



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA**

**SPECIAL CALL MEETING**

**FRIDAY, APRIL 9, 2010 - 9:00 A.M.**

**County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
[www.ircgov.com](http://www.ircgov.com)**

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**COUNTY COMMISSIONERS**

**Peter D. O'Bryan, Chairman  
Bob Solari, Vice Chairman  
Wesley S. Davis  
Joseph E. Flescher  
Gary C. Wheeler**

**District 4  
District 5  
District 1  
District 2  
District 3**

**Joseph A. Baird, County Administrator  
Alan S. Polackwich, Sr., County Attorney  
Jeffrey K. Barton, Clerk to the Board**

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1. **CALL TO ORDER** **9:00 A.M.**
  
2. **INVOCATION** Commissioner Wesley S. Davis
  
3. **PLEDGE OF ALLEGIANCE** Commissioner Gary C. Wheeler
  
4. **DEPARTMENTAL MATTERS**
  - A. **Community Development**
    1. Consideration of Modifying the Hours of Operation for the 17<sup>th</sup> Street SW/86<sup>th</sup> Avenue Borrow Pit, Owner: Henry Fischer, North Cypress Reserve, Inc.
  
5. **ADJOURNMENT**

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at [www.ircgov.com](http://www.ircgov.com) The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27  
Rebroadcasts continuously with the following proposed schedule:  
Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,  
Wednesday at 9:00 a.m. until 5:00 p.m.,  
Thursday at 1:00 p.m. through Friday Morning,  
and Saturday at 12:00 Noon to 5:00 p.m.***

May 7, 2007

Aaron Bowles, P.E.  
MBV Engineering, Inc.  
2455 14<sup>th</sup> Avenue  
Vero Beach, FL 32960

**RE: 17<sup>th</sup> Street SW & 86<sup>th</sup> Avenue SW Borrow Pit Major Site Plan Application**  
SP-MA-06-06-27 / 2006030369-53634

Dear Mr. Bowles:

Be advised that its April 26, 2007 meeting, the Planning and Zoning Commission granted administrative permit use approval for a sand mine operation with the following conditions:

1. Prior to the exportation of fill from the proposed sand mine, all paving of Oslo Road shall be completed, as per the paving agreement between the applicant and the county. Oslo Road shall be improved from the current edge of pavement to a point 100 ft. west of the 86<sup>th</sup> Avenue SW intersection, and 86<sup>th</sup> Avenue SW shall be improved from Oslo Road to a point 100 ft. south of Oslo Road. The paving agreement involves the applicant providing the road base and subgrade and the county providing the asphalt surface and markings.
2. During sand mine operation, the applicant shall inspect and maintain the unpaved section of the haul route (86<sup>th</sup> Avenue SW) on a daily basis. Haul route maintenance shall include grading and watering as necessary, in a manner acceptable to the Public Works Director or his designee. The entire length of 86<sup>th</sup> Avenue SW between Oslo Road and 21<sup>st</sup> Street SW shall be covered by such maintenance.
3. Prior to site plan release, the applicant shall:
  - a. Obtain Board of County Commissioners approval of a developer's agreement for the project's share of the cost of off-site traffic improvements at the Oslo Road/43<sup>rd</sup> Avenue intersection.
  - b. Provide documentation from each easement utility holder granting permission to the applicant to encroach within each utility easement that transects the site.
4. Hours of operation on the sand mine site shall be limited to 7 AM – 6 PM on Mondays through Fridays. Hauling material off-site shall be limited to 7 AM – 5 PM on Mondays through Fridays. Customary dewatering activities necessary for the mining operation are not restricted by these timeframes.
5. Access to the sand mine shall be from 86<sup>th</sup> Avenue SW in the northwest corner of the site (no

access from 17<sup>th</sup> Street SW is permitted). To implement this condition, please submit 5 sets of modified site plans to staff for approval. Approval of revised plans is required prior to site plan release and issuance of a mining permit.

