reducing the degree of nonconformity.

DDS-Z-88-123  
page 2 of 2  
-----

Also, in accordance with Section 4014 ("Appellate Procedures") of the Citrus County Zoning Ordinance (86-12), any aggrieved individual may appeal this decision within 30 days to the Citrus County Zoning Board of Adjustment.

If you have any questions on this or any related matter, do not hesitate to contact this office.

Sincerely,



Robert E. Skinner, AICP  
Director of Zoning & Permits

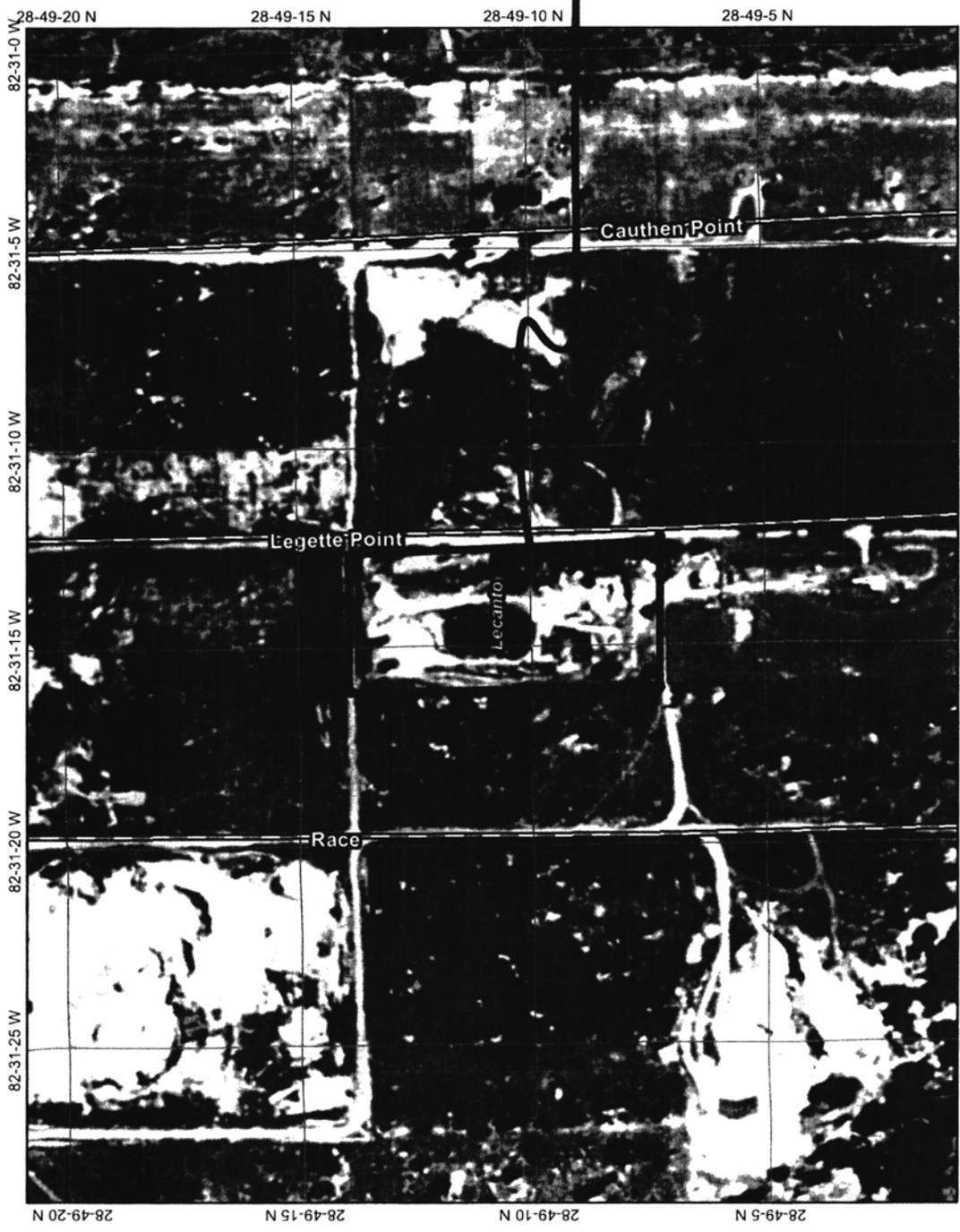
RES:gah

cc: Property owners within 500 feet of subject property  
Nancy Witty, Zoning Inspector

BEST IMAGE QUALITY



# R&B Fill site 1994



- Legend**
- Interstates
  - US Highways
  - State Highways
  - Local Roads
  - TIGER Roads
  - Cities (census places)

lot 29

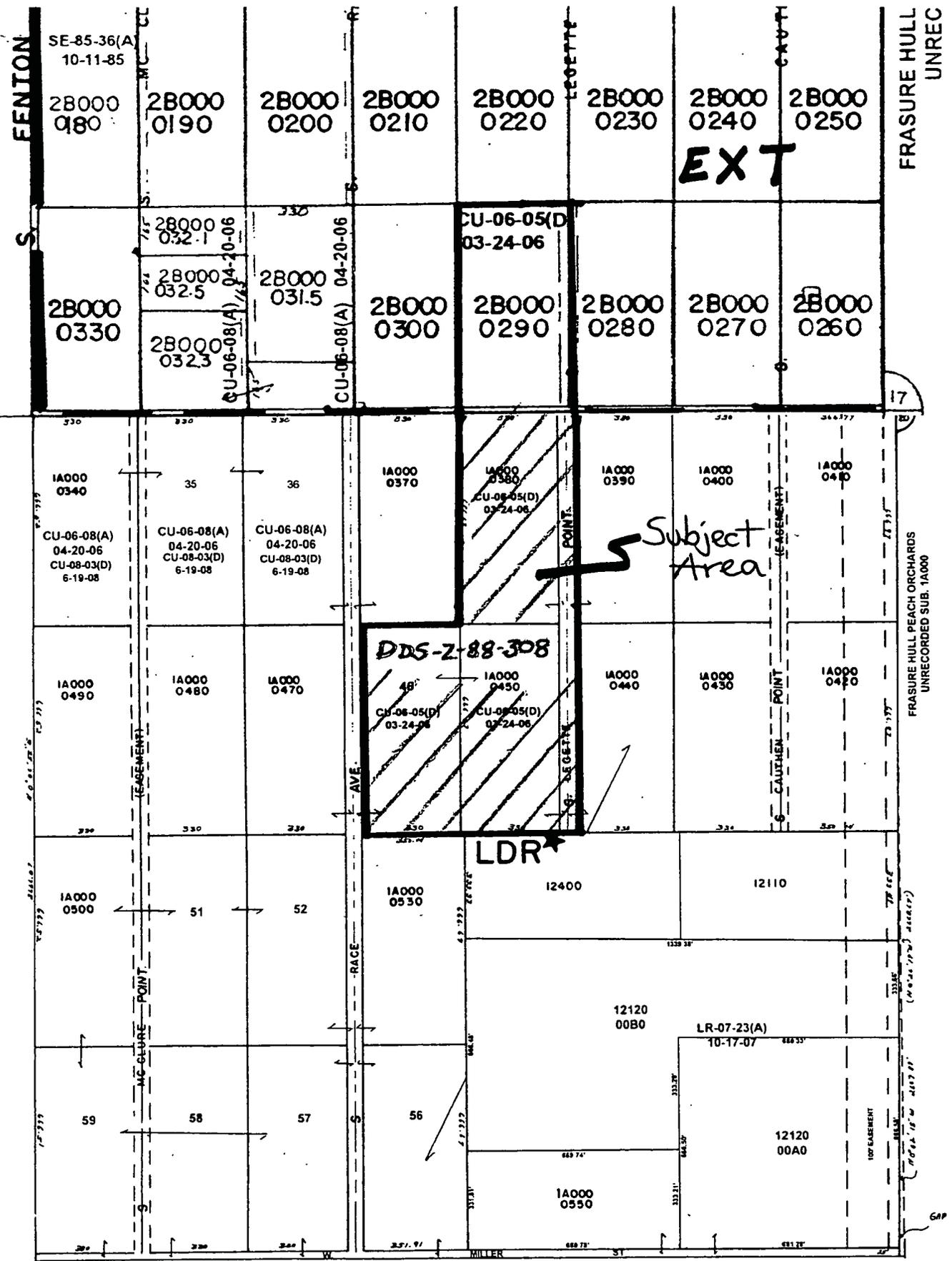
Scale: 1:4,308

Map center: 544110, 535690

0 125 250 375 m.

Notes: Map produced on Tue Dec 02 12:12:31 EST 2008

[Florida Department of Environmental Protection] Disclaimer: This map is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, and/or covering different periods of time.



FENTON

S

CU-06-08(A)  
04-20-06  
CU-08-03(D)  
6-19-08

1A000 0490

1A000 0500

59

SE-85-36(A)  
10-11-85

2B000 0180

2B000 0330

1A000 0340

1A000 0480

51

58

2B000 0190

2B000 032.1

2B000 032.5

2B000 0323

35

1A000 0470

52

57

2B000 0200

2B000 031.5

36

1A000 0470

52

57

2B000 0210

2B000 0300

1A000 0370

DAS-2-88-308

1A000 0530

56

2B000 0220

CU-06-05(D)  
03-24-06

2B000 0290

1A000 0380

1A000 0450

LDR

12400

56

2B000 0230

2B000 0280

1A000 0390

1A000 0440

12120 0080

56

2B000 0240

2B000 0270

1A000 0400

1A000 0430

12120 0080

56

2B000 0250

2B000 0260

1A000 0410

1A000 0460

12110

56

EXT

Subject Area

FRASURE HULL  
UNREC

FRASURE HULL PEACH ORCHARDS  
UNRECORDED SUB. 1A000

10' EASEMENT  
(NORTH 1/2 SEC 10-17-07)

10' EASEMENT  
(NORTH 1/2 SEC 10-17-07)

GAP

CU-0

17

LDR

LR-07-23(A)  
10-17-07

12120 00A0

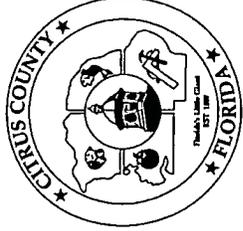
MILLER

ST

R-JB lot 29 AK 1507146  
 P-JD lot 20 AK 1507154-  
 Spaeth lot 28 AK 1507138  
 R-JB lot

lot 9 1506999  
 SEE 1/4 MAP SECTIONS FOR DETAIL

P-JD lots 3, 4, 5, 10, 19+20 - 1506948  
 5, 6, 7, 12, 13, 14, 21, 22+23  
 lot 24 1507090  
 lots 8+11 1506981

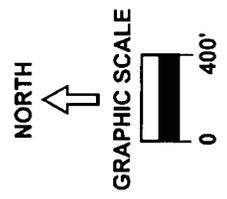


**LAND DEVELOPMENT  
 CODE ATLAS**

SECTION **18**  
 TOWNSHIP **19**  
 RANGE **18**  
 QUARTER **FULL SECTION**

---

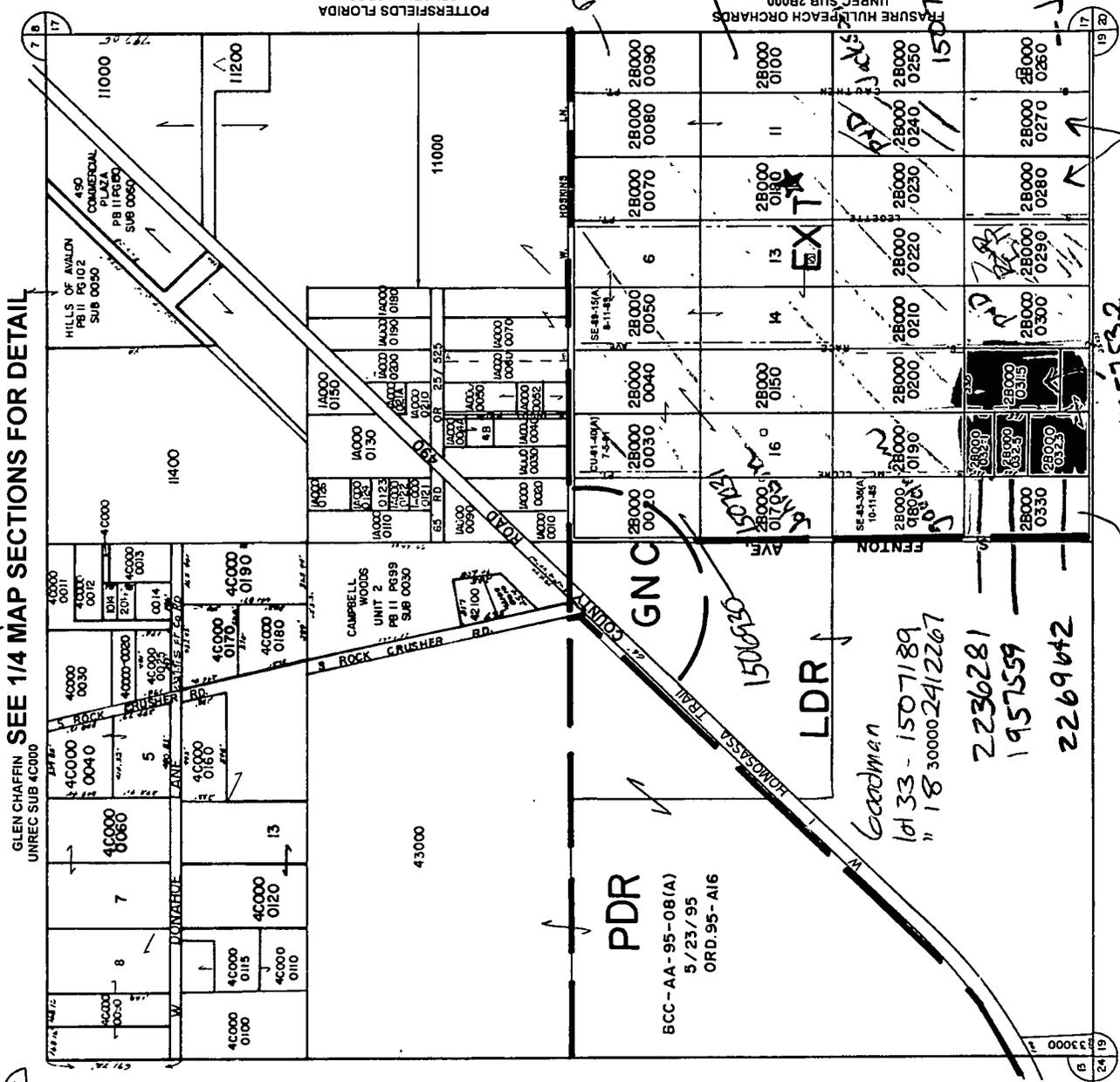
AERIAL NO. **85B**  
 MAP NO. **362**



This map was prepared by the Department of Development Services, Community Development Division using available tax maps from the Citrus County Property Appraiser's office to create a base map. The purpose of this map is to convey land use and zoning information pursuant to ordinance 90-14 as amended. Information regarding property ownership and recognition of individual lots or lot boundaries is subject to verification and this map should not be relied upon for this purpose.

**Community Development Division  
 Planning for the Future**

Revised 02-08-2006



PDR  
 BCC-AA-95-08(A)  
 5/23/95  
 ORD.95-A16

Wardman  
 lot 33 - 1507189  
 " 18 30000 2412267  
 2236281  
 1957559  
 2269642

