

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

October 31, 2013

Ms. Amye King, AICP
Lake County Growth Management Director
315 West Main Street
Tavares, FL 32778

RE: Rubin Groves of Clermont (Project #20100600100/Application Request #2263)

Dear Ms. King:

The Department of Economic Opportunity (The Department) has received a Preliminary Plat Application for the Rubin Groves of Clermont proposed subdivision. According to the site plan, the parcel is approximately 143.8-acres and is proposed for 416 lots. Total commercial development is planned on 24.54-acres with a floor area ratio of .25 and an impervious surface ratio of .45. The proposed development is in the Ridge Future Land Use category within the Green Swamp Area of Critical State Concern (ACSC). The site is in an urbanizing area along US 27, just south of County Road 474.

After reviewing the preliminary plat application, the Department is concerned that the proposed "mass grading" on-site, reducing the elevation from as much as 183-feet to 147-feet, will inhibit natural groundwater infiltration decreasing pollutant removal and natural recharge functions of the Lake Wales Ridge portion of the Green Swamp ACSC, an important recharge area. The proposed mass grading is inconsistent with Section 9.07.14.A.3 of the Lake County Land Development Regulations (LDRs), which states, "[e]levation changes in topography shall not exceed a maximum of ten (10) feet except for the footprint of the structure."

The County's Land Development Regulations include a provision that excess overburden generated as a result of construction may be removed offsite so long as the total amount of material removed is not greater than two hundred (200) percent of the minimum stormwater retention/detention volume required. For the Rubin Groves site, 200 percent is equivalent to approximately 500,000 cubic yards. Approximately 3,000,000 cubic yards or 600% volume is being proposed. The mass grading will change the natural drainage pattern/ flow regime of a large extent of the property and in close proximity to high quality wetlands within the CORE CONSERVATION area of the Green Swamp ACSC. [Please See Attachment A]

Green Swamp Principles for Guiding Development:

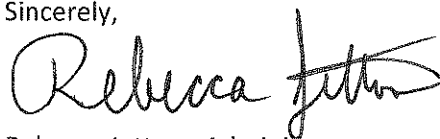
The Department is concerned because the scale of the grading and removal of overburden proposed are inconsistent with the following Green Swamp Principles for Guiding Development:

- Minimize the adverse impacts of development of resources of the Floridan Aquifer, wetlands and flood-detention areas.
- Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
- Protect or improve existing ground and surface water quality.
- Protect the natural flow regime of drainage basins.

The mass grading will substantially alter the "normal flow" and "natural flow regime" of the basin because it will inhibit natural infiltration into a substantial portion of the on-site upper surficial aquifer, an important recharge area within the Green Swamp ACSC. The proposal to remove a substantial portion of the relic sand dune has not been justified by analysis from an engineer or hydrogeologist relative to the Principles for Guiding Development. In particular, no analysis demonstrating how the removal of almost 40-feet of surficial sands and soils, leaving only approximately ten-feet of overburden between grade and the water table, would naturally provide for the infiltration and filtering of pollutants to minimize the impact of development on the surficial and Floridan Aquifer.

The Department requests that the County consider our remarks as you make your decision regarding the request to exceed the 200 percent overburden removal limitation. If you have any questions or comments, please do not hesitate to call Robin Branda at (850) 717-8495, or email him at Robin.Branda@deo.myflorida.com.

Sincerely,



Rebecca Jetton, Administrator
Areas of Critical State Concern

RJ/rsb

cc: Steve Greene

Attachment

ATTACHMENT A:

6.06.01 General Provisions.

F.

Exemptions. The following activities Shall not be subject to the Mining Conditional Use Permit and Operating Plan requirements set forth herein:

1.

Installation of utilities provided a valid underground utility Permit or Right-of-Way utilization Permit has been issued.

2.

Excavation in conjunction with bona fide commercial, industrial or Subdivision Construction provided a Construction approval or Building Permit has been obtained from the County and Excavation is completed and Construction initiated within a reasonable period of time from the date that Excavation is initiated. Said time period Shall be determined by the County based upon the type of Construction and Shall be indicated on the written exemption document. Excess Overburden generated as a result of the bona fide Construction may be Removed offsite only as follows:

a.

Excess overburden generated as a result of the bona fide Construction may be removed offsite so long as the County Manager or designee is provided written notice during Construction approval or Building Permit application process and so long as the total amount of material removed offsite is not greater than two hundred (200) percent of the minimum stormwater retention/detention volume required.

b.

If the above criteria is exceeded or excavation is not storm water related, the County Manager or designee may give approval for removal of such excess Overburden if the applicant shows that removal of such excess Overburden is necessary for development of the Site due to physical factors of the Land or Permitting requirements from a governmental agency. In making this decision, the County Manager or designee shall consider the following factors:

- (1) Unique physical characteristics and topography of the Land involved;
- (2) Engineering and environmental factors requiring overburden removal;
- (3) Whether excavation and removal of Overburden is necessary for access to the property;
- (4) Permitting requirements of state, local and federal governmental agencies; or
- (5) Such other matters that may be deemed appropriate by the County Manager or designee.

c.

If the County Manager or designee gives written approval of such Overburden removal, the County Manager or designee may attach such conditions, limitations and requirements to such approval as are necessary to effectuate the purposes of this exemption; to carry out the spirit and purpose of the Mining Regulations and the Lake County Comprehensive Plan; and to prevent or minimize adverse effects upon Natural Resources and other nearby properties, including but not limited to requiring;

- (1) A Mining Conditional Use Permit;
- (2) A Mining Operating Plan;
- (3) A Mining Reclamation Plan;
- (4) A Grading Plan;
- (5) Provision of bonds or other security necessary to enforce the conditions of the approval; and/or

(6)

Limitations on the development operation such as regulation of Ingress and Egress, operational hours, duration of the approval, and limitations in size and amount of removal.