

SARASOTA COUNTY GOVERNMENT

Planning and Development Services

TO: Sarasota County Commission
THROUGH: Jonathan R. Lewis, County Administrator
FROM: Matthew R. Osterhoudt, Director, Planning and Development Services
DATE:
SUBJECT: Major Earthmoving Permit Application No. 22-171896-RE

RECOMMENDED MOTION(S) OR ACTION(S):

(Public Hearing) To adopt a resolution regarding Major Earthmoving Permit Application No. 22-171896 RE proposing excavation of a 155.7-acre commercial borrow pit with associated stockpiling and hauling up to 4,855,281 cubic yards of material at the Hi Hat Ranch property located south of Fruitville Road and east of Lorraine Road, Sarasota.

BACKGROUND/ANALYSIS:

Summary of Key Facts and Considerations

- If permitted, this excavation would be the second commercial borrow pit on the Hi Hat Ranch Property.
- The applicant proposes on-site operations and hauling off-site from 7:00 a.m. to 4:00 p.m., Monday through Friday.
- The proposed borrow pit excavation area is approximately 288 feet from the western Hi Hat Ranch property boundary, 700 feet from the northern property boundary, 400 feet from the southern property boundary, and 4,500 feet from the eastern property boundary.
- A water truck will be available six days a week to control fugitive dust and particulates during all onsite operations.
- Section 54-347 of the Earthmoving Code specifies that “depth of an excavation shall not exceed 20 feet and shall not penetrate any rock strata or other aquiclude. However, at a public hearing, the Board may grant permission for Excavation in excess of 20 feet in depth if the Applicant demonstrates that the development and operation of the Excavation will not adversely affect existing or created groundwater levels, water quality, or the property of others. In this case, the Permit must contain a provision authorizing a specific depth to which excavation may occur below 20 feet.” The applicant for the subject application requests County Commission (Board) approval to excavate to a depth of 25 feet.
- The proposed commercial borrow pit operation proposes access to and from Fruitville Road. As determined by County Public Works Transportation Division staff, improvements within the Fruitville Road right-of-way will be required to accommodate the proposed truck hauling. These improvements include the construction of a turn lane, a stormwater treatment area, signage, and installing a traffic signal. A stipulation has been included within the approval Resolution requiring

these improvements. The applicant has applied for the Unified Development Code required Site Development construction authorization (application number 23-160777-DS) for this work.

- If issued, the Earthmoving permit would be valid for a period not to exceed ten years, with annual reports required to Sarasota County.
- Per the Unified Development Code Section 124-76(a)(4)(b)(7), borrow pits are a permissible use in OUE zoning districts. The proposed borrow pit is located within an OUE-1 zoning district.

Background Information

The project site is located on Hi Hat Ranch property, approximately 4 miles east on Fruitville Road from Interstate 75. To access the proposed borrow pit from off-site, soil transporting trucks will utilize the to-be-improved intersection of Fruitville Road and Vic Edwards Road. The applicant is proposing a 155.7-acre project area within Property Identification Nos. 0223003000 and 0225003000, within which excavation, stockpiling, and internal truck haul routes are proposed.

The Board approved the 2050 Master Development Order for the Hi Hat Ranch on June 9, 2021. That plan identified this project area within the Greenway RMA and noted a borrow pit, not to exceed 250 acres, is an allowable permissible use at this general location, subject to the review and approval by the Board and other regulatory agencies with jurisdiction pertaining to the excavation of the borrow pit.

Note that a stipulation has been included regarding the use of fill internally for developments associated with the 2050 MDO, which will reduce the amount of traffic on external roadways. Specifically, the stipulation states:

The Applicant shall utilize existing internal roadways when moving fill within the contiguous lands of the Hi Hat Ranch Master Development Order. Existing internal roads may be improved and/or new internal roads may be approved, subject to all applicable regulations.

The proposed project area is currently used for agriculture, predominately classified as pastureland due to a long history of agricultural timbering. No wetlands within Property Identification Nos. 0223003000 and 0225003000 will be impacted by the proposed borrow pit operation. However, one roadside wetland (Wetland 12) located within county right-of-way will be impacted by constructing a new turn lane along Fruitville Road for centralized access into the site, subject to the approval of Site Development application 23-160777-DS. Impacts to Wetland 12 will be mitigated in the proposed wetland creation area within the project area once 23-160777-DS is issued. The construction of the turn lane and other intersection improvements are not included in this application; however, the turn lane and signal must be constructed before any excavation may be undertaken. Two small other surface water areas (0.09 and 0.23 acres) will be impacted by the proposed development.