1507189  
 1957532

Spaeth  
 1507120

Joynt  
 1507111

P. Energy  
 1507100

UNREC SUB 28000  
 CU-05-12 (A)  
 28000 LOTS 0030-0080,  
 0110-0180, 0190-0240  
 7-21-2005

POTTSFIELDS FLORIDA  
 UNREC SUB 14000  
 CRYSTAL ACRES

W. HOMOSASSA TRAIL

# Precision Grading / P&D Holdings

Sand, Incinerator, and  
Soil Operation

## EXT.

Dirt Boys  
Grinder  
Application  
Site

### LDR

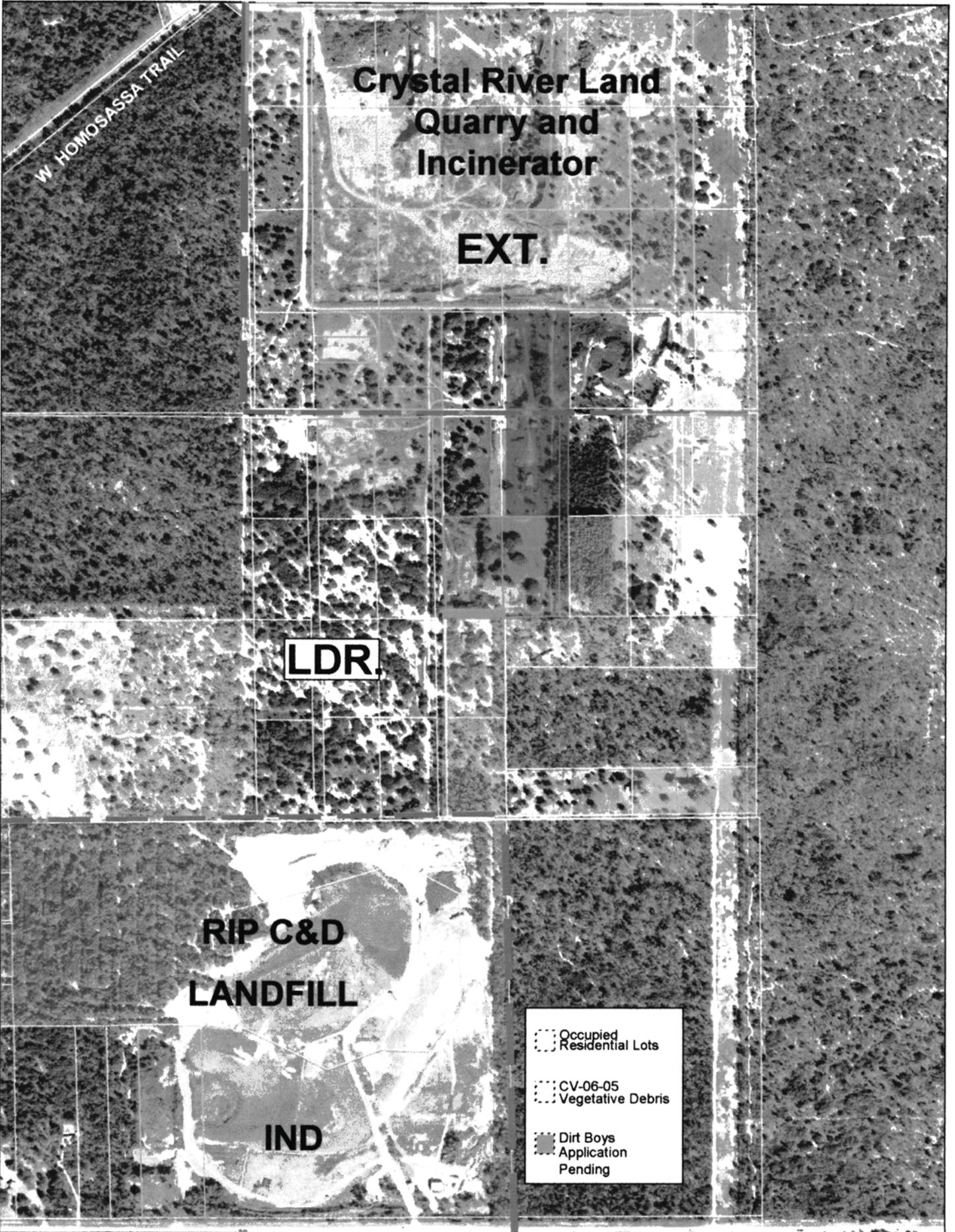
De Busk  
Sand Pit

# RIP C&D LANDFILL

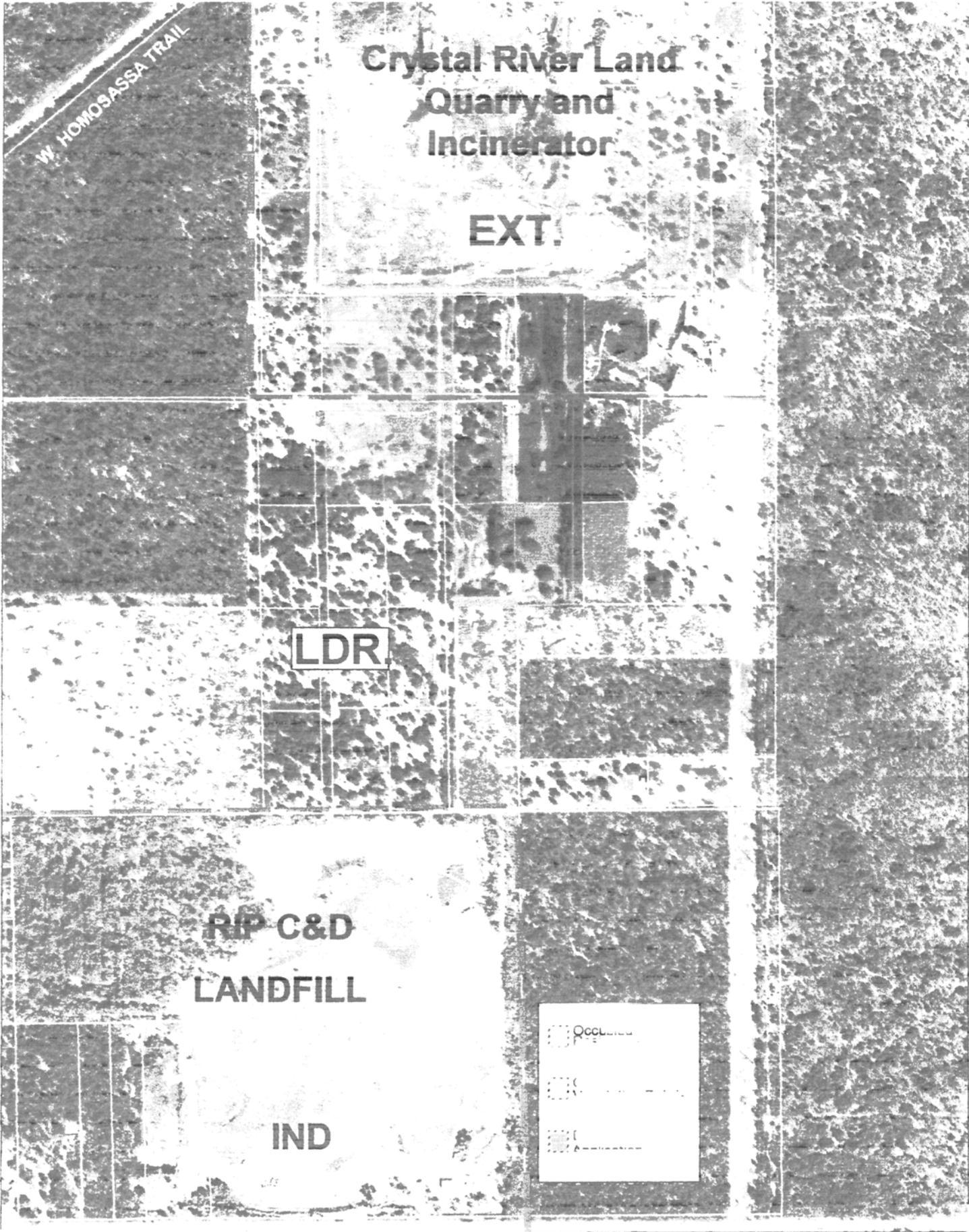
-  Occupied Residential Lots
-  R&B Fill
-  Dirt Boys
-  P&D Holdings

Updated 3/1/2007  
Citrus County  
Community  
Development  
Division

2007



2006



**Crystal River Land  
Quarry and  
Incinerator**

**EXT.**

**LDR**

**RIP C&D  
LANDFILL**

**IND**

Legend:

- Occlusa
- C
- A



BOARD OF COUNTY COMMISSIONERS  
CITRUS COUNTY  
NEW CITRUS COUNTY COURTHOUSE  
110 North Apopka Avenue  
Inverness, Florida 32650

(904) 726-8500

Reply To:

DEPARTMENT OF DEVELOPMENT SERVICES

- Director (904) 746-4223  
 Zoning and Permits (904) 746-4223  
 Planning (904) 746-4223  
1300 So. Lecanto Hwy., Lecanto, FL 32661

In reply, refer to: DDS-Z-88-308

June 22, 1988

Donald J. Cook  
Star Rt. 1 Box 490-50  
Lecanto, FL 32661

RE: Request for Certification as a Valid Nonconforming Use

Dear Mr. Cook,

This is to advise you that after carefully reviewing all evidence received on your request for certification as a valid nonconforming use for excavation/mining fill material, this office has determined that the claim is valid in that such use has been in existence since August 15, 1979 and continuously thereafter on the following described property:

Lots 38, 45 and 46 of Frasure Hull Peach Orchards Unrecorded Subdivision (complete legal description on file in the Zoning & Permits Division) lying in Section 19, Township 19 South, Range 18 East.

Please be further advised that certification of such excavation is limited to the above property only. No excavation shall be permitted to undermine any road right-of-way by maintaining a grade equal to or exceeding the elevation of the road right-of-way within 50 feet of any such road right-of-way. No excavation shall be permitted to penetrate the Florida aquifer. Also, no filling shall be permitted on the property without first obtaining the necessary Special Exception.

Section 4031 of the Citrus County Zoning Ordinance provides that no such nonconforming use shall be enlarged, increased in volume or extent, or expanded to occupy more of the land or building than was so used at the time of adoption of this Ordinance; and no such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Ordinance; except where such movement will have the effect of reducing the degree of nonconformity.

DDS-Z-88-123  
page 2 of 2  
-----

Also, in accordance with Section 4014 ("Appellate Procedures") of the Citrus County Zoning Ordinance (86-12), any aggrieved individual may appeal this decision within 30 days to the Citrus County Zoning Board of Adjustment.

-----  
If you have any questions on this or any related matter, do not hesitate to contact this office.

Sincerely,



Robert E. Skinner, AICP  
Director of Zoning & Permits

RES:gah

cc: Property owners within 500 feet of subject property  
Nancy Witty, Zoning Inspector



# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>  
Toll Free (352) 489-2120 • TTY (352) 527-5312  
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to: PL1-04-231

December 17, 2004

VNU-04-06

Richard DeBusk  
5493 S. Florida Ave.  
Inverness, FL 34450

RE: Donald Cook VNU – Lots 38, 45 & 46 of Frasure Hull Peach Orchards Unrecorded  
Subdivision located in Section 19, Township 19 South, Range 18 East

Dear Mr. DeBusk,

Thank-you for your promptness in supplying current paperwork for the above property. Based upon the information that you have submitted, we are able to update this file showing that the use is still active and is therefore still valid. An application number has been assigned to this and will include the paperwork from the original VNU issued in 1988. The number is VNU-04-06, please refer to this for any questions or comments regarding this application.

Please be advised that a nonconforming use cannot be expanded or moved to another location.

I hope that this will be helpful to you in deciding your future endeavors.

Yours truly,

Chuck Dixon, AICP  
Director  
Community Development Division

CSD/AP/dt

cc: Gary W. Maidhof, Director; Department of Development Services  
Jenette B. Collins, AICP, Principal Planner; Community Development Division  
Amy Pace, Community Development Technician  
VNU-04-06



DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION  
MEMORANDUM

PM1-07-128

TO: Kevin A. Smith, AICP, Director; Community Development Division  
FROM: Jenette B. Collins, AICP, Assistant Community Development Director *JBC*  
DATE: October 4, 2007  
SUBJ: Ed McLean – Request for Concrete Crushing Facility in EXT District for site on W. Hoskins Lane, Lecanto, FL

As a follow up to your request, I offer the following information:

On October 1, 2007, I spoke with Cindy Beasley of Code Enforcement, and she could not find any record of an open code enforcement case concerning operation of a C & D Facility at the existing sandpit site located on W. Hoskins Lane (Frasure Hull Peach Orchards). Mr. McLean claims that the facility was visited about a month ago by a "code enforcement officer" concerning the operation of a C & D facility. He said he has not received a formal "Notice of Violation".

The subject property is designated as Extractive (EXT) on both the Future Land Use Map, and Land Development Code Atlas. This site has an active sand mine. In 2005, this site was approved to allow for the operation of a portable air curtain incinerator via Conditional Use CU-05-12 pursuant to Section 4798. Incinerators, Debris Burns, and Burn Pits/Barrels, of the LDC.

The site is now bringing in concrete to crush (Concrete Crushing Facility). I spoke with Mr. McLean via telephone on October 3, 2007, and he described the use as the bringing in of hardened concrete, which is then crushed and separated into two recyclable products. The facility has a contract with a company called PAW Materials (see back-up), which then removes and sells the product for use in road construction material. This use may be considered as a recycling center since the described process allows for recovery and reuse. However, Commercial Recycling Centers (reference S. 4694, LDC) are limited as conditional use in the GNC District, and as a permitted use in IND, and PSI Districts. As a primary use, the Concrete Crushing Facility would be prohibited in an EXT District.

A consideration may be to administratively allow the concrete crushing facility as an auxiliary use to the existing sand pit. An interpretation pursuant to Section 1410 of the LDC would need to be made if such auxiliary use would require Conditional Use review, or allowed as a Level I review via traditional permitting.

Please advise if you require additional input.

:JBC

ATTACHMENT

CC: Susan Farnsworth, Environmental Planner

*Jenette*

*Ed McLean  
628-3015*

*Complaint received concerning operation of a C & D. He is bringing in concrete to crush and process for mulch and fill material. Please check with code enforcement and review the permit*

*Kevin  
10/01/2007*

April 24, 2006

Mr. John Barnes  
J & K Consultants  
P.O. Box 2269  
Homosassa, FL 34447

**RE: Application No. CU-06-08**

LOCATION Section 18 and 19, Township 19 South, Range 18 East; more specifically, lots 31.5, 32.1, 32.3, 32.5, 34, 35, and 36 of Frasure Peach Hull Orchard, which address is 2938 S Race Avenue, Lecanto, Florida

Dear Mr. Barnes:

At the April 20, 2006, hearing of the Citrus County Planning and Development Review Board (PDRB), your request for a conditional use from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request to allow for an after the fact application to allow continued operation of a vegetative grinder within an extractive district, pursuant to Section 4632, Extractive, of the Land Development Code (LDC) was **APPROVED** subject to the following conditions:

1. Approval is limited to the installation and operation of a vegetative grinder. Open burning and burying vegetative debris are specifically prohibited in this approval. Burying vegetative debris would require additional approval from the Planning Development Review Board.
2. Site use must proceed as presented in the approved site plan received by Community Development Division on March 10, 2006. All setbacks, buffers, and access must be as shown on that plan.
3. The entire site must be secured to prevent unauthorized access. An eight-foot berm or fence must be provided prior to operation. The berm must be earthen and vegetated. The access drive must be gated and equipped with a siren operated opening system or Knox Box for easy emergency access.
4. Only one entrance to the site shall be allowed. Access must be located along the north property line. Access between the entrance and Homosassa Trail must be paved to County standards prior to permit issuance.
5. A building permit must be obtained from Citrus County for installation of the vegetative grinder.
6. The 25 acres of this application must be retained in single ownership.
7. All operations relating to the vegetative recycling facility must be contained within the processing area shown on the March 10, 2006 site plan. Any materials stored outside the processing area on April 20, 2006 must be removed or relocated into the processing area prior to permit issuance for the grinder. Lots 34, 35 and 36 may not be utilized in any way for the vegetative recycling operation.
8. Operating hours are limited to daylight hours Monday through Saturday unless otherwise authorized by the County.
9. Only clean wood and land clearing debris may be recycled. All other solid waste, including construction and demolition debris must be rejected. Solid waste other than approved clean wood cannot be stored on site.
10. Clean wood and land clearing debris may only be stored onsite for up to 30 days prior to, or after processing. The 30-day storage limitation may be extended by the Director of Community Development Services in the event of a natural disaster.
11. A traffic study including an intersection analysis must be submitted and approved by staff prior to issuance of the building permit.
12. County inspectors shall be provided access to the site during normal operating hours.
13. Noncompliance with or any violation of the above referenced conditions, as may be determined by the Citrus County Code Enforcement Board (CEB) may, in addition to any penalty imposed by the CEB and

Final Notification  
CU-06-08  
April 20, 2006  
Page Two

---

subsequent to the procedural requirements set forth in Section 2223 of the Citrus County Land Development Code being satisfied, render this Conditional Use null, void, and of no force or effect.

It is the responsibility of the property owner to obtain a Development Order subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

A complete record of the hearing, findings of fact, and the decision of the PDRB are available for your inspection at the Department of Development Services Office, 3600 West Sovereign Path, Suite 140, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 2500 Appeals, of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDRB and all appeals must be filed within 30 days after rendition of the decision by the PDRB.

If any person decides to appeal any decision made by the PDRB with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Community Development Division (352-527-5239).

Respectfully,

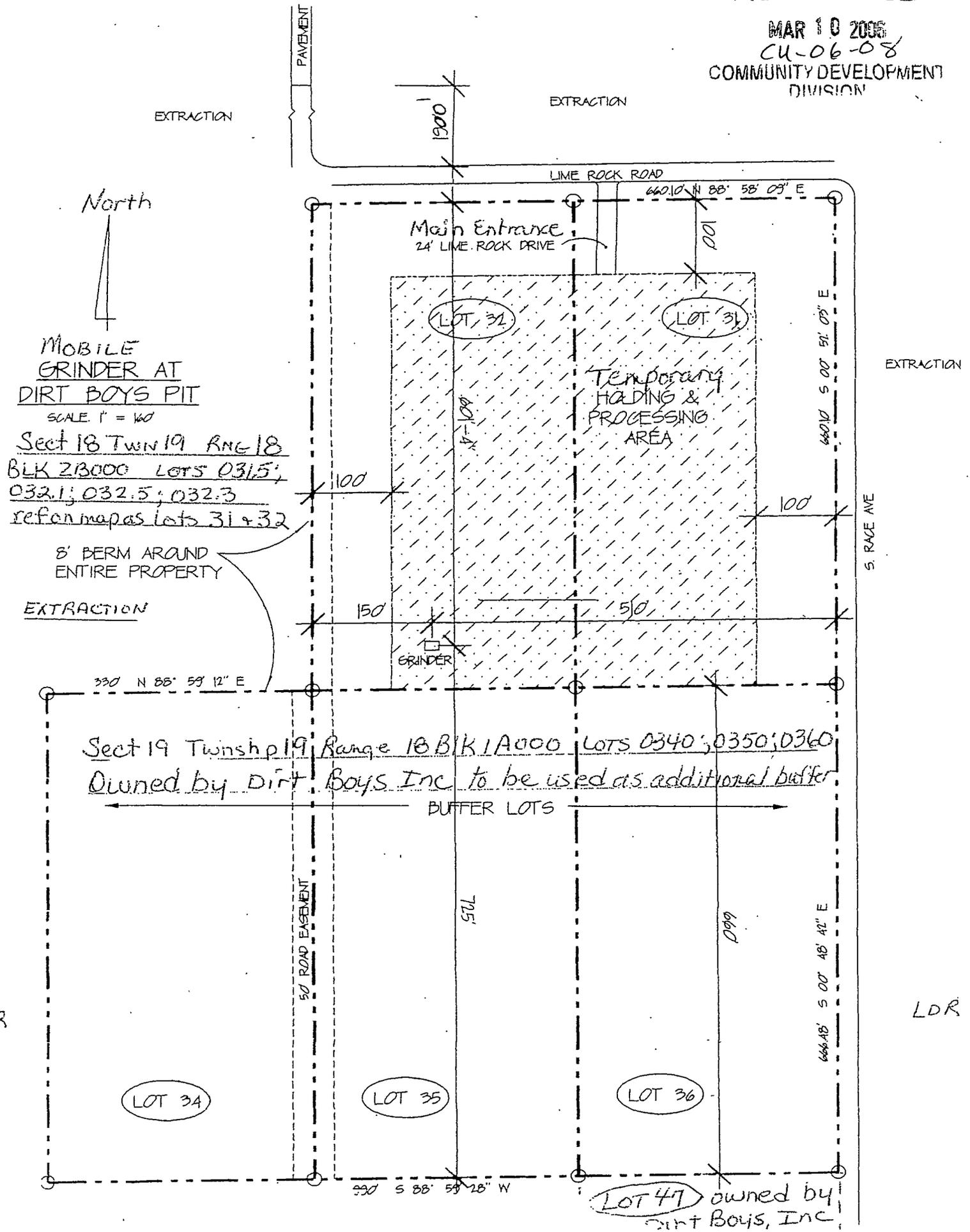
Sue Farnsworth  
Environmental Planner  
Community Development Division

SF/ds

cc: Assistant County Attorney  
Officer of Code Enforcement, Department of Public Safety  
Community Development Coordinator, Community Development Division  
Graphics Coordinator, Community Development Division  
Customer Service Supervisor, Building Division  
Master File

RECEIVED

MAR 10 2005  
CU-06-08  
COMMUNITY DEVELOPMENT  
DIVISION



MOBILE GRINDER AT DIRT BOYS PIT

SCALE 1" = 100'

Sect 18 Twp 19 Rng 18  
BLK 2B000 LOTS 0315;  
032.1; 032.5; 032.3  
refer maps lots 31 & 32

8' BERM AROUND ENTIRE PROPERTY

EXTRACTION

Sect 19 Twp 19 Range 18 BLK 1A000 LOTS 0340; 0350; 0360  
Owned by Dirt Boys Inc to be used as additional buffer

BUFFER LOTS

LDR

LOT 34

LOT 35

LOT 36

LOT 47 owned by  
Dirt Boys, Inc

DRAFT

TO: PLANNING AND DEVELOPMENT REVIEW BOARD  
FROM: JEFFREY J. STEVENS  
SUBJECT: INITIATION REQUEST FOR AN AMENDMENT

\*\*\*\*\*

**REQUEST:** Mr. John Barnes of J & K Consultants has submitted a letter of request to initiate an amendment to change the GFLUM of the Comprehensive Plan and the Atlas of the Land Development Code from LDR, Low Density Residential to EXT, Extractive. The property under request encompasses lots 34 through 59 of Frasure Hull Peach Orchards unrecorded subdividison and parcels 12400, 12110 and 12120 of Section 19, Township 19 south, Range 18 east.

**ANALYSIS:** The Frasure Hull Peach Orchard is an unrecorded subdivision that has historically been used as a source for sand and other resource materials due to the ease of extraction for these materials. Within the described properties are three (3) recognized valid nonconforming uses for open pit sand extraction that utilize no blasting, five (5) properties developed for single family residences and the remaining sixteen (16) properties existing as vacant lots.

The lots under this submittal as previously stated are designated LDR. Under prior zoning ordinances the properties have been designated as AR, Agriculture Residential (#86-12) and A-1, Agriculture (#80-05). Both designations allowed open pit sand extraction through the Special Exception approval process. The existing facilities were approved through this process or predated the existance of a regulating zoning ordinance.

The VNU's, as stated, cover eight (8) parcels comprising approximately 40 acres, the remaining parcels comprise 120 acres. Based upon this comparison it appears that the request to initiate a change for the entire Northeast Quarter Section is unjustified. It would appear, however, that a change is appropriate for the VNU properties, thereby recognizing the existing sand pit facilities as ongoing operations.

