

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR MINING SITE PLAN

PLANNING & ZONING BOARD  
March 6, 2013



BOARD OF COUNTY COMMISSIONERS  
March 26, 2013

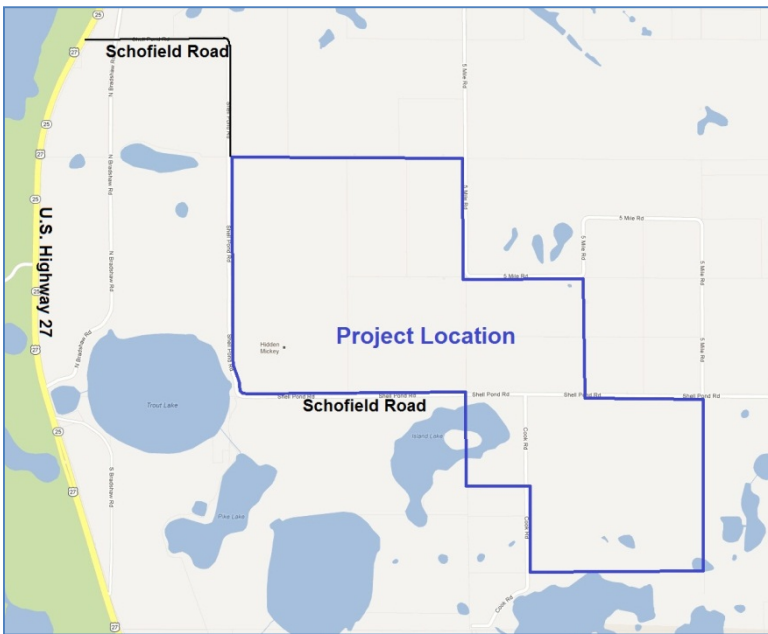
<b>MSP #13/3/1-2</b> Four Corners Sand Mine	<b>Case Manager:</b> Melving Isaac, Planner	<b>Agenda Item #2</b>
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**Applicant:** James D. Mott, Cemex Construction Materials Florida, LLC (the "Applicant")

**Owner:** Lake Louisa, LLC (the "Owner")

**Requested Action:** The Applicant is requesting a Mining Conditional Use Permit for a sand mine for the supply of construction aggregate materials.

### - Site Location & Information -



Approximate site location outlined in Blue

**Site Visit**                      February 21, 2013  
**Sign Posted**                  February 21, 2013 (2 posted)

<b>Size</b>	1,196.44 +/- acres	
<b>Location</b>	Clermont area, approximately 1 mile southeast from U.S. Highway 27/Schofield Road intersection	
<b>Alternate Key #'s</b>	1098246, 1098254, 1594596, 1412358, 1070988, 3884451, 1412331, 1412340	
<b>Future Land Use</b>	Rural	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	A	No change
<b>Density</b>	1 du/5 ac	No change
<b>Floor Area Ratio</b>	0.10	No change
<b>Impervious Surface Ratio</b>	0.10	No change
<b>Open Space</b>	35% (required by Comprehensive Plan Policy I-1.2.2)	35%
<b>Joint Planning Area</b>	Clermont	
<b>Utility Area:</b>	N/A	
<b>Site Utilities</b>	Proposed well and septic system	
<b>Road Classification</b>	U.S. Highway 27 - Rural Principal Arterial Schofield Road - Local Road	
<b>Flood Zone/ FIRM Panel</b>	(X,A.AE)/675	
<b>Commissioner District</b>	2 (Parks)	

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Orange Grove, Pasture	
South	Rural	Agriculture (A)	Orange Grove	
East	Rural	Agriculture (A)	Ornamental Nursery	
West	Rural	Agriculture (A)	Orange Grove	

– Summary of Staff Determination –

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of a Mining Conditional Use Permit for a sand mine, with conditions as specified in the proposed ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

– Summary of Analysis –

The Applicant is requesting a Mining Conditional Use Permit for a sand mine for the supply of construction aggregate materials on 1,196.44 +/- acres of property, within the Rural Future Land Use Category (FLUC) and Agriculture (A) Zoning District. The property is located southeast of U.S. Highway 27 and Schofield Road intersection. The area surrounding the property is characterized by agricultural uses. Pursuant to section 380.06(24)(t) of Florida Statutes, any proposed solid mineral mine is exempt from being considered a Development of Regional Impact.