The Petitioner proposes a three (3) cell-sequenced borrow pit to excavate suitable fill material. After excavation from the borrow pit, the three cells are proposed to be converted into one large pond configuration. A recharge ditch will be constructed around each cell of the borrow pit to prevent offsite discharges and maintain the hydrology in adjacent wetlands.

Pursuant to Section 54-345(5)(c), permits shall be issued where certain criteria have been met. To assist the Board's evaluation of this Earthmoving application, **Attachment 2** summarizes the approval criteria and purposes of the Earthmoving Code and provides an analysis of the project considering these requirements. Staff's presentation is included in **Attachment 3**.

RELEVANT PRIOR BOARD ACTION:

1. On September 12, 2007 - The Board approved Level III Earthmoving Permit No. 2006-137056-RE authorizing the existing borrow pit on Hi Hat Ranch. Adopted Resolution No. 2007-231 (4-1 vote, Commissioner Barbetta dissenting).
2. On June 8, 2011 - The Board denied Earthmoving Level III Permit Application No. 2006-137056-RE, a petition to conduct limited nighttime operations at Hi Hat Ranch. Adopted Resolution No. 2011-107 (5-0 vote).
3. On January 24, 2017 - The Board approved a five-year extension to Level III Earthmoving Permit No 2006-137056-RE. Adopted Resolution No. 2017-015 (5-0 vote).
4. On October 24, 2018 - The Board approved a 10-year Major Earthmoving Permit No. 2018-118391-RE. This permit re-authorized the existing incomplete excavation previously authorized under Level III Earthmoving Permit No. 2006-137056-RE and authorized an additional expansion excavation area. The expiration date of Major Earthmoving Permit No. 2018-118391-RE is October 24, 2028 (5-0 vote).
5. On June 9, 2021 – The Board approved the Hi Hat Ranch Master Development Order. Adopted Ordinance No. 2021-008 (5-0 vote).

OUTREACH:

Pursuant to Section 54-345(4)(a) of the Earthmoving Code, the following required public notifications were conducted for this application:

(1) The applicant mailed a notice (provided by the County) a minimum of 15 days prior to the public hearing date to the following property owners:

- a. Neighboring Property owners within 500 feet of the parcel, as described by a parcel identification number or numbers;
- b. Property owners within one-half mile of the proposed Earthmoving activity;
- c. Property owners abutting the Haul Route (outside any public right-of-way) used to gain access to a collector or higher classification road;
- d. Property owners located within 500 feet of a private road used for hauling to gain access to a public road;
- e. Property owners neighboring the quadrants of any intersection of a Haul Route or private road accessing onto a roadway under Federal, State, or another unincorporated or incorporated jurisdiction; and
- f. Since the earthmoving site is located on a collector or higher classification road under the County's jurisdiction, then all property owners neighboring the Haul Route for a distance of not less than one-half mile in both directions from the site along the collector or higher classification road.

(2) A minimum of 15 calendar days prior to the public hearing date, the Applicant was responsible for posting the individual property where a Permit, amendment, variance, or annual report review is sought with waterproof notices provided by Sarasota County. These posted notices were placed along all streets that the property fronts.

(3) A published notification was advertised on the Sarasota County Public Hearings website page on or before November 18, 2023, for the public hearing.

See **Attachment 4** for the public comments received by staff before publication of this staff report. Any additional public comments received after the finalization of this staff report will be introduced at the public hearing and entered into the record.

PROCUREMENT ACTION:

N/A

FUNDING:

N/A

STRATEGIC PLAN ALIGNMENT:

Goal: Great place to live

Objectives:

Protect and enhance Sarasota County's natural resources and environment.
Protect the community's investment in property.

NEXT STEPS:

If approved by the Board, staff will proceed with the issuance of Major Earthmoving Permit Application No. 22-171896-RE.

STAFF RECOMMENDATION(S):

To adopt a resolution reflecting the Board's decision regarding Major Earthmoving Permit Application No. 22-171896-RE. If the Board finds that the proposed project is consistent with the approval criteria and the Comprehensive Plan, refer to Attachment 5 for an approval resolution. If the Board does not find the proposed project consistent with the approval criteria and/or the Comprehensive Plan, staff will prepare a denial resolution that specifies those items found by the Board to be inconsistent with the approval criteria and the Comprehensive Plan.

ATTACHMENTS:

2. Staff Report
3. Staff Presentation
4. Public Comment
5. Resolution
6. Public Hearing Notice