**RECOMMENDATION:** Based upon the information of record and the analysis as stated, it is staff's recommendation that the PDRB **APPROVE** the initiation of a change in land use classification from LDR to EXT for lots 34 thru 40 and lots 45 & 46, Frasure Hull Peach Orchard. Because of its location this also includes lot 37 which is surrounded by but not a part of the VNU's. This initiation would include the GFLUM and the Atlas.

attachments

*Jeff - your approval sounds good to me. Pls follow up BZ 10-11-93*

**ADDITIONAL ITEMS**

**REQUEST TO INITIATE A COMPREHENSIVE PLAN AMENDMENT - John Barnes of J and K Consultants** is requesting the Planning and Development Review Board initiate a Comprehensive Plan Amendment for part of Frasure Hull Peach Orchard lying in Section 19, Township 19 South, Range 18 East from LDR, Low Density Residential District to EXT, Extractive District. ←

Mr. Stevens presented the request and stated that the unrecorded subdivision has historically been used for the extraction of sand and other resource materials. There are three Valid Nonconforming Uses (VNU), for open pit sand extraction that utilize no blasting, on eight parcels comprising approximately 40 acres. The remaining property in the NE 1/4 of the section comprises about 120 acres. It would appear to be appropriate to change the land use designation for the VNU properties only.

Staff recommended **APPROVAL** for the Planning and Development Review Board **TO INITIATE** a change to the Land Development Code Atlas and the Generalized Future Land Use Map of the Comprehensive Plan from LDR, Low Density Residential to EXT, Extractive for Lots 34 through 40 and Lots 45 and 46 of Frasure Hull Peach Orchard. This would include Lot 37 even though it is not a VNU but because of its proximity to the lots under consideration for change.

General discussion was held regarding: The previous zoning (land use) of Agricultural which allowed extractive uses. The VNUs were granted administratively by letter and are no longer available. A card file provides the information that the VNUs were granted for the properties in question; VNUs cannot expand. Location of residences in the area. The term nonconforming is used to recognize a use that was in place before there were rules and regulations covering the use in question. Any change in the use, such as blasting, would be a change in the VNU and would require an amendment to the VNU. All extractive uses are compiled into one category in the Land Development Code with various regulations for different types of extractive uses. Mr. Barnes is aware that staff is not recommending the entire quarter-section for change. The owners of the property that is not being changed may apply for a change if they wish to do so.

Mrs. Shoemaker felt that not enough information was given to Board in their packets, such as the VNU letters or other documentation relating to the granting of the VNUs.

**MOTION BY:** Mr. Kellner

**SECOND By:** Mr. Carre

The Planning and Development Review Board (PDRB) **RECOMMENDS TO STAFF** that the PDRB **INITIATE AN APPLICATION FOR CHANGE** for Lots 34 through 40 and Lots 45 and 46 of Frasure Hull Peach Orchard **FROM LDR, LOW DENSITY RESIDENTIAL TO EXT, EXTRACTIVE.** *will be BCC-CRA-94-03*

Upon a vote the motion carried 6-1. Mrs. Shoemaker voted Nay.

**DISCUSSION - STAFF RESEARCH ON FENCING** - Ms. Cullum stated that the Land Development Code (LDC) allows for the finished side of fencing to be placed toward a roadway when placed along property fronting on a public right-of-way or private road. Staff has contacted six other counties regarding fence requirements. Five out of the six counties had some type of fencing requirements, but only one (Hernando County) regulates the placement of fencing so that the finished side must always face the adjacent property.

General discussion was held regarding: When the unfinished side of a fence is placed toward a neighbor then the neighbor has to mow around the posts and has to look at the unsightliness of the unfinished fence. Fencing requirements of Section 4470 of the Land Development Code (LDC) provide for regulations for fencing, however, it does not regulate the placing of a finished side of a fence except as previously noted. Would regulating the placement of a finished versus unfinished side of a fence be over regulating fences? An amendment to the LDC would apply to all and to deviate from the requirement one would need a variance which would require the owner to submit an application, pay the necessary fees, and prove that the requirement is a hardship.

**MOTION BY:** Mr. Kellner

**SECOND BY:** Mr. Craven

The Planning and Development Review Board **TAKE NO ACTION** on fences.

Upon a vote the motion failed 3-4. Those voting AYE were Mr. Craven, Mrs. Shoemaker, and Mr. Kellner. Those voting NAY were Mr. Carre, Mrs. Knudsen, Mr. Wynn, and Chairman Fort.

**NOTE:** Mr. Carre made a motion which was seconded by Mrs. Knudsen. Discussion was held regarding the direction to staff by the PDRB. Suggestions were made that the placement of the good side of a fence be limited to residential areas and only for wooden stockade fences. However, there are posts with chain link fences and they should also be considered. Mr. Carre restated his motion and Mrs. Knudsen agreed.

**MOTION BY:** Mr. Carre

**SECOND BY:** Mrs. Knudsen

The Planning and Development Review Board have **STAFF INITIATE AN AMENDMENT TO THE FENCING ORDINANCE** pertaining to fencing with the good side facing outward.

Upon a vote the motion carried 5-2. Mr. Kellner and Mr. Craven voted Nay.

Discussion was held regarding Policy 2.2.1. (page 01.9 of the staff report). It was agreed that staff would review this policy. It may be possible to reword the policy and eliminate the Rails-to-Trails portion and retain the rest of the wording.

In response to a question regarding Policy 2.3.1 (page 01.10 of the staff report), staff stated that this policy eliminates the requirement of paying fees-in-lieu of for active recreation and open space areas. These facilities will have to be provided on site or proof provided that they have been provided elsewhere in the area.

Discussion was held regarding the list of events. There are events such as the Manatee Festival that should be included. Staff will review the list.

Mr. Gerrits stated that there is a need for practice fields for youth sports, especially on the west side of the County. Discussion was held regarding this issue and the methods for projecting park needs, based upon population growth trends, do not consider all the variables that can effect the location of these facilities. Staff feels that the intergovernmental agreement with the School Board will help ease some of these needs by allowing use of school facilities for these practices.

Diane Marsh, resident of Citrus Springs, and Karen Barnett, Director of the Citrus County Department of Parks and Recreation, both stated their support of the application.

The Chairman closed the public portion of the meeting. General discussion ensued regarding: Pine Ridge parks, when developed, will be for the residents of Pine Ridge only. In some areas land will have to be purchased for the development of neighborhood/community parks.

Mr. Lamb - change page 1.4 agreement.

Mr. Stevens stated that the responsibility for developing parks within a subdivision lies with the developer. Pine Ridge and Citrus Springs are not Developments of Regional Impact, they have Master Plans that were accepted by the State. The County has entered into an agreement to assist in development of the parks. Most of the parks developed by the County have been located near population centers, however there are other methods of measurement of where a park should be placed.

BCC-CPA-94-03 - Frasure Hull Peach Orchard located in Section 19, Township 19 South, Range 18 East. This amendment is to change the Generalized Future Land Use Map from LDR, Low Density Residential, to EXT, Extractive.

Mr. Dixon gave the staff presentation. During Mr. Dixon's presentation he delineated the various parcels to be changed by use of an aerial and overlay drawn by staff. Mr. Dixon also related the history of the parcels under application. No correspondence has been received regarding this application.

DRAFT

Ms. Zimmerman stated that when changes were being made to the maps, after the changes were approved, one tier of lots was not designated correctly on the maps. This application is to correct that error. The southernmost lots are tied to the lots above them and should be the same land use designation. The lots are nonconforming uses right now.

In response to a question, Mr. Dixon stated that Lot 37 is surrounded by nonconforming uses with the designation of EXT to the north of the lot. It would be inconsistent to leave the lot with a residential designation.

**PROPONENT:** None

**OPPONENTS:** Thomas Nunziato, David Jones, Frank Ranallo, Lewis Jamerson, Connie Ranallo, and Jodi Nunziato.

The opponents spoke regarding: Mining in the old pits being acceptable. The new pits have never been mined, they were dug out only to show that holes were there. The new holes are within 15-20 feet of residential property and mining should not be permitted. Aerials show that in 1981 and 1985 there were no pits in the new area. Nothing has been taken out of the Mr. Cook's pits since 1987. Construction debris has been dumped on the property without permits. The roadways are in terrible condition and when it rains they are unusable. Emergency vehicles cannot get to residential lots. There is no buffering between the pits and the residential lots.

Other concerns expressed by the opponents was noise, increase in traffic of heavy machinery, mining in old pits acceptable, some residents were there prior to the new pits being dug, property values being lowered, and the vested rights/nonconforming use issue.

During the opponent presentations staff stated: Vested rights have been established for where the mining operation was taking place. No verification has been made as to whether or not mining is being done on the interior of the property. A nonconforming use was established in 1948, however, when a nonconforming use ceases for six months or more this status is lost. The valid nonconforming use was established for three parcels. An inspector can investigate to determine exactly where the mining operation has been or is operating.

In response to Mr. Jamerson's statements regarding animals on his property, Ms. Zimmerman stated that there has been changes in the regulations and asked him to contact staff regarding this issue.

Mr. Neal stated that he does not represent Mr. Cook or anyone else present. He did work for Crystal River Land Development and cooperated with Mr. Donafreo on a conditional use application. One of the conditions of the application was that there be certain access improvements.

The chairman closed the public portion of the meeting.

**DRAFT**

MOTION BY: Mr. Lamb

SECOND BY: Mr. Craven

The Planning and Development Review Board finds application number BCC-CPA-94-01 CONSISTENT with the Citrus County Comprehensive Plan and the Citrus County Land Development Code and that this Board recommends APPROVAL of the application to the Board of County Commissioners based upon the evidence and testimony presented and the staff report and conclusions regarding this petition.

Upon a vote the motion carried 6-0. All present voted Aye.

BCC-CPA-94-03 - Frasure Hull Peach Orchard located in Section 19, Township 19 South, Range 18 East. This amendment is to change the Generalized Future Land Use Map from LDR, Low Density Residential, to EXT, Extractive.

Mr. Dixon gave the staff presentation. He stated that the concerns expressed at the workshop are addressed in the revised memo to the PDRB. Based on the historical use of the subject property and the differentiation made between Open Use Agriculture and Residential Agriculture in the past, staff recommended that the PDRB WITHDRAW this application.

General discussion ensued regarding: Which properties were mining prior to any ordinances and which properties were mining under a Valid Nonconforming Use (VNU) status; If a VNU stops operating for more than six months the business loses the VNU status; If the PDRB takes the action, as recommended by staff, the owner(s) can apply for recognition by the county of being a VNU. However, the owner(s) would have to demonstrate that the business has been ongoing since 1979; and No special exception was granted for mining under Zoning Ordinance 86-12.

Mrs. Shoemaker returned to the meeting during the discussion.

Mr. Wesch stated that those speaking in favor of this application today would be speaking in favor of the staff's recommendation of withdrawal.

PROPONENT: Frank Ranallo stated that the 1979 and 1985 aerials show no holes on the property. All of the holes were put there after he moved there in 1987.

OPPONENTS: Donald Cook, Brenda Cook, and Vic Bourdeau, owner of Lot 37.

Mr. Cook stated that he has lived on his property (Lot 38) since 1977. He has made his living by extracting sand from the area. He has invoices which show when and from which lots sand has been removed. He submitted a letter dated June 2, 1988, to him from Robert E. Skinner, Director of Zoning and Permits, certifying a VNU on Lots 38, 45, and 46. The roads from the mining area to CR-490 are stabilized and passable. The roads going south have not been stabilized because he does not use them.

DRAFT

In response to a question, Mr. Wesch stated that there are two separate procedures. One would be to secure a vested rights determination and the other would be to determine whether or not an Extractive type designation is the right land use of the land.

Discussion ensued: The property may have a VNU up through June of 1988, however, it may be necessary for Mr. Cook to provide proof that the VNU has continued from that time to the present. Discussion continued with reiteration of previous comments.

Mrs. Cook stated that they were trying to raise a family

Mr. Bourdeau stated he saw no problems with the digging and the land being designated Extractive.

Mr. Dixon stated that Lot 37 was part of the application, however, there is no VNU on the property.

**PROPONENT REBUTTAL:** Mr. Ranallo stated that he did not want the digging next to his house and felt that this could not be done legally.

**OPPONENT REBUTTAL:** Mr. Cook stated that he has put potholes everywhere. He was forced out of the first pit he had because the county put a load limit on the roadway and he could not use it for his trucks.

The Chairman closed the public portion of the meeting.

Mrs. Shoemaker did not understand how the PDRB could make a recommendation that would be illegal. Mr. Cunningham agreed and stated that more than one owner is involved.

**MOTION BY:** Mrs. Shoemaker                      **SECOND BY:** Mr. Kellner

The Planning and Development Review Board **ACCEPTS STAFF RECOMMENDATION** and **WITHDRAWS** application BCC-CPA-94-03.

Upon a vote the motion carried 6-1. Mrs. Knudsen voted Nay.

The Chairman declared a recess at 12:29 PM and reconvened the meeting at 1:43 PM.

**BCC-CPA-94-04** - State Lands - Various parcels in the Chassahowitzka Area located in Township 19 South, Range 16 East and Township 19 South, Range 17 East. This amendment is to change the Generalized Future Land Use Map from various land use designations to CON, Conservation.

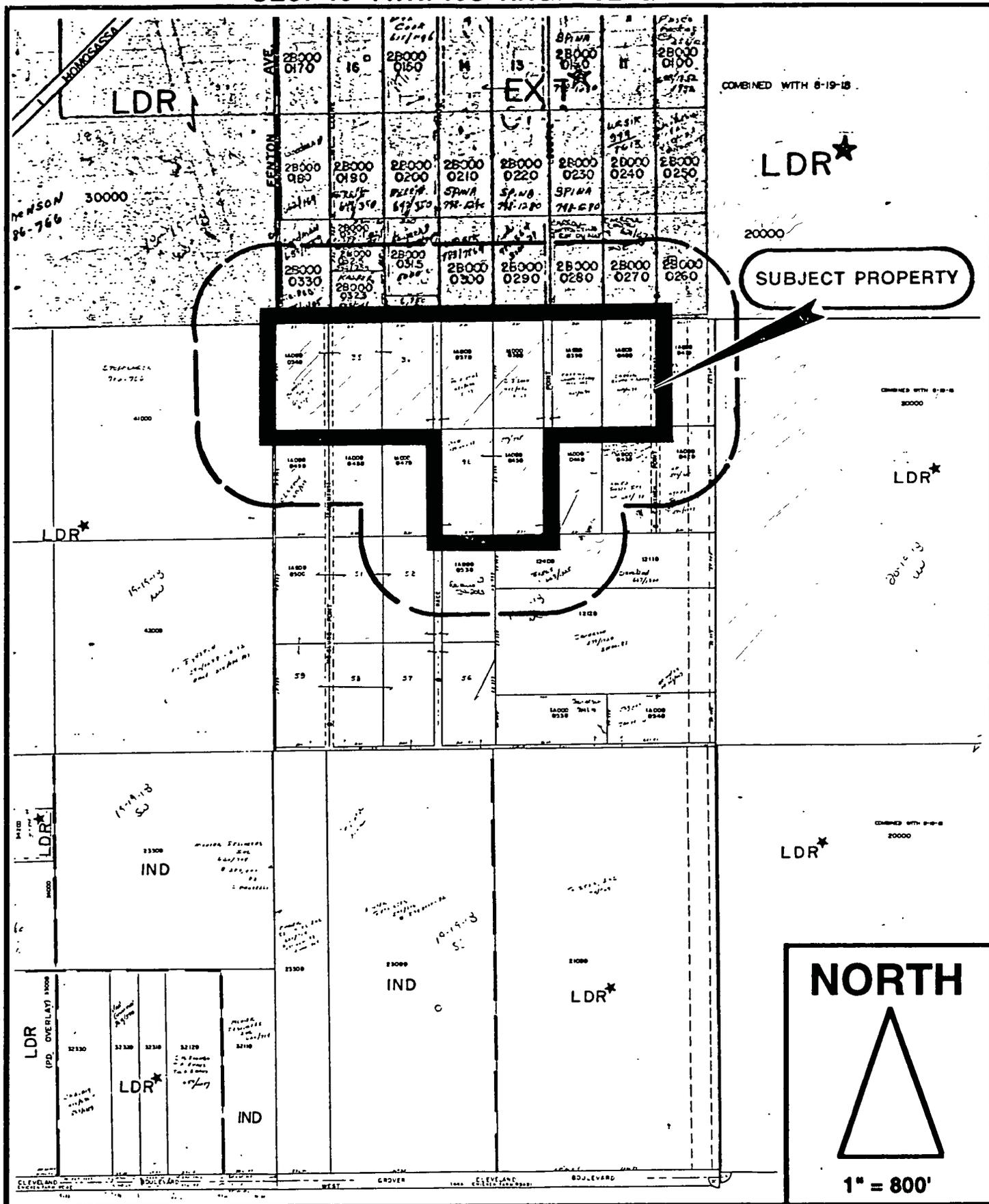
Mr. Dixon gave the staff presentation. Staff recommended **APPROVAL** of the application.

**PROPONENT/OPPONENT:** None

**D R A F T**

General and Future Land Use Map Section  
 Proposed Amendment BCC-CPA-94-03  
 SEC: 19 TWN: 19S RNG: 18E QTR: NE

*Blutter  
 List Done*





DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION  
MEMORANDUM

PM2-08-178

TO: Kimberly Corbin, Code Enforcement Manager; Department of Public Safety  
FROM: Jenette B. Collins, AICP, Assistant Community Development Director  
THROUGH: Kevin A. Smith, AICP, Director; Community Development Division  
VIA: Gary W. Maidhof, Director; Department of Development Services  
DATE: June 19, 2008  
SUBJ: Request for Code Enforcement Review by the Planning and Development Review Board

At their June 19, 2008 hearing, the Planning and Development Review Board (PDRB) requested that Code Enforcement review allegations, as expressed by members of the public, about non-compliance with County regulations for extractive uses existing at the Frasure Hull Peach Orchard subdivision located off of the Homosassa Trail. As you know, this subdivision has a history of sand pit use. Allegations made by the public varied from burying vegetative debris, operation of a vegetative grinder without permitting (Dirt Boys site), trucks hauling materials without proper coverage (will require inspection by Sheriff's office), and establishment of earth berms around pits using wood chip/mulch type material covered with sand. I have attached a copy of the PDRB's summary minutes from this hearing.

Also, at the request of the PDRB, I am copying the County Administrator and County Commissioners. Please advise of additional information you may require from our staff as it relates to determination of Land Development Code compliance.

JBC/kmy

Attachment

CC: Citrus County Board of County Commissioners

- Joyce Valentino, Chairwoman
- Vicki Phillips, 1st Vice Chairwoman
- John Thrumston, 2nd Vice Chairman
- Gary Bartell, Commissioner
- Dennis Damato, Commissioner

Anthony J. Schembri, County Administrator  
Eber E. Brown, Deputy County Administrator  
Peter Aare, Assistant County Attorney

PDRB Members

Sue Farnsworth, Environmental Planner; Community Development Division  
Joe Hochadel, Planner; Community Development Division

**CU-08-03 McKean & Associates Engineers, Inc., for Dirt Boys, Inc.**

**REQUEST:** To allow for continued operation of a vegetative grinder within an extractive district, pursuant to Section 4632. **Extractive,** of the Land Development Code (LDC). **LOCATION:** Section 18 and 19, Township

**19 South, Range 18 East;** more specifically, lots 31.5, 32.1, 32.3, 32.5, 34, 35, and 36 of Frasure Hull Peach Orchard, which address is 2938 S. Race Avenue, Lecanto, Florida.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

STAFF CONTACT: Joe Hochadel, Planner

Mr. Hochadel gave the staff report. Mrs. Coester made the PowerPoint presentation.

STAFF COMMENTS: Mrs. Collins reviewed conditions regarding road maintenance from a previous meeting, as well as proposed mitigation by the applicant regarding stabilization and maintenance of that road.

PROPONENT: Paul Furman, of McKean & Associates Engineers, read the applicant's plan to the Board, handed out maps of the applicant's property to the Board, reviewed the maps, stated local residents did not respond positively to registered letters that he had sent them, asked that conditions 12 and 13 be revised, the need for a grinder, and lack of funds to do needed work on the road by the applicant.

John Hanna, from Dirt Boys, stated they had been working on this road issue for some time, that this operation was needed by the County, and that he was willing to work with everyone to resolve all the issues.

Ken Clamer, Acting Fire Chief, stated it was their intent to provide a letter during permitting process.