The Applicant proposes to mine approximately 576.41 acres (48% of the property area) in 27 phases, over 27 years. No wetlands are proposed to be mined or impacted. The Applicant also proposes excavation and processing operations to occur on a constant basis 24 hours per day, 7 days per week while hours of operation for sales are proposed to be from 5 a.m. to 4 p.m., 7 days per week. The development of the sand mine includes the construction of a processing plant, an office, truck scales and a water storage pond. Reclaimed water and existing onsite irrigation well will be used in sand processing and water from these sources will be stored in the water storage pond for reuse. The closest residential subdivision is located approximately 1.5 miles southwest. The property is within the designated Wellness Way Sector Planning Area.

According to the hydrogeologic study provided by the Applicant, the proposed mining activity will not adversely affect ground and surface water, and will not impact the Floridan aquifer.

Mining activity is allowed in the Rural FLUC by Comprehensive Plan Policy I-1.4.4 and Land Development Regulations (LDR) Table 3.01.03 with the issuance of a conditional use permit.

– Standards of Review & Analysis –

(Per Section 14.05.03 of the Land Development Regulations)

**A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).**

The proposed Mining Conditional Use Permit for a sand mine for the supply of construction aggregate materials is consistent with Comprehensive Plan Policy I-1.4.4 ("*Rural Future Land Use Category*"), which allows mining within the Rural FLUC. Additionally, by implementing the proposed ordinance conditions, the use will be consistent with Objective III-3.5 *Mining and Borrow Pits* ("The County shall regulate mining extraction activities... to minimize adverse impacts") pertaining to the impacts from the proposed mining activity.

The application request is also consistent with Comprehensive Plan Policy I-7.5.10 *Natural Resource Extraction*, which requires a conditional use permit for mining uses.

Comprehensive Plan Policy I-1.2.2, "*Consistency between Future Land Use and Zoning*", Table FLUE) 2 - *Future Land Use Element*, requires a minimum of 35% open space for property designated as Rural Future Land Use. The conceptual plan attached to the proposed ordinance shows the areas of the property set aside to comply with this open space requirement. A condition is included in the proposed ordinance to meet this requirement.

The subject property is over 1,196 acres in size. Policy I-1.4.2 "*Scale of Development*" states that:

"The scale of development within rural areas is a key factor in efforts to preserve character and ensure compatibility. This element of character shall be addressed by Comprehensive Plan policies and Land Development Regulations that establish standards for the intensity, size, and physical separation of single or clustered structures within a development site and from adjoining property. The scale of development normally associated with a Development of Regional Impact is not consistent with the purposes and intent of the Rural Future Land Use Series and shall be prohibited."

As indicated in the summary, mines may no longer be considered DRI's. However, at almost 1,200 acres the proposed development will have a major impact on the rural area. Although conditions relating to the phasing, restoration and operation have been included in the proposed ordinance, consistency with this policy is a concern. Further, the proposed mine is not within the identified or contemplated uses of the County's proposed Wellness Way Sector Plan. The Applicant is aware of the proposed Sector Plan but did not address the potential conflict of the proposed mine with this planning initiative. The use of the property as a Sand Mine would reduce the available land for other economic uses in targeted sectors such as Agri-Tech, Health and Wellness, and light manufacturing. The Sector Plan Planning Area is 16,200 acres and the proposed mine represents 7.4% of the available land and a significantly higher percentage of the available uplands. Therefore, the approval of the proposed mine may be inconsistent with this planning initiative as it seeks approval prior to completion of the Sector Plan.

In addition, the City of Clermont has indicated that the proposed mine should not be approved until the South Lake Sector Plan is completely developed because it could interfere with the goals of the South Lake Sector Plan (see Attachment 1).

