

3. The subject of this review is the quasi-judicial decision of the Levy County Board of County Commissioners (hereafter referred to as "BOCC") rendered on 3/19/24, approving a 1,100-acre sand mine after Defendant, 3RT Sand Mine submitted a Petition seeking Special Exception (No. SE 23-01 hereafter referred to as "Application").
4. Petitioners allege in the Petition that the hearing of 3/19/24 was not properly advertised under the Levy County Code 50-3 "Notice" and they were not given proper certified mailing notice of the hearing and were therefore unaware of the hearing and did not attend, but desired to present testimony and evidence in opposition to the sand-mine special exception. The Petitioners also allege the published advertised notice was also not in conformity with the Levy County Code and/or applicable Florida Statutes.
5. The Petitioners further allege that the Applicant failed to meet their burden of proof that the application met the essential requirement of law contained in Levy County Land Development Code 50- 719 "Special exceptions for major mining operations; criteria, standards and conditions" in addition to failing to meet the Code requirements for notice of the quasi-judicial hearings held by the BOCC and seek judicial review to quash and reverse the quasi-judicial approval.
6. A prior hearings was held before the BOCC on 5/1/23 and at said hearing the Application was continued to 7/10/23. A copy of the Notice for the 5/1/23 hearing and the mailing list for the Notice is included as part of the County's Appendix. (Cty. App. 6 at 98-104). Among the people that were mailed copies of the Notice were Petitioners, Kimberly Adair Swift at 11551 NE 51st Place, Bronson, Florida 32621, and Jeffry L. Ferguson at 4610 NE 121st Avenue, Williston, Florida 32696. (Cty. App. 6 at 98-104). Regarding the hearing of 7/10/23, On June 22, 2023, notice was published in the Levy Citizen, a weekly newspaper published within Levy County, notifying the public that the Planning Commission would consider the Application on July 10, 2023, and that the Board of County Commissioners (the "Board") would hear the matter on July 25, 2023.