OPPONENT: Calvin Fishbough, local resident, stated he did not have road access to his property, asked about the use of the grinder, it's conditions and it's use, and had berm questions. Ms. Farnsworth described the berm for the Board members. Mr. Fishbough had questions about access from the road to his property, and asked why the County would not approve fixing the road. Mr. Kellner responded that the residents did not agree with conditions presented for fixing the road.

Harold Potts, local resident, stated that previous conditions had never been met by the applicant, that there was no berm around the pit, that this was a burden for the County as well as a waste of time, and that the applicant kept running the grinder without a permit.

Walter Horak, local resident, stated the applicant is doing illegal things, that nobody from the County has responded to the problems, and that he was totally against this application.

Sharon Garland, local resident, stated the residents had been fighting this for years, fire code violations, provided photos to the Board about some of the violations, and that no improvements had been made.

Linda Boutwell, local resident, stated she was worried about the stockpile of debris, and the risk from fire.

Jeff Stephenson, adjacent property owner, stated he did not understand why the County had allowed this activity to increase, that everyone in the room had called code enforcement and nothing had been done, and that the Board should take action against this.

Chris Lloyd, local resident, handed Mr. Hochadel a written statement of his observations after his visit to the location, described the condition of the property, equipment located on the property, that other grinders are in operation in the County in the proper area, his calls to Commissioner Bartell and Code Enforcement, and his request for denial.

Jodie Nunziato, local resident, reviewed slides she brought to the Board members, including pictures of wood berms, the fire hazard, mulch photos, pit photos, photos of trucks hauling trees, improper locking of gates, and code enforcement issues. Ms. Nunziato stated that the road used to be the road for residents, until Dirt Boys purchased it and had been using it for their business activity, and stated she wanted the rules followed.

Robert Fishbough, local resident, asked Board members if they had been out to the site, stated that the contractor needed to be controlled, gave previous history of the road, when the sand pit was started, it's size, stored debris, fire hazard, and problems with policing conditions for approval.

**REBUTTAL:** Paul Furman clarified that the grinder was portable, that it met noise standards, the County had allowed them to use the grinder to create the berm, and that they wanted to pave the road before they addressed other conditions. Mr. Furman stated that the pit was not open to the public.

**DISCUSSION:** Mr. Hooper stated the berm had not been finished, and that he was against approval. Mr. Garvin was also opposed to approval due to time frame for storage being too long, too many problems out there, and fire hazards. Mr. Pruss stated they had not met their conditions, and neither had code enforcement, so he was against approval. Mr. Blodgett was against approval. Mr. Hughes asked why there wasn't a cease and desist order, and had issues with road maintenance, therefore stating he was against approval. Mr. Kellner stated he was against approval. The Board directed Mrs. Collins to write a letter to Code Enforcement to review for violations, and to copy Mr. Schembri and County Commissioners.

**MOTION:** By Mr. Kellner, seconded by Mr. Blodgett.

The Planning and Development Review Board finds application number **CU-08-03 INCONSISTENT** with the Citrus County Comprehensive Plan and the Citrus County Land Development Code for the following reason(s):

1. The proposed Conditional Use will adversely affect the public interest.
2. The proposed development, even with conditions and safeguards attached, would be generally incompatible with adjacent properties and other property in the district.

and that, based upon the foregoing, the PDRB is not empowered to grant the Conditional use and, therefore, that this Board **DENIES** the application based upon the evidence and testimony presented, and the staff report and conclusions regarding this petition.

**VOTE: 7-0**

**Chairman Bard asked Mr. Furman if he wanted to postpone or continue application CU-08-04. Mr. Furman agreed to postpone and continue CU-08-04 to a future date.**

**Motion by: Mr. Blodgett to Continue, seconded by Mr. Pruss.**

**VOTE: 7-0**

**CU-08-07 Robert & Elizabeth Smith**

**REQUEST:** After-the-Fact Conditional Use from the Citrus County Land Development Code (LDC) to allow for an existing accessory structure that exceeds the allowable size and to allow the exterior color and materials of the detached accessory structure to be different from the single family residence, pursuant to Section 4420. General Standards (concerning Accessory Uses and Structures), of the Land Development Code (LDC).

**LOCATION:** Section 05, Township 18 South, Range 19 East; more specifically, Forest Lake North Lot 108 which address is 1157 E. Winnetka St., Hernando, Florida.

**STAFF RECOMMENDATION: DENIAL**

**STAFF CONTACT:** Laura A. Marley, Planner

Ms. Marley gave the staff report. Mrs. Coester made the PowerPoint presentation.

**STAFF COMMENTS:** None

**PROPONENT:** Elizabeth Smith, asked for a Continuance since she had retained Brenda McKenzie to assist her with her application and conditions for approval.

MEMORANDUM

TO: Planning and Development Review Board (PDRB)  
 FROM: Charles, S. Dixon, AICP, Senior Planner; Division of Planning  
 DATE: March 17, 1994  
 SUBJ: BCC-CPA-94-03 - PROPOSED GENERALIZED FUTURE LAND USE MAP (GFLUM) AMENDMENT - FRASURE HULL PEACH ORCHARD

The PDRB expressed concerns over two primary issues at the workshop on March 3, 1994:

1. Staff was asked to provide better maps to help establish the historical use of the parcels under application.
2. Staff was asked to do additional research into the history of the existing Valid Nonconforming Uses (VNU) and inspect the property to better document existing conditions and identify any code violations if they exist.

In addition, secondary issues include:

1. Status of roads that provide access to the subject property.
2. Ownership history of Lot 37 which is included in the application but is not a part of one of the VNU extraction operations.

Research has confirmed that the road system consists of a series of private easements which are also privately maintained.

Property Appraiser records indicate that Lot 37 is currently owned by Victor Bourdeau, who purchased Lot 37 in January 1992.

Aerial photographs were ordered for 1979, 1985, and 1991. These represent the best cross section of time available since all three VNUs were established prior to August 15, 1979, and the latest available aerial photograph was taken in 1991. The 1985 photograph represents a mid point of activity. Copies of all three maps are attached for your reference.

Based on additional research staff found evidence that all of the subject property may not have been used for sand extraction in accordance with the provisions for maintaining a VNU. Specifically, if a nonconforming use of land ceases, or if that use has been discontinued for a period of 180 consecutive days or for any intermittent period amounting to 180 days in any one calendar year, use of the land must thereafter conform to the standards of the Land Development Code (LDC).

Inspection by staff on March 9, 1994, has indicated that Lots 38, 45, and 46 as well as lots 39 and 40 may no longer be subject to exemption from LDC standards under the VNU provisions found in Section 3130.

If these lots are excluded, other issues are raised regarding compatibility with residential uses and historical use in accordance with historical zoning of the property. The area to the north of the subject lots is currently designated as EXTRACTIVE on the GFLUM and was historically zoned for Open Use - Agriculture whereas the subject properties have been zoned Agriculture Residential from 1986 to 1990. This differentiation has existed since 1986 and is relevant given the historical use of the subject lots based on new information.

AN EFFORT TO SEPARATE  
 ↓  
 2 ISSUES  
 1. VNU  
 2. Comp Plan AMEND

LIMITED INFO AVAILABLE  
 MORE OF  
 A  
 P  
 THAN STATEMENT

\* Concerned w/ Comp. Plan. Amend.  
 not VNU.

- Personal obs  
 - discussions w/ residents

Based on the historical use of the subject property and the differentiation made between OPEN USE AGRICULTURE and RESIDENTIAL AGRICULTURE in the past, staff recommends that the PDRB WITHDRAW this application.

It is noted that the application was initiated based on the assumption that an error was made when the GFLUM was adopted in 1990. Since this was not the case, staff cannot support such an amendment as it would constitute a new mining district or expansion of an existing mining district within 3,000 feet of an existing residence. Such expansion would be in conflict with Section 4530 (Vibration) of the LDC.

CSD/crm

Attachments



**DEPARTMENT OF DEVELOPMENT SERVICES  
COMMUNITY DEVELOPMENT DIVISION  
STAFF FINDINGS REPORT  
TO THE  
PLANNING AND DEVELOPMENT REVIEW BOARD**

**CONDITIONAL USE - APPLICATION NO. CU-06-05 McKean & Associates for R&B Fill, Inc**

**DATE: February 22, 2006**  
**Environmental Planner, Community Development Division**

**PREPARED BY: Sue Farnsworth,**

Staff transmits for your consideration its recommendation on the above stated application for a Conditional Use from the Citrus County Land Development Code (LDC).

**CONDITIONAL USE REQUESTED** - To allow for vegetative debris disposal in a former sand pit, pursuant to Section 4699, of the Land Development Code (LDC).

**SUBJECT PROPERTY** - Sections 18 and 19, Township 19 South, Range 18 East; more specifically, parcels 29, 38, 45, and 46 of Frasier Hull Peach Orchards which address is 2946 S. Legette Point, Lecanto, Florida.

**ACREAGE** – 20 Acres

**LAND USE DESIGNATION** – Parcel 29 is designated EXT; parcels 38, 45, and 46 are designated LDR

**FLOOD ZONE** –Flood zone "C" as depicted on panel 0210B.

**SURROUNDING LDC ATLAS DESIGNATIONS:**

North: EXT, Extractive  
South: LDR, Low Density Residential  
East: EXT, Extractive and LDR, Low Density Residential  
West: EXT, Extractive and LDR, Low Density Residential

**SURROUNDING GFLUM DESIGNATIONS:**

North: EXT, Extractive  
South: LDR, Low Density Residential  
East: EXT, Extractive and LDR, Low Density Residential  
West: EXT, Extractive and LDR, Low Density Residential

**SURROUNDING EXISTING LAND USE:**

North Active sand pit and air curtain incinerator  
South Mobile Homes on acreage  
East vacant residential lands and mobile homes on acreage  
West vacant residential lands, mobile home on acreage, and a active sand pit

**CHARACTERISTICS OF THE SURROUNDING AREA** – The surrounding area is a mixture of rural residential and sand mining operations.

**BACKGROUND** - The Frasure Hull Peach Orchards sand mines have been in operation since before the adoption of the LDC in 1990. The subject property meets the 20-acre threshold required by the LDC, however, only five acres of the project site are designated Extractive. The entire 20-acre property was approved as a valid non-conforming use

in 1988. In 1993, a request to change the land use on a number of parcels in the vicinity from Low Density Residential to Extractive was received by the PDRB. Although the PDRB initiated an amendment to change the Generalized Future Land Use Map and Land Use Atlas on parcels 34-59 of Frasure Hull Peach Orchard, they withdrew the request at a later meeting because of the possible incompatibility of uses with adjacent residential properties. Parcels 1-33 of Frasure Hull Peach Orchard were designated Extractive at that time and remained with an Extractive designation.

The property contains an active sand pit operation on lots 45 and 46. This pit is accessed from Race Avenue. Lot 29 contains a second, inactive sand pit. All the roads within this area are dirt and are on private easements. The applicant has supplied a mining/landfilling plan for the properties. The mining and filling sequence starts with Lot 46, progresses to Lot 45, then 38, and finally Lot 26.

The Board of County Commissioners approved an ordinance in 2005 (OA-05-06) allowing for vegetative disposal in sand pits. This ordinance has been incorporated into the LDC as Section 4699, Vegetative Debris Disposal in Former Sand (Borrow) Pits. It allows landfilling of clean wood, land clearing debris, yard trash, and other clean vegetative matter under the Conditional Use process in lands designated Extractive and Industrial, or which have established vested rights or formal recognition as a Valid Non-conforming Use sand pit.

**ANALYSIS** – This application does not meet the requirements of the LDC. Section 4699.C. requires that the site be easily accessible by collection vehicles, automobiles, and where applicable, transfer vehicles. Section 4699.E.4. further requires access be specifically limited to collector or arterial roadways and not through a residential neighborhood. Access roads must be paved up to the entrance of said property. This site is located  $\frac{3}{4}$  of a mile down an unimproved dirt road. The nearest arterial road is Homosassa Trail, almost a mile away from the entrance to the sand pit on Lot 46. These roads are private and provide legal access to several residential lots. While sand trucks use the roads in conjunction with the vested sand pits, this does not justify increasing the use of these dirt roads.

A minimum 300-foot setback is required from all residentially committed properties (LDC 4699.C.2.e). This property can meet this requirement, but is severely limited by it. The southern three parcels are surrounded on three sides by residentially designated properties. Some of these properties are occupied. The 300-foot setback requirement will severely limit the land available for debris disposal. Each lot is 330 feet wide and 666 feet deep. These setbacks will prohibit any disposal activity on Lot 38 and severely limit fill activity on Lots 45 and 46. An area approximately 66 feet deep and 60 feet wide could be filled on the three southern properties. Parcel 29 is located in the Extractive district and is surrounded on three sides by lands designated Extractive. A minimum setback of 100 feet is required from all property lines (4699.C.2.d). Due to these required setbacks, landfilling would not be able to proceed as proposed in the application.

The increased intensity of use of these properties from sand pit, to sand pit and landfill is not compatible with adjacent residential uses. There are mobile homes on Race Avenue as well as Legette Point. The neighborhood has been greatly impacted by the non-conforming active sand pits. This does not justify further increasing the intensity of use on those non-conforming properties. Staff observed a high volume of truck traffic, noise, and dust associated with sand mining operations along Race Avenue. Allowing a vegetative landfill on the subject property would increase these nuisances.

**BONUS POINTS** - The proposed development for a Conditional Use must satisfy point requirements for bonus standards pursuant to Section 5300. of the LDC. The purpose of requiring bonus points is to ensure compatibility with the surrounding land use. Bonus points are earned when the Conditional Use satisfies additional requirements specific to landscape buffering, setbacks and transportation access. To qualify, a proposed project must have a minimum of six points. *Upon analysis of this application, six bonus points can be acquired by meeting the following:*

**Landscape Buffer** – A 30-foot landscape buffer or eight-foot berm is required as a condition of approval. These buffers are the minimum stated in the LDC for extractive or industrial facility adjacent to residential property.

*Findings : no bonus points are applicable in this category*

**Setbacks** – The 100 and 300-foot setbacks required for a vegetative debris disposal facility are far in excess of the 5-foot setback required for structures. The vested sand mining facility is required to maintain at least a 50-foot setback to all property lines. One hundred-foot setbacks are required on the east, north, and west sides of Parcel 29; and a 300-foot setback is required on the south side. These setbacks qualify for six bonus points.

*Findings : six bonus points are applicable in this category*

**Transportation Access** – This project does not qualify for any bonus points for access management.

*Findings : no bonus points are applicable in this category*

**TECHNICAL REVIEW COMMENTS** - The above application for a Conditional Use was reviewed by the Technical Review Team (TRT). In summary, their comments are as follows:

**PROPOSED FINDINGS OF FACT** - Pursuant to Section 5310, Review Criteria, of the Citrus County Land Development Code (LDC), before a Conditional Use can be approved, the reviewing body must make written findings that it is empowered under the LDC to grant the proposed Conditional Use; that granting the Conditional Use will not adversely affect the public interest; that there is compliance with special rules governing individual conditional uses of the type involved; that the proposed development, with conditions and safeguards attached, would be generally compatible with adjacent properties and other property in the district; and that satisfactory provision and arrangement has been made concerning the following (where applicable):

1. *Ingress and egress to the property and structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and access in case of fire or catastrophe:* Access is via a private unpaved road. It does not meet development standards of Section 4699 of the LDC, which require paved access and egress to the entrance of the property. Section 4699 further requires access be specifically limited to collector or arterial roadways. The closest collector or arterial road is Homosassa Trail, located almost a mile away from the entrance to Parcel 46.
2. *Off-street parking and loading areas, refuse and service areas, and to effects of surrounding property:* Parking, loading, and staging areas will be located inside the required buffers. The mandatory 300-foot setback from residentially committed lands will minimize the effects on adjacent lands. Vegetative disposal would not be permitted on any part of Lot 38.
3. *Utilities - location, availability, and compatibility:* All solid waste, other than approved vegetative debris, must be disposed of at a licensed landfill.
4. *Screening and buffering - type, dimensions, and location:* The proposed language for the LDC requires a Type "D" vegetative buffer 30 feet in width, eight feet in height, and 75 percent opacity within two years of issuance of the operational permit. A stabilized earthen berm at least eight feet in height may be substituted for the buffer. This buffer will be required at the time of permitting for the entire perimeter of the project site. The proposed site plan provides a 50-foot wide natural vegetative buffer which may meet the 75 percent opacity test. Supplemental plantings may be required to meet LDC standards.
5. *Signs (if any) and proposed lighting:* The LDC requires one entrance sign stating the type of material accepted, emergency contact, information identifying the facility, and that all material must be covered in transit.
6. *Required yards and other open space:* The proposed setbacks do not meet the LDC requirements. The LDC requires at least a 100-foot setback from the property line or 300 feet where there are residentially committed

properties. These required setbacks will severely limit the use of the proposed site for vegetative debris disposal. The proposed fill sequence and buffers specified in the application are not consistent with these setbacks.

**SUMMARY OF FINDINGS** - It has been determined that the reviewing body (PDRB) is empowered under the LDC to grant a Conditional Use for application CU-06-05. Granting this request will adversely affect the public interest, and would be generally incompatible with adjacent properties and other properties in the district, provided the conditions as proposed by staff are adhered to.

**RECOMMENDATION** - Based on the findings of fact, staff recommends **DENIAL** of **CU-06-05**.

SF/si

Attachments



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
Telephone: 813-632-7600

Colleen M. Castille  
Secretary

## NOTICE OF TRANSFER OF OWNERSHIP AND PERMIT AMENDMENT

### CERTIFIED MAIL

Mr. E. W. McLean, Authorized Agent  
Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a. DM & Sons, Inc.  
1340 S. Colonial Avenue  
Homosassa, FL 34448-1602

Re: Letter dated July 12, 2005 & Application dated June 19, 2006  
Permit 0170364-001-AC time extension  
FDEP Project No. 0170364-002-AC transfer of ownership

Dear Mr. Merritt:

On June 21, 2006, the Department received your Application for Transfer of Permit and letter dated June 16, 2006, requesting the expiration date of permit 0170364-001-AC be extended a second time. This permit is for the construction of an air curtain incinerator located at 5490 W. Homosassa Trail, Lecanto (near the southeast intersection of S.R. 490 (Homosassa Trail) and Rockcrusher Road). As requested, the ownership of permit 0170364-001-AC and the expiration date for permit 0170364-001-AC are hereby changed as follows:

### TRANSFER OF OWNERSHIP

FROM: DM & Sons, Inc.

TO: Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a DM & Sons, Inc.

### EXPIRATION DATE

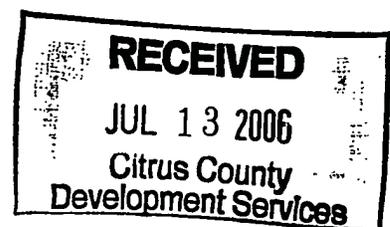
FROM: 10/23/2006

TO: 10/23/2007

Page 1 of 5

"More Protection, Less Process"

Printed on recycled paper.



A person whose substantial interests are affected by the proposed transfer of permit and permit amendment may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's action; and
- (f) A statement of specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this transfer of ownership and permit amendment. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief

Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a. DM & Sons, Inc.  
0170364-001-AC & 0170364-002-AC

Page 3 of 5

provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This transfer of permit and permit amendment are final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time to file the petition, this transfer of permit and permit amendment will not be effective until further Order of the Department.