Pursuant to LDR Table 3.1.03 *Schedule of Permitted and Conditional Uses*, mining is an allowable use within the Agriculture (A) Zoning District with the issuance of a conditional use permit. Mining, excavation and their related activities have been found to "contribute substantially to the economic stability of Lake County" as stated in LDR Section 6.06.01(A.6). The application is also consistent with Section 6.06.02 C.1.a., LDR ("*Mining Operation Standards*"), which requires a 100-foot setback from all property lines.

## **B. Effect on Adjacent Properties.**

### **1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.**

The property for the proposed mining activity is currently unimproved pasture land. The proposed ordinance contains conditions to mitigate possible impacts particularly on the nearby uses. No undue adverse effects are anticipated, provided the conditions for impact mitigation in the attached ordinance are adhered to other than those noted above. The closest residential subdivision is located approximately 1.5 miles southwest.

### **2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

The areas surrounding the site are characterized by agricultural activities and wetlands. Conditions have been included in the proposed ordinance to reduce or mitigate impacts expected from the proposed mine to surrounding uses. The ordinance provides conditions to reduce or mitigate noise, dust, and traffic impacts to minimize any adverse effects on properties within the immediate vicinity through design, Best Management Practices, buffers and screening.

### **3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

The application proposes to maintain a minimum 100-foot setback along all property lines and a visualization berm of 10 feet high along the north and west property line which is consistent with the LDR as indicated above on item A. One of the adjacent parcels is owned by the City of Orlando and is currently utilized as pasture. The parcel may have been acquired for future expansion of the Conserv II facility, however this remains undetermined at the time of this report. The applicant will be required to maintain the setback areas undisturbed to minimize any adverse effects on the immediate vicinity from the proposed operation through development design, Best Management Practices, setbacks, buffers and screening.

The property must provide approximately 420 acres as open space arranged in both clustered areas and along buffers.

These items will be addressed in detail during the Operating Plan review process.

**4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

The sand mining activities will be conducted outside of the setback area, but within the existing property boundary. Berms will also be constructed to provide additional screening of the use to mitigate any impacts to adjacent land uses.

**C. Adequacy of Public Facilities.**

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

Water/Sewage - Reclaimed water and existing onsite irrigation well will be used in sand processing and water from these sources will be stored in the water storage pond for reuse. Impacts on sewage facilities capacities are not anticipated as a septic system is being proposed.

Transportation – Access to the site will be via U.S. Highway 27 intersection and Schofield Road. Public Works has indicated that the proposed sand mine operation will be required to address the following issues during the review of the required Operating Plan. The comments below are conditions included in the Ordinance:

- Schofield Road must be paved according to County standards (from Sand Mine property to US 27). Construction Plans for Schofield Road must be submitted for Public Works Department review and approval prior to initiation of sand mining activities on the site.
- As an alternative the applicant may enter into Agreement with Lake County for Schofield Road Maintenance. This agreement shall be for the life of the mine. An adequate length of Schofield Road adjacent to US27 must be still paved to prevent soil tracking.
- South bound left turn lane must be constructed on US 27 at Schofield Road/US27 intersection. A northbound acceleration lane may be required as determined by Florida Department of Transportation and transportation concurrence review - other improvements may be required by Florida Department of Transportation.

The full extent of the impacts will be evaluated as part of the Operating Plan review process for the proposed use.

**D. Adequacy of Fire Protection.**

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is approximately 7 miles from Lake County Fire Station 109 (closest fire station), located at 11630 Lakeshore Drive, Clermont, and 8 miles from Lake County Fire Station 112, located at 16240 County Road 474, Clermont.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed mining site plan and found:

1. The application request is consistent with the Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which allows mining activities in the Rural FLUC with the issuance of a conditional use permit.
2. The application request is consistent with the Comprehensive Plan Policy I-7.5.10 *Natural Resource Extraction*, which requires a conditional use permit for mining uses.
3. The application request is consistent with the LDR Table 3.1.03 *Schedule of Permitted and Conditional Uses*, which allows mining activities in the Agriculture (A) Zoning District with the issuance of a conditional use permit.
4. The application request is consistent with the LDR *Resource Protection Standards (Mining)* Section 6.06.00, including Section 6.06.03 C, related to the requirement of a pre-application conference.
5. The application is consistent with Section 6.06.02 C.1.a., LDR ("*Mining Operation Standards*"), which requires a 100-foot setback from all property lines.