6. Stockpiles shall be limited to a maximum height of 25 feet.
7. A landscape buffer is required along the site's west and south boundaries. This buffer shall be either a Type "A" buffer or the palm tree farm as depicted on the site plan. The planting of native palm tree species (e.g. cabbage palms) is encouraged within this buffer.
8. Monitoring wells are to be provided around the site's perimeters. When the monitoring reports are sent to St. Johns River Water Management District, a copy shall be sent to county planning staff.
9. Pursuant to LDR Section 934.07(5)(e)(1), the compliance bond is subject to forfeiture for failure to comply with conditions of site plan approval as well as activity not consistent with permits issued by other jurisdictional agencies (e.g. St. Johns River Water Management District).
10. Upon request, copies of the project's annual progress report and mining permit renewal request shall be sent by the applicant to the Fly-In Ranches Homeowners' Association, Inc. and the Indian River Acres Homeowners' Association, Inc.

Please submit five (5) sets of revised plans that address condition #5 listed above and that note all of the above conditions. If I may provide any further assistance, please contact me at 772-226-1239.

Sincerely,



Brian Freeman, AICP  
Senior Planner, Current Development

cc: Robert M. Keating, AICP  
Stan Boling, AICP  
Ken Oristaglio  
Jim Davis, P.E.  
Chris Mora, P.E.  
Geoffrey Bass  
David Hays  
Henry Fischer  
Susan Harris  
Sharon Cowan  
Warren W. Dill

be inspected for compliance with the approved project restoration plan by county staff within six (6) months of the end of the approved timeframe (including any extension) for the mining operation. None of the security posted with the county in accordance with these mining regulations shall be returned unless and until the requirements of this subsection "(k)" are satisfied.

(4) *Operating conditions of mining.*

- (a) Mining operations located west of I-95 and not adjacent to a residential district or an agriculturally-zoned parcel of ten (10) acres or less, shall not be limited to specific hours of operation unless a determination is made by the planning and zoning commission concerning the need to limit hours of operation due to the anticipated impact of the mining operation on surrounding properties. If a project site or any portion of a project's primary haul route is located east of I-95, or if any portion of a project site is located adjacent to a residential zoning district or agriculturally-zoned parcel of ten (10) acres or less, then the mine shall be limited to operation between the hours of 7:00 a.m. to 6:00 p.m. on weekdays; hauling off-site shall not occur after 5:00 p.m. on any day. Operation other than 7:00 a.m. to 6:00 p.m. may be permitted by the board of county commissioners if the board determines that the impact of the mining operation on surrounding properties will not constitute a nuisance to the neighborhood, contrary to county noise and vibration control regulations.
- (b) The land surface shall be restored to a condition which is in complete compliance with the site plan for reclamation and rehabilitation of the area. The mining excavation pit shall not be located within one hundred fifty (150) feet of the projected right-of-way line of any existing or proposed public road nor within one hundred fifty (150) feet of the outer perimeter of the land area. Where a mining operation consists only of the removal of a mound and does not consist of lowering the elevation of ground below the neighboring property, an exception to the one-hundred-fifty-foot outer perimeter setback may be permitted at the time of the site plan approval. All slopes and banks shall be sloped at a ratio of not steeper than three (3) feet horizontal to one (1) foot vertical, graded, grassed and stabilized.
- (c) Permanent project site boundary corners and the one-hundred-fifty-foot project perimeter setback line shall be marked with intermediate stakes at a minimum interval of three hundred (300) feet, and maintained with visible flags in the field, in accordance with the approved project site plan.
- (d) Between August 1 and October 1 of each year, the operator holding a valid mining permit shall submit to the community development department the following:
- A written request to renew the annual mining permit,
  - A written statement identifying the current operator and engineer of record,
  - A calculation of the land area mined and reclaimed during the preceding year,
  - A calculation of the land area expected to be mined,
  - A calculation of the land area planned for reclamation during the coming year,
  - Verification that all county and jurisdictional agency permits are valid and that the operation is in compliance with all conditions of site plan approval,
  - The expiration dates for all jurisdictional agency permits
  - A copy of all monitoring reports and monitoring data provided to jurisdictional agencies during the preceding year.
  - A summary indicating the status of compliance with monitored thresholds and any instances of noncompliance during the preceding year, and