Any party to the Order (Notice of Transfer of Permit and Permit Amendment) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, Mail Station 35, 3900

Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a. DM & Sons, Inc.  
0170364-001-AC & 0170364-002-AC

Page 4 of 5

Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

This letter must be attached to and becomes a part of permit 0170364-001-AC. **FOR YOUR CONVENIENCE A COPY OF PERMIT 0170364-001-AC IS ATTACHED.** If you have any questions, please call Mr. Jim McDonald of my staff at (813)623-7600 extension 106.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Mara Grace Nasca*

---

Mara Grace Nasca  
District Air Program Administrator  
Southwest District

Attachment: Permit 0170364-001-AC

xc: Mr. Paul Kaufmann, Owner (CERTIFIED MAIL)  
Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a DM & Sons, Inc.  
15604 County Line Road  
Spring Hill, FL 34610

Mr. Stephen Smallwood, P.E.  
Air Quality Services  
3218 D Tanager Court  
Tallahassee, FL 32308

✓ Mr. Gary Maidhof, Director  
Citrus County Department of Development Services  
3600 W. Sovereign Path, Suite 109  
Lecanto, FL 34461-8070

Mr. Howard E. Potts (CERTIFIED MAIL)  
P.O. Box 3316  
Homosassa Springs, FL 34447

Precision Grading and Land Development, Inc.  
(P & D Holdings, LLC)  
d/b/a. DM & Sons, Inc.  
0170364-001-AC & 0170364-002-AC

Page 5 of 5

xc (continued):

Ms. Rossie M. Atkins-Joyner (CERTIFIED MAIL)  
2931 S. Cauthen Point  
Lecanto, FL 34461

Mr. Don Merritt, President  
DM & Sons, Inc.  
P.O. Box 309  
Crystal River, FL 34423

Mr. Bill Kutash – FDEP, Tampa

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF TRANSFER OF PERMIT AND PERMIT AMENDMENT was sent to the addressee by certified mail and all copies were sent by regular mail, before the close of business on 07-06-06 to the listed persons, unless otherwise noted.

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 07-06-06  
Clerk Date



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Colleen M. Castille  
Secretary

**PERMITTEE:**  
DM & Sons, Inc.  
P.O. Box 309  
Crystal River, FL 34423

**Permit No.:** 0170364-001-AC  
**County:** Citrus  
**Effective Date:** 01/18/2005  
**Expiration Date:** 10/23/2005  
**Project:** Air Curtain Incinerator

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-204, 62-210, 62-212, 62-213, 62-296, 62-297, and Chapter 62-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

The permit authorizes the construction of an Air Burners, Inc., Model S-327 E air curtain incinerator with a refractory lined burning pit that is 27' long x 8'4" wide x 8' deep. The manifold is designed to be 27 feet in length. In order to avoid the Title V permitting requirements of Chapter 62-213, F.A.C., the incinerator is synthetically limited to burn a maximum of 15 tons/hour (based on a daily average) and 30,000 tons/yr. Emissions are controlled by forced air at a very high static pressure over and around the burning pit. The fan, which produces the forced air, is electrically powered. The incinerator is subject to the requirements of 40 CFR 60, Subpart CCCC, and Rules 204.800(8)(b)74. and 62-296.401(7), F.A.C. The incinerator will also become subject to:

- Rule 62-296.401(2)(h), F.A.C., which is currently in the rulemaking process, when it is promulgated.
- The changes to Rule 62-296.401(7), F.A.C., which is currently in the rulemaking process, when it is promulgated.

## Facility Information Summary

**Location:** 5490 W. Homosassa Trail, Lecanto [Near the southeast intersection of SR 490 (Homosassa Trail) and Rockcrusher Road]

**UTM Coordinates:** 17-351.49 East 3189.32 North

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

Latitude: 28°49'39" North    Longitude: 82°31'34" West

Facility ID No.: 0170364

Emission Unit (EU) ID Nos.: 001 – Air Curtain Incinerator

**NOTE:** Please reference the Permit No., Facility ID, and Emission Unit ID in all correspondence, test report submittals, applications, etc.

### Permit History

Replaces Permit Nos.: N/A

### SPECIFIC CONDITIONS:

#### General Conditions and Requirements

1. A part of this permit is the attached 15 General Conditions. [Rule 62-4.160, F.A.C.]
2. Issuance of this permit does not relieve the permittee from complying with applicable emission limiting standards or other requirements of Chapters 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C. or any other requirements under federal, state, or local law. [Rule 62-210.300, F.A.C.]

#### Specific Regulatory Conditions and Requirements

3. This incinerator is subject to the requirements of 40 CFR 60, Subpart CCCC – Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001. [Rule 62-204.800(8)(b)74., F.A.C.]

{Permitting Note: The following conditions/terms noted in "*italics*" are, as of the effective date of this permit, currently undergoing the rulemaking process to Rule 62-296.401, F.A.C., to incorporate the U.S. EPA already-in-effect requirements of 40 CFR 60, Subpart CCCC. 40 CFR 60, Subpart CCCC, is adopted and incorporated by reference in Rule 62-204.800(8)(b)74., F.A.C. Since the rule making process may result in minor changes to those conditions/terms, the Department may be required to change the conditions/terms at a later date.}

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

4. *The unit shall comply with all standards, limitations, and requirements of 40 CFR Part 60, to which it is subject, and with the requirements in Rules 62-296.401(7)(a)1.-18. and 62-296.401(2)(h), F.A.C., to the extent that those requirements are stricter than, or supplemental to, the requirements of 40 CFR Part 60 Subpart AAAA, BBBB, CCCC, or DDDD. [Rules 62-296.401(2)(h) and 62-296.401(7)(a), F.A.C.]*

{Permitting Note: The conditions of this permit include the requirements referenced in the underlined portion of Specific Condition No. 4 above.}

#### Specific Operating and Emission Limitations

5. The maximum charging rate to the incinerator shall not exceed 15 tons/hr. (daily average basis) and 30,000 tons per any consecutive 12-month period. The charging rate going into the pit shall be determined by the following procedure: The loader used to charge the pit shall weigh 5 buckets (rakes) at a representative maximum capacity and representative material to be charged into the burn pit. This average, along with the number of charges, shall then be used to determine the hourly process rate. In addition, the loader bucket (rake) that will be used to charge the pit shall be designated as the only one used in charging the pit. If a different or alternate sized loader is used a new average shall be determined and noted in the facility's records/logs. [Rules 62-212.300, 62-296.401(7)(a)10., and 62-4.070(3), F.A.C.]

6. The operating (charging) hours of this incinerator shall not exceed 4,000 hours per any consecutive 12-month period. [Construction application dated September 1, 2004]

7. Outside of startup procedures, visible emissions *shall not exceed 10% opacity.* [Rule 62-296.401(7)(a)1., F.A.C.] Note, until the preceding rule is promulgated the permittee shall also comply with the current State's rule, Rule 62-296.401(7)(a), F.A.C. This rule states, "Outside of startup periods, no visible emission (5 percent opacity or less) shall be allowed, except that an opacity of up to 20\* percent shall be permitted for not more than three minutes in any one hour."

- \* Please note that in order to comply with the existing state opacity standard for stationary air curtain incinerators found in Rule 62-296.401(7)(a), F.A.C., and the new federal New Source Performance Standard (NSPS) found in 40 CFR 60, Subpart CCCC, adopted and incorporated by reference in Rule 62-204.800(8)(b)74., F.A.C., the operator must ensure that, outside of the first 30 minutes of daily operation, the opacity does not exceed 5%, except that an opacity of up to 10% is allowed for up to 3 minutes each hour. When this opacity condition is met, both DEP Method 9 and EPA Method 9 (see Specific Condition

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

Nos. 30 & 31) will show compliance with both the federal N<sup>S</sup>PS and the state opacity standard.

8. During startup periods, which shall not exceed the first 30 minutes of operation, an opacity of up to 35%, averaged over a six-minute period, shall be allowed. [*Rule 62-296.401(7)(a)2., F.A.C.*]

9. The general excess emissions rule, Rule 62-210.700, F.A.C., to handle start-ups, shutdowns, and malfunctions, shall not apply to air curtain incinerators. [*Rule 62-296.401(7)(a)3., F.A.C.*]

10. The following dimensions for the pit must be strictly adhered to: no more than 12 feet wide, between 8 and 15 feet deep, and no longer than the length of the manifold. *Pit width, length, and side walls shall be properly maintained so that combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time for mixing for complete combustion and control of emissions.* The pit shall not be dug within a previously active portion of a landfill. [*Rule 62-296.401(7)(a)4., F.A.C.*]

11. The only materials that *shall* be burned in an air curtain incinerator are wood waste, yard waste, and clean lumber. [*Rules 62-296.401(2)(h)3. and 62-296.401(7)(a)5., F.A.C.*]

12. The burning of sawdust, paper, paper, trash, tires, garbage, *rubber material*, plastics, liquid wastes, *Bunker C residual oil, roofing materials, tar, asphalt, railroad cross ties or other creosoted lumber*, chemically treated or painted wood, and other similar materials *in any air curtain incinerator* is expressly prohibited. [*Rules 62-296.401(2)(h)3. and 62-296.401(7)(a)6., F.A.C.*]

13. Only virgin oil, natural gas, or liquefied petroleum gas may be used to start the fire *in an air curtain incinerator*. The use of waste oil, chemicals, gasoline, or tires is expressly prohibited. [*Rule 62-296.401(7)(a)7., F.A.C.*]

14. *Biological waste shall not be combusted in an air curtain incinerator.* [*Rule 62-296.401(2)(h)2., F.A.C.*]

15. In no case shall an air curtain incinerator be started before sunrise. For *all* air curtain incinerators, charging must have completely stopped before sunset. [*Rule 62-296.401(7)(a)8., F.A.C.*]

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

16. *An air curtain incinerator shall be attended at all times while materials are being burned. During such times as the air curtain incinerator is not in operation, public access to the incinerator shall be restricted. [Rule 62-296.401(7)(a)9., F.A.C.]*
17. *Stationary air curtain incinerator must be located at least 300 feet from any occupied building located off site. [Rule 296.401(7)(a)11., F.A.C.]*
18. *Air curtain incinerators used at landfills may not operated within one thousand (1000) feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gated or check-in station. [Rule 62-296.401(7)(a)12., F.A.C.]*
19. *The material shall not be loaded into the air curtain incinerator such that it will protrude above the air curtain. [Rule 62-296.401(7)(a)13., F.A.C.]*
20. *Ash shall not be allowed to build up in the pit of an air curtain incinerator to higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, which occurs first. [Rule 62-296.401(7)(a)14., F.A.C.]*
21. *The pit shall be marked with an indicator to show the 1/3 depth. [Rule 62-4.070(3), F.A.C.]*
22. *An operation and maintenance guide must be available to the operators of an air curtain incinerator at all times, and the permittee shall provide training to all operators before they work at the incinerator. The Department may request a copy of this guide. [Rule 62-296.401(7)(a)15., F.A.C.]*
23. *Each trained operator shall receive a certificate demonstrating that the operator has successfully passed the training required by the operation and maintenance guide. During the tenure of the operator, a copy of this certificate shall be kept on file at the facility and be made available to the Department upon request. [Rule 62-4.070(3), F.A.C.]*
24. *This facility shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An objectionable odor is defined in Rule 62-210.200, F.A.C., Definitions, as any odor present in the outdoor atmosphere, which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-296.401(1)(b), F.A.C.]*

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

25. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter. These provisions are applicable to any source, including, but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the following:

- A. Ash removed from the pit shall be wetted with water as necessary.
- B. Water will be applied as necessary to the facility grounds.
- C. Reasonable care will be taken in loading and unloading the pit.

[Rule 62-296.320(4)(c), F.A.C.]

26. In order to ensure the visible emission limitations are not exceeded and objectionable odors are not generated, the air curtain incinerator's fan shall continue to operate after the last charge of each day until all combustion has ceased. For purposes of this condition, "combustion" means the presence of any flames or smoke that causes a visible emission greater than 5% opacity.

[Rules 62-210.200(278) - Definition of Visible Emission and 62-4.070(3), F.A.C.]

Recordkeeping Requirement

27. A daily operating log shall be kept and at a minimum contain the following:

- A. Date
- B. Type of starter fuel used.
- C. Total number charges.
- D. Default charging rate and identification of the rake used.
- E. Total material (in tons) charged.
- F. Daily operating (charging) hours, which includes the start of initial combustion to the time of the last charge to the incinerator (Start and Stop Times shall be indicated).
- G. Daily, calculate the hourly charging rate (tons/hr.).

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

- H. Monthly, provide the most recent consecutive 12 month period total of operating (charging) hours.
- I. Monthly, provide the most recent consecutive 12 month period total for the amount of material charged in tons.
- J. Type of Maintenance Performed
- K. Comments
- L. Operator's signature

The log shall be maintained at the facility for at least 5 years and shall be made available to the Department upon request. [Rule 62-4.070(3), F.A.C.]

#### Testing Requirements

28. Test the air curtain incinerator for visible emissions within 60 days after reaching the maximum permitted charging rate of 15 tons/hr. (daily average), but no later than 180 days after its initial startup and annually thereafter. Submit a copy of the **initial** test data to the Air Permitting Section of the Department's Southwest District Office within 45 days of such testing and by the 180<sup>th</sup> day after the initial startup in conjunction with an air operation permit application. Subsequent annual test reports shall be submitted within 45 days of testing. All submitted compliance test reports shall include

- A. A copy of the daily log for each test day, along with the charging rate
- B. A description of materials burned, and starter fuel used during the test period.

*Initial and annual opacity test results shall be submitted as electronic or paper copy on or before the applicable submittal date. [Rules 62-296.401(2)(h)4. & 7., 62-297.310(7) and 62-297.310(8)(b), F.A.C.]*

29. Testing of emissions must be conducted within 90-100% of the maximum allowable charging rate\* of 15 tons/hr. A compliance test submitted at a rate less than 90% of the maximum permitted charging rate will automatically constitute an amended permitted charging rate at that lesser rate, plus 10%. Within 30 days of that lower amended permitted charging rate being exceeded, a new compliance test shall be conducted at no less than that higher rate and no greater than 15 tons/hr. The test results shall be submitted to the Air Compliance Section of the Department's Southwest District Office within 45 days of testing. Acceptance of the test by the Department will automatically constitute an amended permit at the higher charging tested rate,

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

plus 10%, but in no case shall the maximum permitted charging rate of 15 tons/hr. be exceeded. The emission limitations shall not change.

- \* Charging rate is defined as 1) the amount of material placed in the incinerator during the period starting with the initial loading and ending 60 minutes after initial combustion, for the first 60 minute period after initial combustion and 2) the amount of material placed in the incinerator for any 60-minute period thereafter.

[Rules 62-4.070(3) and 62-297.310(2), F.A.C.]

30. The *reference* test method for visible emissions shall be EPA Method 9, as described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C. [Rule 62-296.401(7)(a)16., F.A.C.]

31. Test procedures shall conform to the procedures specified in Rule 62-297.310, F.A.C. [Rule 62-296.401(7)(a)17., F.A.C.]

32. The visible emission test shall be conducted when the highest emissions can reasonably be expected to occur. The visible emission test report shall include the charging rate, description of materials burned, starter fuel used, and a copy of the daily operating log for the test day. The EPA Method No. 9 test interval on this source shall be at least 60 minutes and meet all the applicable requirements of Chapter 62-297, F.A.C. The visible emission test shall begin upon initial combustion and include the first 60\* minutes of the burn (30 minutes start-up and 30 minutes normal operation). In order to determine compliance and maximize the conditions for conducting a valid visible emission test, the Department reserves the right to require the air curtain incinerator to be repositioned, for example, with the incinerator's long axis in a north to south direction. [Rules 62-296.401(7)(o), 62-297.310(4)(a)2. and 62-4.070(3), F.A.C.]

- \* **Note, until Rule 62-296.401(7)(a)16., F.A.C., in Specific Condition No. 30 is promulgated, the permittee shall also comply with the current State's rule, Rule 62-296.401(7)(o)1., F.A.C. This rule states, "The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C." In order to comply with the State's current rule, the visible emission test shall begin upon initial combustion and include the first 90 minutes of the burn (30 minutes start-up and 60 minutes normal operation).**

33. *Records of the results of all opacity tests shall be kept onsite in either paper copy or electronic format, for at least 5 years. These records shall be made available to the permitting authority or for an inspector's onsite review upon request. [Rule 62-296.401(2)(h)6., F.A.C.]*

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

34. For only the initial emission compliance tests, the permittee shall provide the Air Compliance Section of this office at least 30 days prior notice of any performance tests. The notice shall contain the date on which each formal compliance test is to begin of the date, time and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.8(d)]

35. After the initial emission compliance tests, the permittee shall notify the Air Compliance Section of this office at least 15 days prior to the date on which each formal compliance test is to begin of the date, time and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.310(7)(a)9., F.A.C.]

36. The permittee shall provide written notification to the Air Compliance Section of this office as follows:

- A. The date construction is commenced, postmarked no later than 30 days after such date, pursuant to 40 CFR 60.7(a)(1).
- B. The actual date of initial startup, postmarked within 15 days after such date, pursuant 40 CFR 60.7(a)(3).

[40 CFR 60.7, 40 CFR 60.670(f), and Rule 62-204.800(7), F.A.C.]

37. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

#### Other Requirements

38. The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; or any malfunction of the air pollution control equipment. The records shall be recorded in a permanent form suitable for inspection and shall be retained for at least 5 years. [Rule 62-204.800(8), F.A.C. and 40 CFR 60.7(b)]

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

39. *Nothing in this rule (Rule 62-296.401(7)(a), F.A.C.), shall relieve the owner or operator from any requirement for obtaining authorization to use an air curtain incinerator, when necessary, from the Division of Forestry, or any local fire control authority. [Rule 62-296.401(7)(a)18., F.A.C.]*

40. Except for the air curtain incinerator, the facility shall not have visible emissions equal to or greater than 20% opacity, in accordance with the facility-wide visible emission limitation of Rule 62-296.320(4)(b), F.A.C. Permitting Note: This rule does not require testing annually or prior to permit renewal. [Rule 62-296.320(4)(b), F.A.C.]

41. Submit to the Air Compliance Section of this office each calendar year on or before March 1, a completed DEP Form 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility," for the preceding calendar year. [Rule 62-210.370(3)(a)2., F.A.C.]

#### Operating Permit Application

42. An application for an operating permit shall be submitted to the Air Permitting Section of this office within 45 days of testing or at least 180 days prior to the expiration date of this permit, whichever occurs first (also see Condition No. 28). Be sure to attach to the application:

- A. At least 1 recent month of records as required by Specific Condition No. 27.
- B. A copy of the visible emission test report.
- C. The appropriate Department application form [see Rule 62-210.900, F.A.C. (Forms and Instructions)];
- D. The appropriate operation permit application fee pursuant to Rule 62-4.050, F.A.C.;

[Rules 62-4.050, 62-4.070(3), 62-220, 62-210.300(2), 62-210.900 and 62-296.310(7)(a)1., F.A.C.]

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

Solid Waste Requirements and Limitations:

43. The permittee shall comply with the following Solid Waste requirements:

**Wood Waste Management Requirements.**

1. The owner or operator of this yard trash facility is not required to obtain a separate Solid Waste Management Facility permit pursuant to Rule 62-701.320(14), F.A.C., during the time that this Air Curtain Incinerator permit is in effect. In the event that this Air Curtain Incinerator permit expires or is suspended, revoked or otherwise invalidated, the owner or operator shall obtain the appropriate permit pursuant to Chapter 62-701, F.A.C., for continued operation as a disposal facility or, if applicable, a Yard Trash Processing Facility registration pursuant to Rule 62-709.320, F.A.C., for the continued operation of the facility as a yard trash transfer station or yard trash recycling facility.
2. Solid waste storage requirements.
  - (a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly solid waste storage operation, including:
    1. An effective barrier to prevent unauthorized entry and dumping into the facility site;
    2. Dust control methods; and
    3. Fire protection and control provisions to deal with accidental burning of solid waste, including:
      - a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site;
      - b. There shall be interior lanes at least 15 feet wide; and
      - c. No part of the solid waste storage area shall be more than 50 feet from access by motorized fire fighting equipment.
  - (b) The facility shall be operated in a manner to control disease vectors, and to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.
  - (c) Any wood waste received at the facility shall be incinerated or removed within 6 months, or within the period required to receive 3,000 tons or

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

12,000 cubic yards, which ever is greatest. However, logs with a diameter of 6 inches or greater may be stored for up to 12 months before they are removed, provided the logs are separated and stored apart from other materials on site

- (d) In order to verify that the storage limits in (c) above are not being exceeded, monthly records of incoming and outgoing material shall be kept on site or at another location approved by the Department for at least three years. The values may be in cubic yards or tonnage, but the same unit of measurement shall be used to record both incoming and outgoing material.
- (e) Any solid waste received at the facility, which is not authorized by this permit to be incinerated shall be containerized, with all putrescible material removed within 48 hours. Further, if any of the following materials are discovered, they shall be immediately containerized and removed from the facility: treated or untreated biomedical waste; hazardous waste; or any materials containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater.
- (f) The Prohibitions of Rule 62-701.300, F.A.C., shall not be violated by the activities at this site:

[Rule 62-709.320, F.A.C.]

**Rule 62-701.300, F.A.C. - Prohibitions.**

- (1) General prohibition.
  - (a) No person shall store, process, or dispose of solid waste except at a permitted solid waste management facility or a facility exempt from permitting under this chapter.
  - (b) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.
- (2) Siting. Unless authorized by a Department permit or site certification in effect on May 27, 2001, or unless specifically authorized by another Department rule or a Department permit or site certification

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

based upon site-specific geological, design, or operational features, no solid waste shall be stored or disposed of by being placed:

- (a) In an area where geological formations or other subsurface features will not provide support for the solid waste;
- (b) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility;
- (c) In a dewatered pit unless the pit is lined and permanent leachate containment and special design techniques are used to ensure the integrity of the liner;
- (d) In an area subject to frequent and periodic flooding unless flood protection measures are in place;
- (e) In any natural or artificial body of water including ground water;
- (f) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.
- (g) On the right of way of any public highway, road, or alley; and
- (h) Within 1000 feet of an existing or approved potable water well serving a community water supply as defined in Rule 62-550.200(12), F.A.C., unless storage or disposal takes place at a

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department which regulates wellhead protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility.

- (3) Burning. Open burning of solid waste is prohibited except in accordance with Chapter 62-256, F.A.C. Controlled burning of solid waste is prohibited except in a permitted incinerator, or in a facility in which the burning of solid waste is authorized by a site certification order issued under Chapter 403, Part II, F.S.
- (4) Hazardous waste. No hazardous waste shall be disposed of in a solid waste management facility unless such facility is permitted pursuant to Chapter 62-730, F.A.C.
- (5) PCBs. Disposal of liquids containing a polychlorinated biphenyl (PCB), or non-liquid PCBs in the form of contaminated soil, rags, or other debris, may be restricted or prohibited by 40 CFR Part 761. Persons managing PCBs are advised to consult that federal regulation before attempting to dispose of PCBs in any solid waste disposal unit in this state.
- (6) Biomedical waste.
  - (a) No biomedical waste shall be knowingly deposited in any solid waste management facility unless:
    1. The solid waste facility is specifically permitted to receive untreated biomedical waste;
    2. The biomedical waste has been properly incinerated so that little or no organic material remains in the ash residue, or treated by a process approved by the Department of Health, and the provisions in Rule 62-701.520(5)(c), F.A.C., are complied with; or
    3. The biomedical waste is generated by an individual as a result of self-care, or care by a family member or other non health care provider. However, in order to reduce the chance of

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

exposure to the public, home generators are advised to segregate and package such waste before disposal according to the guidelines for disposal of home-generated biomedical waste available from each county health department.

- (b) No solid waste, including treated biomedical waste, shall be commingled with untreated biomedical waste unless the solid waste is being managed in the same manner as the untreated biomedical waste.
  - (c) Treated or untreated biomedical waste shall not be allowed to leak into the environment during transport.
- (7) Class I surface waters. The Department shall not issue a construction permit for a landfill within 3,000 feet of Class I surface waters.
- (8) Special wastes for landfills. No person who knows or who should know of the nature of such solid waste shall dispose of the following wastes in any landfill:
- (a) Lead-acid batteries;
  - (b) Used oil, except as provided in Chapter 62-710, F.A.C.;
  - (c) Yard trash, except in unlined landfills classified by Department rule;
  - (d) White goods;
  - (e) Whole waste tires, except as provided in Chapter 62-711, F.A.C.
- (9) Special wastes for waste-to-energy facilities. No person who knows or who should know of the nature of such solid waste shall dispose of lead-acid batteries, mercury-containing devices, or spent mercury-containing lamps in any waste-to-energy facility.
- (10) Liquids restrictions.
- (a) Noncontainerized liquid waste shall not be placed in solid waste disposal units which accept household waste or construction and demolition debris for disposal unless:
    - 1. The waste is household waste other than septic waste; or
    - 2. The waste is leachate or gas condensate derived from the solid waste disposal unit, or byproducts of the treatment of such

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

leachate or gas condensate, and the solid waste disposal unit is lined and has a leachate collection system.

- (b) Containers holding liquid waste shall not be placed in a solid waste disposal unit unless:
    - 1. The container is a small container similar in size to that normally found in household waste;
    - 2. The container is designed to hold liquids for use other than storage; or
    - 3. The waste is household waste.
  - (c) Containers or tanks twenty gallons or larger in capacity shall either have one end removed or cut open, or have a series of punctures around the bottom to ensure the container is empty and free of residue. The empty container or tank shall be compacted to its smallest practical volume for disposal.
- (11)(a) Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.
- (b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection.
- (12) Yard trash. The prohibitions in paragraphs (2)(b), (f), and (h) of this section apply to the storage, processing, or disposal of yard trash, except that the following setback distances shall apply:
- (a) 100 feet from off-site potable water wells, no setback required from on-site water wells;
  - (b) 50 feet from water bodies; and
  - (c) 200 feet from wells serving community water supplies.
- (13) Tanks. The prohibitions in subsection (2) of this section do not apply to the storage or treatment of solid waste in tanks which meet the criteria of Chapter 62-761 or Rule 62-701.400(6), F.A.C. Instead, no

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

such storage tank shall be installed within 500 feet of any existing community water supply system or any existing non-transient non-community water supply system, nor shall any tank be installed within 100 feet of any other existing potable water supply well.

- (14) Indoor storage. The prohibitions in subsection (2) of this section do not apply to the storage or processing of solid waste indoors, provided that the indoor storage area has an impervious surface and a leachate collection system. For the purposes of this subsection, an impervious surface means either a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with both a minimum thickness of one and one-half inches and with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.
- (15) Storage in vehicles. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle, provided that such vehicle has either been unloaded or moved over public highways within the previous seven days.
- (16) Existing facilities. Those portions of facilities which were constructed prior to May 27, 2001, remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) and (h) of this section. However, lateral expansions of such facilities, which occurred after May 19, 1994, are subject to the prohibitions of paragraphs (2)(b) and (h) of this section.

PERMITTEE:  
DM & Sons, Inc.

PERMIT No.: 0170364-001-AC  
PROJECT: Air Curtain Incinerator

**Ash Management Requirements.**

1. Ash from the air curtain incinerator may be used as a soil amendment or incorporated into mulch or compost products. If the ash is disposed of rather than beneficially used, such disposal shall be in accordance with the requirements of Chapter 62-701, F.A.C.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



---

Gerald J. Kissel, P.E.  
District Air Program Administrator

## ATTACHMENT - GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. Not applicable to Air Permits.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the permit;

GENERAL CONDITIONS:

- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

GENERAL CONDITIONS:

13. This permit also constitutes:

- ( ) Determination of Best Available Control Technology (BACT)
- ( ) Determination of Prevention of Significant Deterioration (PSD)
- (X) Compliance with New Source Performance Standards (NSPS)

14. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

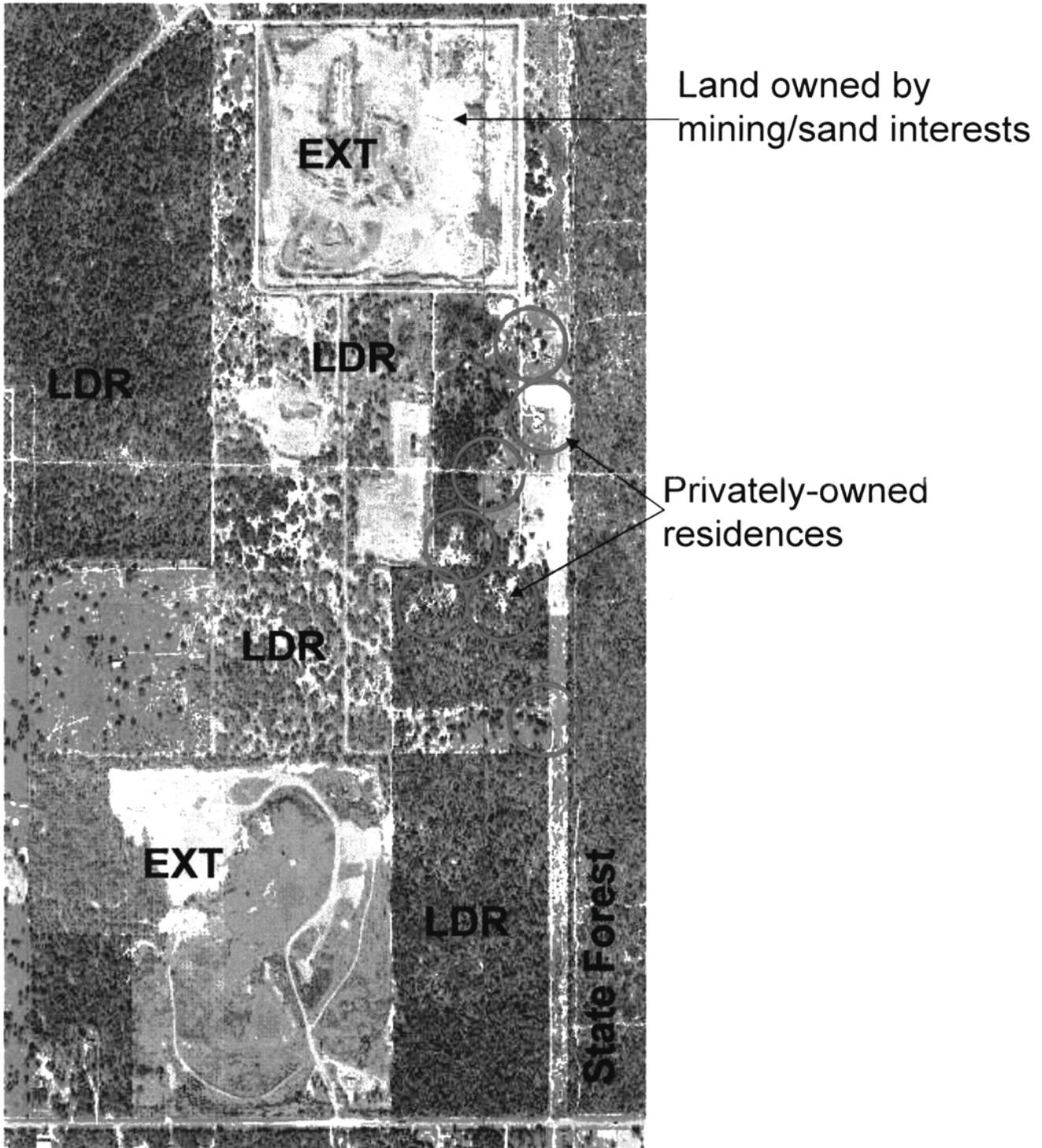
1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

16. Not applicable to Air Permits.

17. Not applicable to Air Permits.

# Frasure Hull Peach Orchard



Frasure Holl P.O. Call list.

CA-06-03

Howard Potts

352-628-1966 - <sup>Cell</sup> 352-422-5638

Sharon Garland/Walter Horak 352  
628-5907

Jodi Nunziato 352-621-3020

RICHARD DUBUSK 352-344-8989

Barbara Tate (Dirt Boys) 352-382-3094

Jeff ~~Mr~~ Stevenson (Jr) stepfrigit@aol.com

BEST IMAGE QUALITY

RIP 2619511  
1507561



# LAND DEVELOPMENT CODE ATLAS

0-11-04-01

SECTION	<b>19</b>
TOWNSHIP	<b>19</b>
RANGE	<b>18</b>
QUARTER	<b>NE</b>
AERIAL NO.	<b>85</b>
MAP NO.	<b>363A</b>



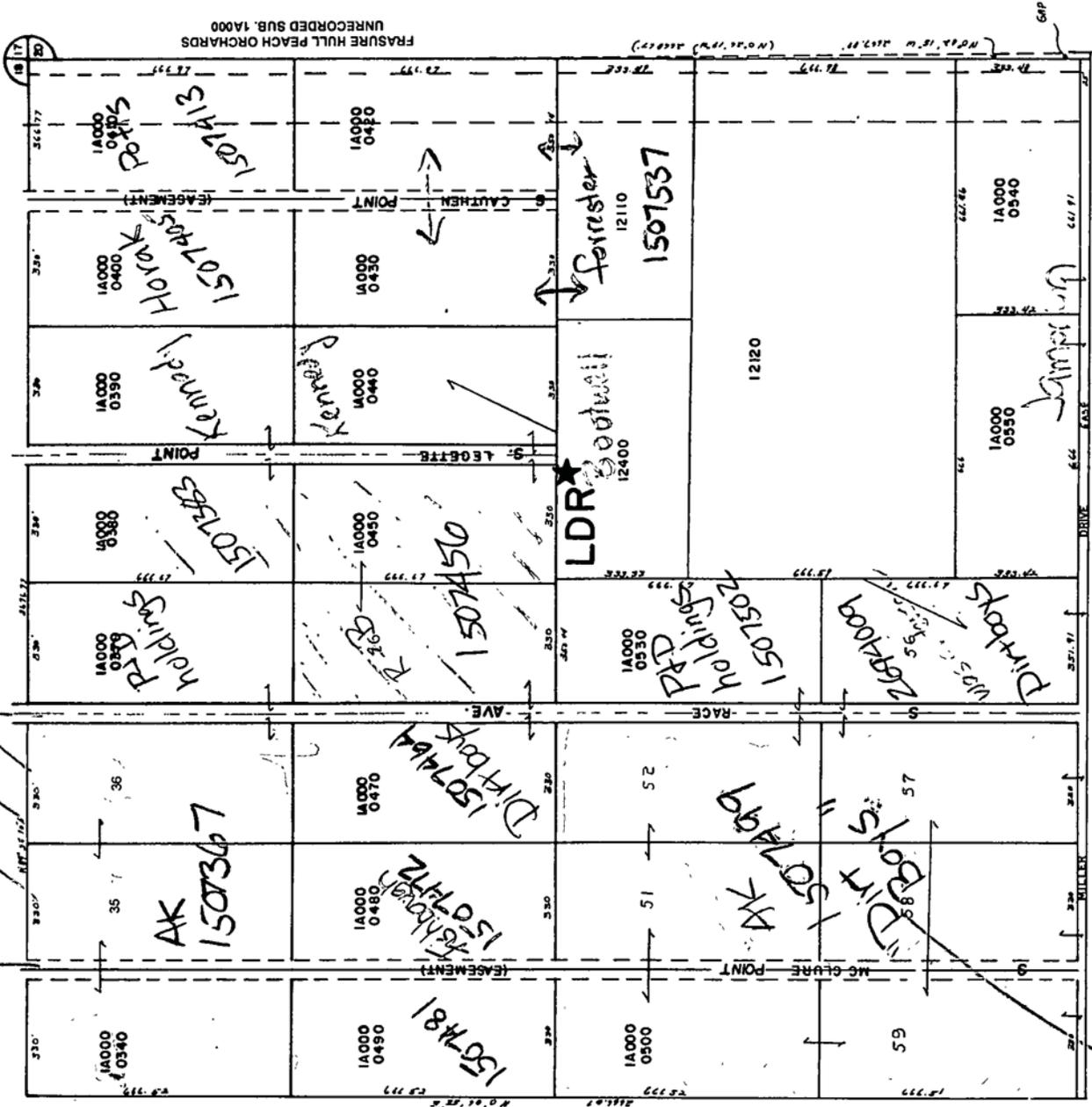
GRAPHIC SCALE



This map was prepared by the Department of Development Services, Community Development Division using available tax maps from the Citrus County Property Appraiser's office to create a base map. The purpose of this map is to convey land use and zoning information pursuant to ordinance 90-14, as amended. Information regarding property ownership and recognition of individual lots or lot boundaries is subject to verification and this map should not be relied upon for this purpose.

**Community Development Division**  
**Planning for the Future**

Revised 06-27-2003



Grinder permit application  
on 3.5.32, 2005-18196 - Denied

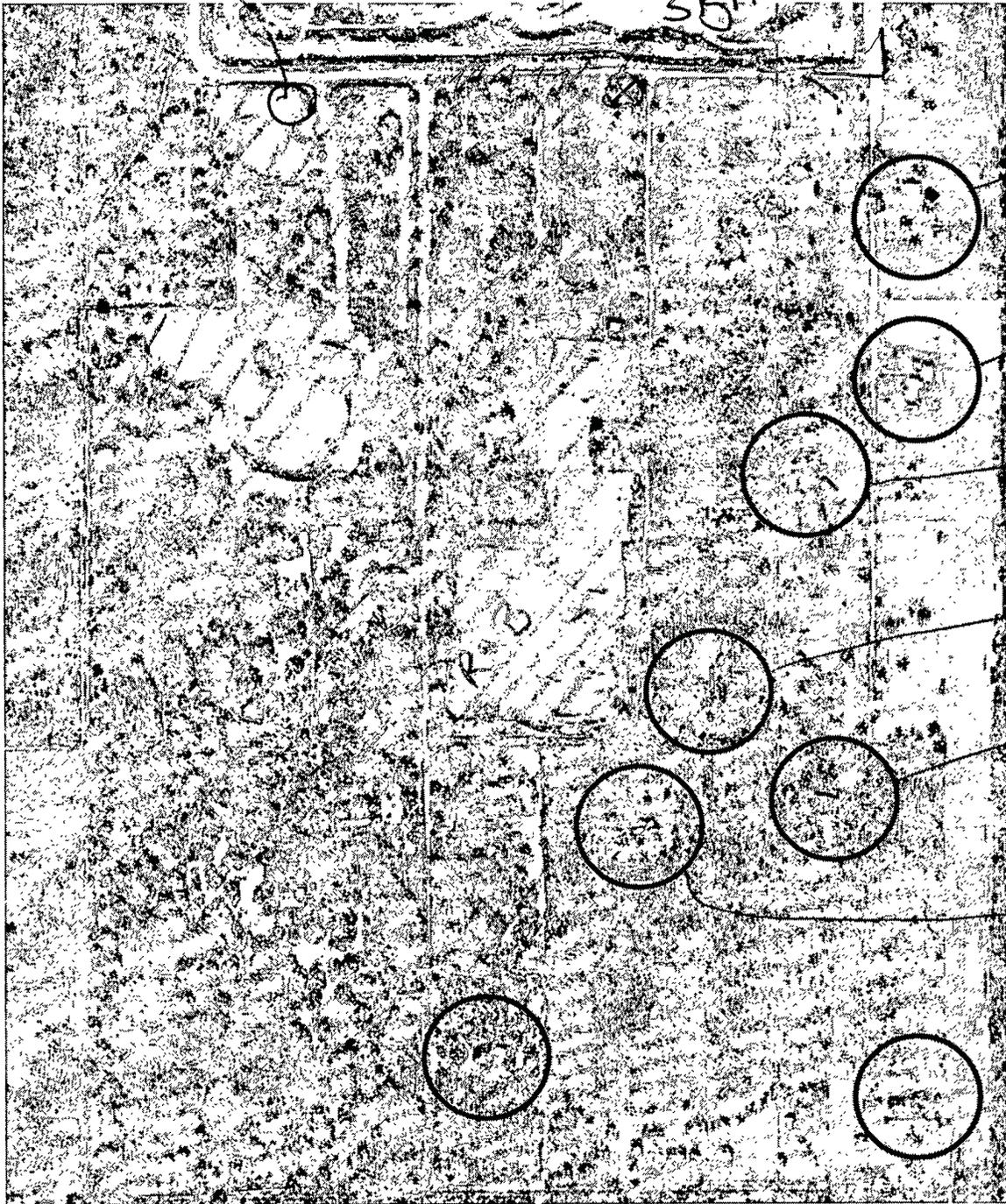
BK 1953 20511

Re. nr

BEST IMAGE QUALITY

CU-08-03

CU 08-04  
SIGN



Doug Joyner  
1507111

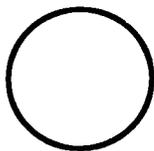
Howard Potts  
1507413

Walter  
Horak  
1507405

Steve Kennedy  
1507448  
(rental?)

Jodie Forrester  
1507537  
(rental?)

Linda Boutwell  
2446161



Residence not owned by mining company

July 27, 2005

E. W. McLean  
1340 S. Colonial Ave.  
Homosassa, FL 34448

**RE: Application No. CU-05-12**

LOCATION: Section 18, Township 19 South, Range 19 East; more specifically, Frasure Hull Peach Orchards unrecorded subdivision tracts 3 through 8, 11 through 16, and 19 through 23 which address is 2957 South Race Avenue, Lecanto, Florida.

Dear Mr. McLean:

At the July 21, 2005, hearing of the Citrus County Planning and Development Review Board (PDRB), your request for a conditional use from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request to allow for the operation of a portable air curtain incinerator, pursuant to Section 4698, Incinerators, Debris Burns, and Burn Pits/Barrels, of the LDC was **APPROVED** subject to the following conditions:

1. Approval is limited to the installation and operation of an air curtain incinerator as permitted in Florida Department of Environmental Protection permit 0170364-001-AC and described in LDC Section 4698, Incinerators, Debris Burns, and Burn Pits/Barrels. Open burning and burying vegetative debris are specifically prohibited in this approval. Burying vegetative debris would require additional approval from the Planning Development Review Board.
2. The applicant must obtain a County operating permit as required in LDC Section 4698.B.1.b.
3. The facility must maintain at least 80 contiguous acres to operate the air curtain incinerator.
4. The incinerator site must be at least 300 feet from all property lines and 1000 feet from all residentially committed properties.
5. The sand mining operation must maintain setbacks from all property lines as established in the mining permit issued by the Florida Department of Environmental Protection.
6. The applicant must submit evidence of providing ingress/egress to all future and present owners of adjacent properties to DDS staff for review and recorded in the public records prior to the County's release of a development order.
7. Operating hours are limited to daylight hours Monday through Saturday unless otherwise authorized by the County.
8. Only clean wood and land clearing debris may be burned. All other solid waste, including construction and demolition debris must be rejected. Solid waste other than approved clean wood cannot be stored on site more than 45 days.
9. Ash from the air curtain incinerator may be used as a soil amendment or incorporated into mulch or compost products. Ash may not be deposited on site unless specifically approved by the County.
10. Copies of all records as required by FDEP within Permit #0710364-001-AC as well as all correspondence related to same shall be submitted to the County's Environmental Planner within ten days of submittal to FDEP.

Final Notification  
CU-05-12  
July 27, 2005  
Page 2

---

11. The incinerator shall not be placed in operation before 8:00 a.m. and it shall not receive a charge after 5:00 p.m.
12. Debris storage shall not exceed 12' in height and shall only be stored within the area designated on the site plan not to exceed one acre associated with the County operating permit.
13. The applicant shall be limited to 50 truck trips per day.
14. Noncompliance with or any violation of the above referenced conditions, as may be determined by the Citrus County Code Enforcement Board (CEB) may, in addition to any penalty imposed by the CEB and subsequent to the procedural requirements set forth in Section 2223 of the Citrus County Land Development Code being satisfied, render this Conditional Use null, void, and of no force or effect.

It is the responsibility of the property owner to obtain a Development Order subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

A complete record of the hearing, findings of fact, and the decision of the PDRB are available for your inspection at the Department of Development Services Office, 3600 West Sovereign Path, Suite 140, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 2500. of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDRB and all appeals must be filed within 30 days after rendition of the decision by the PDRB.

If any person decides to appeal any decision made by the PDRB with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Community Development Division (352-527-5239).

Respectfully,

Gary W. Maidhof, Director  
Department of Development Services

GWM/dt

cc: Assistant County Attorney  
Officer of Code Enforcement; Department of Public Safety  
Community Development Coordinator, Community Development Division  
Graphics Coordinator, Community Development Division  
Customer Service Supervisor, Building Division  
Owner: DM & Sons



# Board of County Commissioners

## Department of Public Safety

3600 W. Sovereign Path, Suite 291, Lecanto, Florida 34461

Phone: (352) 527-5406 \* Fax: (352) 527-5404 \* TTY: (352) 527-5312

### MEMORANDUM

TO: June Fisher  
County Administrator

FROM: Charles Poliseno   
Public Safety Director

DATE: March 5, 2007

RE: **SAND PITS IN LECANTO**

.....

As a follow up to public input during the Board meeting on February 27, 2007 regarding the sand pits in Lecanto, I conducted research on the allegations made by several residents during the meeting. As a result of the allegations made against Gary Maidhof, the Code Enforcement staff, Dirt Boys Corp. and Precision Grading, I held a meeting with various staff members and visited all three sand pits (Precision Grading, Dirt Boys, and R & B Fill, Incorporated).

During the staff meeting, I was able to determine that Precision Grading has been a mine operator since the 1970s and is authorized for soil mining, debris chipping and an air curtain incinerator. They did have a fire on site several months ago; however, the fire was determined to be accidental and it occurred shortly after the new operator took over the mine. There was an excessive amount of vegetative debris left that has since been ground or incinerated, thereby reducing the fire risk. The elevation for that area is approximately 130-160 feet above sea level. The mine is clearly not that deep and, therefore, penetration to the aquifer does not appear likely. Furthermore, this site has been inspected by DEP and the Water Management District numerous times in the past year with no concerns listed.

During the staff meeting, we also discussed Dirt Boys, Incorporated because of the chipper, the earthen berms and allegations of illegal fill being placed on their site. Dirt Boys applied for a conditional use approval for the chipper and is in the process of fulfilling the requirements laid out by Development Services and approved by the PDRB, in order to place the chipper on the front 10 acres of their pit. They have not met the requirements and, therefore, do not have a

RECEIVED  
3/7/07  
DD5

June Fisher, County Administrator  
March 5, 2007  
Page Two

permit for the chipper and may only mine their property at this time. They have permission to mine the entire property as a result of a valid non-conforming use approval from 1988. I have attached a copy of the terms of the conditional use determination for your review. In checking with Susan Farnsworth, Dirt Boys is not considered in violation of the terms as outlined. Until such time as they finalize their conditional use permit, they are allowed to mine the property as allowed by the valid non-conforming use permit from 1988.

The chipper was on-site in November 2006, at which time they were given a Notice of Violation and given 30 days to remove the chipper and come into compliance. Apparently, they removed the chipper on the 29<sup>th</sup> day. The chipper is no longer on the premises. Staff reviewed the video of the Board meeting which showed the tape that Mr. Nunziato played for the Commissioners. There was no date on the video tape and it appears from the vegetation that the tape was taken much earlier in the year, especially since the chipper has been removed since December 2006. Dirt Boys is required to have an earthen berm around their site. At one point, they took wood chips and built a berm and then covered it with about a foot of dirt over the chips to create a berm. They were told that would not suffice and they had to remove the chips from the berm and create a true earthen berm. This was done with dirt and grass that was excavated from the Plantation Golf Course in Crystal River. The dirt and PVC pipe you saw in the video was apparently from the Plantation Golf Course and not from raw sewage as was alluded to in the presentation. The berms have since grown over with a thick covering of Bermuda-type grass, consistent with having come from the golf course. None of the wood chips on the property appear to be new; they seem to be consistent with previously chipped debris.

The final site that was discussed during our meeting was R & B Fill, Incorporated. The owner has a pit that is across from Dirt Boys in the same area of the County. This property is also allowed to excavate soil, however they are not allowed to chip or bury debris on their property. Neither the Nunziatos, nor any of the citizens mentioned this pit during the meeting; however, staff is aware of this pit and checked on this pit during a visit to all of the pits on February 28, 2007.

It is important for me to mention some general terms and conditions for all pits in the area. All of the pits are allowed to stock pile dirt on their property, whether it is from their current mining operation or if it came from an off-site location. Dirt Boys and R & B Fill are allowed to clear trees and store the trees

June Fisher, County Administrator  
March 5, 2007  
Page Three

that they remove from their own property on their site. They may not bring other vegetative debris from other sites onto their properties. They are allowed to burn debris that originated from their property. Precision Grading is allowed to incinerate any debris, even if it came from another site, due to their incinerator permit. All pits are required to have an earthen berm around their site.

As previously mentioned, as a result of the presentation made to the Board by the Nunziatos and the Andersons on February 27, 2007, Kimberly Bruce and I visited all three pits on February 28, 2007 at about 4:00 p.m., completely unannounced. Upon entering the area, we noticed the Precision Grading Pit was unlocked and open for business. We continued past that site and came to the Dirt Boys site that had a locked gate and appeared to be closed for the day. We then continued to the R & B Fill site and found the gate to be open and a piece of heavy equipment operating on site. There was a tractor-trailer with a load of logs parked on site and we noticed a large amount of freshly cut pine tree debris that was partially covered by fill dirt. By the appearance of the land, it appears that this is not the only burying onsite that has occurred. We did not make contact with the equipment operator at this time because it would have been difficult to access his location by car or foot. We proceeded to drive out of the site and placed a call to Susan Farnsworth to determine if they were permitted to bury onsite. She confirmed that they are NOT allowed to bury onsite and Code Enforcement will be opening a case for illegal fill and will be in contact with DEP as a result of this potential violation.

We then headed for the main road when we met up with the operator of the Precision Grading pit. He invited us to his site and we went into the pit to view the operation. There was clear evidence of an air curtain incinerator, a chipper and a separator. There also was heavy equipment for mining the various types of sand and decorative wood chips that were ready for sale or delivery. Mr. Bruce King was willing to show us all permits and inspection records as well as explain his operation to us and invited us to inspect him at anytime, with or without notice. He explained the situation with the roads, which was confirmed with Susan Farnsworth, that all roads within this area are NOT County roads but are easements. This is an unrecorded subdivision with no dedicated infrastructure. There is a way for residents to proceed past Precision Grading to access their residences and not have to use the roads used by all dump trucks. There once were roads (easements) that traversed the Precision Grading mine, but since they were owned by Precision Grading, they were closed and rerouted

June Fisher, County Administrator

March 5, 2007

Page Four

around the mine. While with Mr. King, we made contact with John Hannah with Dirt Boys and asked him to return to his pit so we could inspect his pit as well. Within 10 minutes Mr. Hannah was onsite and unlocked the gate for us to enter.

Upon entering the Dirt Boys pit, we observed the dirt that was apparently removed from the Plantation and had some irrigation pipes sticking out of the soil. There was no obvious evidence of sewage sludge in the area. We proceeded to the bottom of the pit and looked for recent evidence of a chipper, but we could not see recent evidence. There were old wood chips on site but, as previously mentioned, this was probably from the November/December 2006 timeframe. There was stacked up hardwood around the rim of the pit where they had been mining in accordance with their valid non-conforming use permit from 1988. Mr. Hannah conveyed to us that Mr. Nunziato used to park his dump truck on the Dirt Boys site until about a year ago, when for personal reasons he relocated his truck to his property (something to do with problems between the truck drivers), still within the area. It is Dirt Boys intent to pursue a conditional use permit for their property to place the chipper on the front 10 acres; however, they are not allowed to place the chipper into use at this time.

In the meantime, these companies have been buying land in the area to connect pieces of similar land for mining purposes. According to these companies, they are willing buyers and willing sellers performing business transactions.

As for the allegation that Code Enforcement staff has not investigated complaints or given notice before inspecting, I don't find that to be the case. Code Enforcement has called on the day they would be going out to make sure that a supervisor was on site. However, calling on the day of inspection does not seem like ample time for these operators to clean up illegal activities. Ms. Nunziato was also given the opportunity to complete a civilian affidavit (as has been done in other cases) as a means to bring a case before the Code Enforcement Board when an inspector has not witnessed a violation. To date, that civilian affidavit has not been presented.

While the Commissioners' office may have only received a complaint or two, Code Enforcement has received several complaints and investigated the complaints they received. When appropriate, they issued a Notice of Violation and forced compliance. Right now, the only activity we have open is a new case against R & B Fill, as a result of these complaints and investigation. We will pursue this to the fullest extent allowed, including involving DEP and the Water



# Board of County Commissioners

DEPARTMENT OF PUBLIC WORKS

DIVISION OF ENGINEERING

3600 W. Sovereign Path, Suite 241

Lecanto, Florida 34461

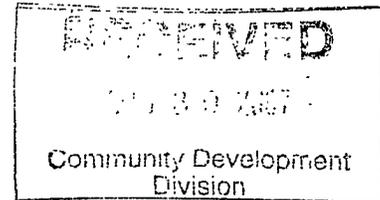
Telephone: (352) 527-5446 Fax: (352) 527-5476

Citrus Springs/Dunnellon/Inglis/Yankeetown area - Toll Free (352) 489-2120

TTY Telephone: (352) 527-0825 or (352) 527-5312

August 29, 2007

Mr. Paul J. Furman  
McKean & Associates, Inc.  
625 U.S. Highway 41 South  
Inverness, FL 34450-6401



RE: Dirt Boys - S. McClure Point Road Paving Project  
Development Permit No.: 2005-18196  
McKean Project No. 06-316

Dear Mr. Furman:

I am in receipt of your letter dated August 21, 2007 requesting that the Citrus County DPW - Engineering Division rescind its condition of approval requirement that you obtain an ERP permit from the SWFWMD for the roadway work and drainage that you are doing on S. McClure Point. The basis of your request is that Mr. Larry Tate of Dirt Boys, Inc. indicates that it would not be possible to obtain the permission of the property owners along the road to construct the proposed paved road. It is my understanding that the paving of the existing dirt road would eliminate the dust complaints that prompted the PDRB imposing this requirement. I do not see the insurmountable difficulty in your client approaching each resident and demonstrating to them the benefits of having a paved road for their use that your client will be paying for.

DPW - Engineering Division cannot support your request to drop our condition of approval.

Should you have any additional questions, please feel free to call me at 352-527-5450.

Sincerely,

Albert D. McLaurin, PE  
Engineering Services Director  
Citrus County Department of Public Works

ADM/

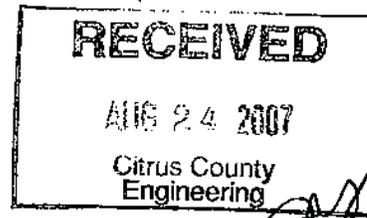
**McKean & Associates**  
**Engineers, Inc.**



625 U.S. Highway 41 South • Inverness, FL 34450-6401 • (352) 344-3555 • FAX (352) 344-8254

August 21, 2007

Mr. Al McLaren  
Citrus County Engineering Division  
3600 W. Sovereign Path  
Lecanto, Florida 34461



Re: S. McClure Point  
Development Permit No.: 2005-18196  
Project No. 06-316

Dear Mr. McLaren:

We are writing to request your support for relief from a conditional use permit condition for the Dirt Boys sand borrow pit on S. McClure Point.

As you may recall, I met with you, Walt Eastmond and Gary Maidhof on May 08, 2007 to discuss, among other things, a suitable drainage design for this proposed road paving project. You suggested reducing the width of the shoulder and also steepening the backslope of the roadside swale. Our resubmitted plans (June 18<sup>th</sup>) were approved by your office on June 25, 2007 with a condition to obtain SWFWMD approval.

This morning, I met with Voytek Mroz, SWFWMD permitting supervisor, regarding an Environmental Resource Permit application for this project. He advised that SWFWMD will require consent from all of the property owners whose road easements will be impacted by the road construction. (See attached pre-application meeting notes) According to Larry Tate of Dirt Boys, this will not be possible.

Therefore, in order that we may apply to Citrus County for the modification of one of the original conditional use permit conditions, namely, the requirement for paving S. McClure Point, we request your written concurrence that conditions for obtaining a SWFWMD ERP and, therefore, County-approval for the road improvement plans are insurmountable obstacles which would justify relief from the conditional use permit condition.

Thank you for your consideration of this matter.

Feel free to call our office for further discussion.

Sincerely,

Paul J. Furman  
Projects Manager

cc: Mr. Larry Tate  
Mr. Richard DeBusk



# Board of County Commissioners

## DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us>

Toll Free (352) 489-2120 • TTY (352) 527-5312  
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

PL1-05-170

July 27, 2005

E. W. McLean  
1340 S. Colonial Ave.  
Homosassa, FL 34448

**RE: Application No. CU-05-12**

LOCATION: Section 18, Township 19 South, Range 19 East; more specifically, Frasure Hull Peach Orchards unrecorded subdivision tracts 3 through 8, 11 through 16, and 19 through 23 which address is 2957 South Race Avenue, Lecanto, Florida.

Dear Mr. McLean:

At the July 21, 2005, hearing of the Citrus County Planning and Development Review Board (PDRB), your request for a conditional use from the provisions of the Citrus County Land Development Code (LDC) was considered as advertised (public notice will be furnished upon request).

On the basis of the evidence presented at the hearing on this case, your request to allow for the operation of a portable air curtain incinerator, pursuant to Section 4698, Incinerators, Debris Burns, and Burn Pits/Barrels, of the LDC was **APPROVED** subject to the following conditions:

1. Approval is limited to the installation and operation of an air curtain incinerator as permitted in Florida Department of Environmental Protection permit 0170364-001-AC and described in LDC Section 4698, Incinerators, Debris Burns, and Burn Pits/Barrels. Open burning and burying vegetative debris are specifically prohibited in this approval. Burying vegetative debris would require additional approval from the Planning Development Review Board.
2. The applicant must obtain a County operating permit as required in LDC Section 4698.B.1.b.
3. The facility must maintain at least 80 contiguous acres to operate the air curtain incinerator.
4. The incinerator site must be at least 300 feet from all property lines and 1000 feet from all residentially committed properties.
5. The sand mining operation must maintain setbacks from all property lines as established in the mining permit issued by the Florida Department of Environmental Protection.
6. The applicant must submit evidence of providing ingress/egress to all future and present owners of adjacent properties to DDS staff for review and recorded in the public records prior to the County's release of a development order.
7. Operating hours are limited to daylight hours Monday through Saturday unless otherwise authorized by the County.
8. Only clean wood and land clearing debris may be burned. All other solid waste, including construction and demolition debris must be rejected. Solid waste other than approved clean wood cannot be stored on site more than 45 days.
9. Ash from the air curtain incinerator may be used as a soil amendment or incorporated into mulch or compost products. Ash may not be deposited on site unless specifically approved by the County.
10. Copies of all records as required by FDEP within Permit #0710364-001-AC as well as all correspondence related to same shall be submitted to the County's Environmental Planner within ten days of submittal to FDEP.

Administration  
Suite #109  
(352) 527-5220  
Fax 527-5317

Building Division  
Suite #111  
(352) 527-5310  
Fax 527-5317

Housing Services Division  
Suite #147  
(352) 527-5377  
Fax 527-5389

Community Development  
Suite #140  
(352) 527-5239  
Fax 527-5252

11. The incinerator shall not be placed in operation before 8:00 a.m. and it shall not receive a charge after 5:00 p.m.
12. Debris storage shall not exceed 12' in height and shall only be stored within the area designated on the site plan not to exceed one acre associated with the County operating permit.
13. The applicant shall be limited to 50 truck trips per day.
14. Noncompliance with or any violation of the above referenced conditions, as may be determined by the Citrus County Code Enforcement Board (CEB) may, in addition to any penalty imposed by the CEB and subsequent to the procedural requirements set forth in Section 2223 of the Citrus County Land Development Code being satisfied, render this Conditional Use null, void, and of no force or effect.

It is the responsibility of the property owner to obtain a Development Order subject to the above conditions. This office will conduct a compliance inspection of the site within six months to one year from the date of the approval.

A complete record of the hearing, findings of fact, and the decision of the PDRB are available for your inspection at the Department of Development Services Office, 3600 West Sovereign Path, Suite 140, Lecanto, Florida. If copies are desired, they may be secured upon request and payment of transcription costs.

Section 2500. of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the PDRB and all appeals must be filed within 30 days after rendition of the decision by the PDRB.

If any person decides to appeal any decision made by the PDRB with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

If you have any questions on this case, do not hesitate to contact the Community Development Division (352-527-5239).

Respectfully,

  
Gary W. Maidhof, Director  
Department of Development Services

GWM/dt

cc: Assistant County Attorney  
Officer of Code Enforcement; Department of Public Safety  
Community Development Coordinator, Community Development Division  
Graphics Coordinator, Community Development Division  
Customer Service Supervisor, Building Division  
Owner: DM & Sons  
Master File



## NOTIFICATION FORM TO USE THE GENERAL PERMIT FOR SAND AND LIMESTONE MINES

### PART I – INSTRUCTIONS

This form is to be completed and submitted to the Department along with the information specified **at least 30 days before use of this general permit**. The type of facility that qualifies for a general permit and the conditions of the permit are specified in Rule 62-660.804, F.A.C. You should familiarize yourself with this rule before completing this form.

PLEASE NOTE: THE PERMITTEE IS RESPONSIBLE FOR COMPLYING WITH ALL OF THE PROVISIONS OF RULE 62-660.804, F.A.C. IF THE CONDITIONS OF THE RULE ARE VIOLATED THE GENERAL PERMIT CAN BE REVOKED AND THE OPERATOR MAY BE SUBJECT TO PENALTIES UNDER RULE 62-4.540, F.A.C., AND OTHER DEPARTMENT RULES.

Please print or type information in the appropriate areas below. Attach additional information on separate sheet(s) as necessary.

Submit this completed form and supporting documentation and the \$500.00 application fee to the industrial wastewater program at the local DEP office. Electronic submittal is preferred and may be available at the DEP Business Portal [http://www.dep.state.fl.us/secretary/portal/permit\\_water.htm#wastewater](http://www.dep.state.fl.us/secretary/portal/permit_water.htm#wastewater). To locate a local DEP office, go to: <http://www.dep.state.fl.us/secretary/dist/default.htm>. Checks should be payable to the Florida Department of Environmental Protection. **DEP will not process this form without the appropriate fee.** If an item is not applicable to your project, indicate "NA" in the appropriate space provided.

### PART II – FACILITY STATUS

A. Is this notification of a new request for General Permit coverage or a renewal of an existing permit in effect as of January 2015?

New (STOP, see Note\* below)  Renewal of GP (See question II.B.below)

B. Does your facility hold a permit issued under Part IV of Chapter 373, F.S.?

Yes (STOP see Note\* below)  
 No (Complete all parts of this form)

\*Note: Coverage under this general permit applies to existing sand and limestone mines which have coverage under this rule as of January 2015. If you hold a current Environmental Resource Permit issued under Part IV of Chapter 373, F.S., you do not need to obtain a separate permit under this rule.

### PART III – GENERAL INFORMATION

**A. PERMIT NUMBER (if known):**

DEP Permit No.:
-----------------

**B. NAME OF FACILITY:**

Facility Name: <i>Lecanto Sand Mine</i>
---

**C. FACILITY CONTACT:**

1. Name and Title (Last, first, & title) <i>Chris Cardo, CEO</i>	2. Phone (area code & no.) <i>(239) 537-3933</i>
3. Email Address: <i>Chris@FloridaFilldirt.com</i>	

**D. FACILITY MAILING ADDRESS:**

1. Street or P.O. Box: <i>23110 State Road 54 #243</i>		
2. City or Town: <i>Lutz</i>	State: <i>FL</i>	Zip Code: <i>33549</i>

**E. FACILITY LOCATION:**

*McClure + Race St.*

1. Street, Route or Other Specific Identifier: <i>3194, 3195, 3196 S. McClure pt + 3318</i>			
2. County Name: <i>Citrus</i>	3. County Code (if known):		
4. City or Town: <i>Lecanto</i>	5. State: <i>FL</i>	6. Zip Code:	
7. Latitude: <i>28° 81' 5"</i>	8. Longitude: <i>-82° 52' 2"</i>		
<i>593</i>		<i>593</i>	

**F. OPERATOR INFORMATION:**

The operator of the facility is the legal entity which controls the facility's operation. Provide the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility and the additional information requested below:

1. Name: <i>Lecanto Sand, LLC</i>	2. Is the name in F.1. the owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (complete part G)
3. Phone No.: <i>(239) 537-3933</i>	
4. Email Address: <i>Chris@FloridaFilldirt.com</i>	
5. Street or P.O. Box: <i>23110 State Road 54 #243</i>	
6. City or Town: <i>Lutz</i>	7. State: <i>FL</i> 8. Zip Code <i>33549</i>

**G. OWNER INFORMATION:**

The owner of the facility is the legal entity which has ownership of the facility. Provide the name, as it is legally referred to, of the person, firm, public organization, or any other entity which owns the facility and the additional information requested below:

1. Name: Christopher Carollo Lecanto Sand LLC	2. Company: Lecanto Sand, LLC	
3. Phone No.: (239) 537-3933		
4. Email Address: Chris@floridafilldirt.com		
5. Street or P.O. Box: 23110 State Road 54 #243		
6. City or Town: Lot 2	7. State: FL	8. Zip Code 33549

**H. MAP:**

Submit with this notification form a U.S. Geological Survey Quadrangle topographic map showing the location of the existing and proposed areas to be mined extending to at least one mile beyond the property boundaries. Show all public and private potable water supply wells and sink holes within one-half mile of the site. Include all springs, rivers and other surface water bodies (including wetlands) in the map area.

**PART IV – SITE INFORMATION**

**A. SITE PLAN:**

Check this box if all property boundaries, locations of surface water storage areas for storm events and emergency overflows, existing and proposed areas to be mined, existing and proposed process wastewater storage areas, and proximity to surrounding water bodies have not changed since the last renewal. If changes have occurred, submit with this notification form a scaled site plan(s) of the site showing the following:

- 1) property boundaries;
- 2) general location of surface water storage areas for storm events up to a 25-year, 24-hour storm event and emergency overflows;
- 3) existing and proposed areas to be mined;
- 4) existing and proposed process wastewater storage areas; and,
- 5) surrounding water bodies.

**B. FACILITY INFORMATION:**

Check this box if all material mined at the facility, total area of mine and processing plant and chemicals added to waters for transporting, washing or processing have not changed since the last renewal. If changes have occurred, submit the following updated information:

1) Material mined at the facility:  Sand (excluding heavy minerals)  Limestone  Shell  Coquina

2) Attach letter of exemption from the ground water monitoring plan requirements of 62-520.600(3).  
(Attach copy of previous exemption if information has not changed since last renewal)

3) Total area of mine and processing plant: \_\_\_\_\_ acres

4) List of all chemicals added to waters used for transporting, washing, or processing of the sand or limestone at the facility. All chemicals must have been demonstrated as to not adversely affect human health or aquatic life:





**Gopher Tortoise Conservation**  
 Florida Fish and Wildlife Conservation Commission  
 Division of Habitat and Species Conservation  
 Wildlife Diversity Conservation Section  
 620 South Meridian Street, Mail Station 2A  
 Tallahassee, Florida 32399-1600  
 (850) 921-1031

Permittee Name: Lecanto Sand, LLC  
 Permittee Address: 23110 STATE ROAD 54 #243  
 LUTZ  
 UNITED STATES  
 FLORIDA 33549  
 Agent Name: Andrew Holland  
 Agent Address: 10045 N Athenia Drive  
 CITRUS SPRINGS  
 UNITED STATES  
 FLORIDA 34434

Permit Number: GTC-26-00072  
 Effective Date: 03/12/2026  
 Expiration Date: 03/12/2027

**Is Authorized To:**

- 1 Capture, transport and relocate all gopher tortoise (*Gopherus polyphemus*) hatchlings less than or equal to 60 mm carapace length (CL), gopher tortoises greater than 60 mm CL by non-harmful means and to molest, damage or destroy gopher tortoise burrows while conducting these activities, subject to the following conditions and provisions, in association with development activities at the following site.

**Total number of gopher tortoises authorized: 36**

**Authorized Capture Methods:**

1. Capture gopher tortoises using hand shovel excavation of gopher tortoise burrows
2. Supervise backhoe excavation of gopher tortoise burrows to capture gopher tortoises
3. Capture gopher tortoises using bucket traps
4. Mark and release captured gopher tortoises at recipient sites

**AUTHORIZED Project Name:** Lecanto Sand Mine (45.00-acre)  
**LOCATION(S): Address:** 3318 McClure Point, LECANTO, CITRUS  
**Project Geo:** (Latitude:28.813142000° Longitude:-82.523623000°)  
**Project Counties:** CITRUS

**Off-site Relocation**

**Recipient Site Name :** Blackwater Springs(Tier 1), **Unit Name :** Blackwater Springs, **Reserved Tortoise Capacity :** 36,  
**Unit Geo :** (Latitude:30.239546800°, Longitude:-83.292252400°), **Counties :** LAFAYETTE, **Authorized under permit :**  
 GTLR-25-00008

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Yongsuk Lee Authorized for: Melissa Tucker, Division Director

Authorizing Signature:  Date: 03/12/2026

**PERMIT CONDITIONS AND PROVISIONS:**

- 1 During colder months, tortoises shall only be captured and relocated when the low temperature at the recipient site is forecasted by the National Weather Service ([www.nws.noaa.gov](http://www.nws.noaa.gov)) to be above 50° F for three consecutive days (72 hours) after release (including the day of relocation). This three-day window of milder temperatures is required to allow the relocated

- tortoises to settle into the recipient site and reduce the chance of cold-related stress or mortality. If release of tortoises cannot be accomplished within 72 hours of capture, then capture activities must not be initiated. If capturing tortoises using bucket traps, the Authorized Agent shall cover all traps on days forecasted to be below 50° F. The 28 consecutive day trapping period must restart at day 1 when a trap is closed for any reason.
- 2 This permit does not authorize access to any public or private properties. Any required permission accordingly shall be secured from the appropriate landholders prior to undertaking any work on such properties.
  - 3 A gopher tortoise burrow survey conducted by the approved survey method(s) for this project site covering 100% of the gopher tortoise habitat shall be done by the Authorized Agent and a burrow location map depicting the survey results shall be submitted to the FWC (via the FWC [online permit system](#) or via email to [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com)) no more than 90 days and no fewer than 72 hours (excluding weekends and holidays) prior to commencing any gopher tortoise capture and relocation activities. Site preparation or development activities that disturb the vegetation or the ground which prevent the FWC from checking the accuracy of 100% gopher tortoise burrow surveys shall not be conducted until all gopher tortoises have been relocated from the project site, and at least 72 hours (excluding weekends and holidays) after the 100% burrow survey results and burrow location map have been received by FWC. If construction does not begin within 90 days from the date of the most recent 100% gopher tortoise survey or capture activities, a new 100% gopher tortoise burrow survey shall be completed to ensure that additional gopher tortoises have not moved onto the site.
  - 4 The activities authorized by this permit may also require additional federal, state, or local authorization or permits; for example, a Coastal Construction Control Line Permit from the Florida Department of Environmental Protection for certain coastal projects. This permit does not relieve the Permittee from obtaining any additional required authorizations or permits. All required authorizations or permits shall be obtained before engaging in any activity authorized by this permit.
  - 5 Nonnative wildlife that are members of the families Pythonidae, Boidae, Varanidae, Iguanidae and Teiidae captured during gopher tortoise relocation activities shall be euthanized in accordance with the requirements of the Permitting Guidelines (Appendix 9.) Authorized Agents are authorized to transport conditional species for purposes of euthanasia in accordance with the transport requirements in the Permitting Guidelines. All other non-native wildlife captured shall be humanely euthanized using legal and humane methods such as those listed in the American Veterinary Medical Association euthanasia guidelines. If you are unable to euthanize the animal, contact a Nonnative Fish and Wildlife Biologist who can assist with a response at 1-888-IVEGOT1 and leave a message if an operator is not available. Sightings of Burmese python, Argentine tegu, or other nonnative wildlife species shall be reported to the FWC within 48 hours by either calling the toll-free number 1-888-IVEGOT1 (1-888-483-4681) or online at [www.IveGot1.org](http://www.IveGot1.org).
  - 6 The Permittee, by signing this permit, specifically agrees to allow authorized FWC personnel, upon presentation of credentials, access to the donor and recipient sites, at reasonable times, for the purpose of inspecting the capture/relocation activities authorized under this permit.
  - 7 Gopher tortoise commensals listed in Chapter 68A-27 F.A.C. as State-designated threatened species and encountered in the gopher tortoise capture operation shall either be released on-site or allowed to escape unharmed, in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines and appropriate Species Conservation Measures and Permitting Guidelines. Any observed Florida pine snakes shall be documented and submitted to [Imperiled@myfwc.com](mailto:Imperiled@myfwc.com). This report should include species name, GPS coordinates of where the species was found, if the animal was captured and relocated, final known disposition of the animal, and a photograph of the animal if possible. Other priority commensals (e.g., gopher frogs) should be reported to [Imperiled@myfwc.com](mailto:Imperiled@myfwc.com). This report shall include species names, an estimate of the number of animals found, if the animal was captured and relocated, final known disposition of the animal, and a photograph of the animal if possible. Refer to Appendix 9 of the Permitting Guidelines for additional information on gopher tortoise commensals.
  - 8 This permit does not authorize the take of Federally-designated Endangered and Threatened species. Only individuals who are in possession of a valid permit or authorization issued by the United States Fish and Wildlife Service (USFWS) to capture or possess an eastern indigo snake or other Federally-designated Endangered and Threatened species may physically handle those species. If individuals without a USFWS permit or authorization encounter an eastern indigo snake during attempts to capture gopher tortoises or during subsequent land alteration or development activities within the property, all movement of heavy equipment and land alteration or development activities within the vicinity of the snake shall cease until the snake has vacated the work area. All sightings of eastern indigo snakes should be reported to [Imperiled@MyFWC.com](mailto:Imperiled@MyFWC.com); please include GPS coordinates and photos when available so that species of similar appearance can be ruled-out.
  - 9 Gopher tortoise capture and relocation activities may be conducted only if written local government approvals have been obtained for land clearing, grading, or construction activities and provided to the Gopher Tortoise Program (via the FWC [online permit system](#) or via email to [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com)) prior to commencing relocation activities.
  - 10 This permit is non-transferable and shall be readily available for inspection at all times while engaging in the permitted activities. This permit may be suspended, revoked or not renewed for just cause pursuant to Rule 68-1.010, F.A.C., and Chapter 120, Florida Statutes. It is the responsibility of the Authorized Agent and their Assistants to comply with permit conditions and all applicable guidelines requirements. Permit noncompliance is grounds for enforcement action; for permit termination, revocation, suspension, or modification; or denial of a permit renewal application (Rule 68-1.010 F.A.C.; see also Appendix 15). Failure of the Authorized Agent and/or Assistants to fulfill the responsibilities outlined in these guidelines puts tortoises at risk for take under Rule 68A-27.003 F.A.C.
  - 11 Authorization to conduct the specified activities in association with the relocation of gopher tortoises in Florida is subject to Rule 68A-9.002 and Chapter 68A-27, Florida Administrative Code (F.A.C.), and the Florida Fish and Wildlife Conservation Commission's (hereafter, "FWC") Gopher Tortoise Permitting Guidelines (April 2008 - revisions incorporated April 2023) [hereafter, "Permitting Guidelines"], and the following provisions/conditions. Authorized activities are also predicated and conditioned on the information and assurances provided in the 2/03/2026 application (as supplemented), the assurances of which are herein incorporated by reference.

- 12 Captured gopher tortoises that show signs of disease (i.e., nasal and ocular discharge, emaciation, etc.) shall not be relocated off-site to an authorized recipient site and shall be reported to the Gopher Tortoise Program (by phone 850-921-1031 or by email to GTPermits@MyFWC.com) within 48 hours of capture. At the Authorized Agent's discretion, symptomatic tortoises may be: relocated on-site; transported to and quarantined at a FWC-licensed wildlife rehabilitation center (list available upon request) or licensed veterinary facility for treatment and subsequent relocation of recovered, non-symptomatic gopher tortoises along with others from the population; transported and donated to a FWC-permitted disease research program; or humanely euthanized by a licensed veterinarian when disease is advanced.
- 13 Some activities authorized under this Permit may be carried out by authorized personnel or contractors of the Permittee or the designated Authorized Gopher Tortoise Agent (Agent), provided any such activities are under the direct supervision and responsibility of the Permittee or Agent. The Permittee and Agent shall be as fully responsible for any such activities to the same extent as if they had themselves carried out those activities under this Permit. Assistants may work under the supervision of an agent named on a relocation or recipient site permit if those assistants are listed in the FWC online permit system under the named agent's Authorized Gopher Tortoise Agent Permit. Assistants shall only conduct the activities authorized on the named agent's Authorized Gopher Tortoise Agent Permit. Certain activities may not be conducted by contractors of the Permittee and must be conducted by the named Agent or their Assistants (i.e., marking tortoises, supervised backhoe excavation of gopher tortoise burrows, transport of tortoises, bucket trapping of tortoises, health assessments, etc.) The Agent shall utilize the FWC online permitting system to revise its list of designated Assistants to include a designated Assistant prior to that Assistant conducting any gopher tortoise activities authorized under the permit. The FWC reserves the right to deny an Agent's designation of an individual as an Assistant if the rights of the proposed Assistant to obtain gopher tortoise permits have been suspended or revoked. Both the named Agent and Assistants may be held accountable for noncompliance with permit conditions and guidelines requirements, as the named Agent is responsible for any such activities performed by an Assistant to the same extent as if they had personally carried out those activities under the designated permit. The named Agent or their Assistants shall not perform activities under a permit when the permit conditions and guidelines requirements are not met, even if the permit status is active (e.g., tortoises shall not be released at a recipient site when the structural integrity of the soft release enclosure is compromised, or the habitat management components of the management plan are not met). Assistants shall be directly supervised on-site by the Authorized Agent when the Assistant(s) are collecting gopher tortoise blood samples or during backhoe excavation of gopher tortoise burrows. The Authorized Agent shall be as fully responsible for activities conducted by Assistants and contracted backhoe operators to the same extent as if they had themselves carried out those activities under this Permit.
- 14 Either this original permit, or a complete copy, shall be clearly posted at the affected site at all times while engaged in the permitted tortoises relocation activities, and shall remain posted until construction activities are completed.
- 15 The Authorized Agent shall notify the Gopher Tortoise Program by uploading the notice to the FWC online permit system, by email at GTPermits@MyFWC.com, or by phone at (850) 921-1031, no more than 120 hours, and at least 24 hours (excluding weekends and holidays) before initiating the tortoise relocation effort. If relocation activities are delayed beyond the notification timeframe above, notification shall be resubmitted with the revised commencement date.
- 16 The Authorized Agent shall report any gopher tortoise mortality or injury that occurs while conducting activities authorized under this permit to the Gopher Tortoise Program (by phone at 850-921-1031 or by email to GTPermits@MyFWC.com) within 48 hours of the occurrence. An injured gopher tortoise shall be promptly taken to either a licensed wildlife rehabilitation facility or a licensed veterinarian for evaluation and treatment. Contact information for the facility or veterinarian shall be included with the information reported.
- 17 The Authorized Agent shall submit a report detailing the capture and relocation activities via the FWC online permit system within 45 days of capture of the relocated tortoises. An after action report checklist is attached for use in that regard. Any request for permit renewal or extension should be submitted at least 45 days prior to the expiration date of this permit. If the Authorized Agent submits an interim after action report, or if no tortoise is captured, a final after action report shall be submitted for that permit no later than 30 days after the permit expires.
- 18 Any potentially occupied gopher tortoise burrows that remain on the project site shall be avoided by a minimum of 25 feet throughout the duration of the project *unless otherwise advised in writing by FWC staff*. An FWC permit is not required when a development activity avoids impacts to potentially occupied tortoise burrows by 25 feet in all directions from the mouth of the burrows and sufficient gopher tortoise habitat will remain after development to support the remaining gopher tortoises on site. Development activity shall not harm gopher tortoises nor violate rules protecting them. Leaving a 50-foot diameter (25-foot radius) circle of habitat around each burrow (e.g., undisturbed "islands" or "crop circles") and developing the rest of a project site requires a permit to ensure that gopher tortoises are not harmed.

**A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. The attached Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.**