6. Consistency with Policy I-1.4.2 *Scale of Development* has not been fully demonstrated, and the proposed development may result in conflicts with the Wellness Way Sector Plan.
7. The City of Clermont has provided comments pursuant to the Joint Planning Agreement between the City and the County. The City has indicated the proposed mine should not be approved as it is until the South Lake Sector Plan is completely developed (see Attachment 1).

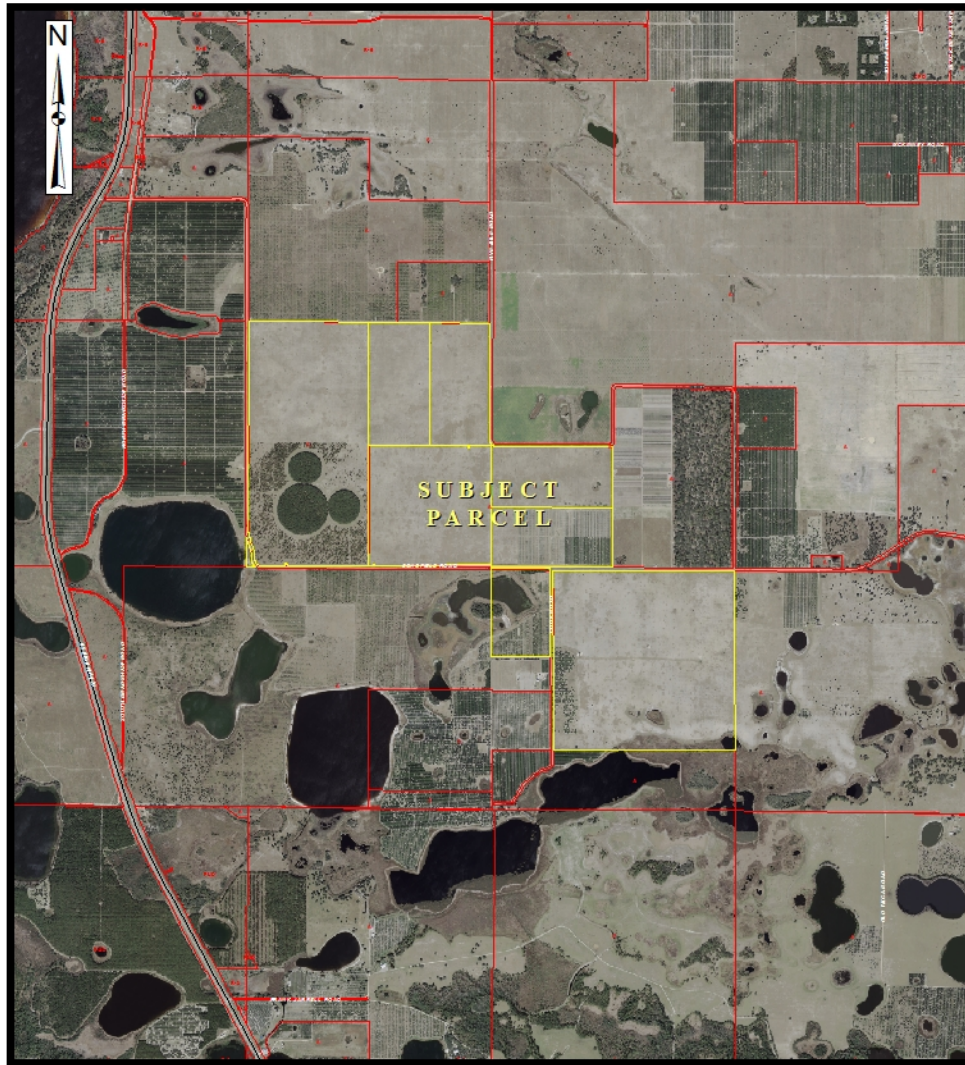
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

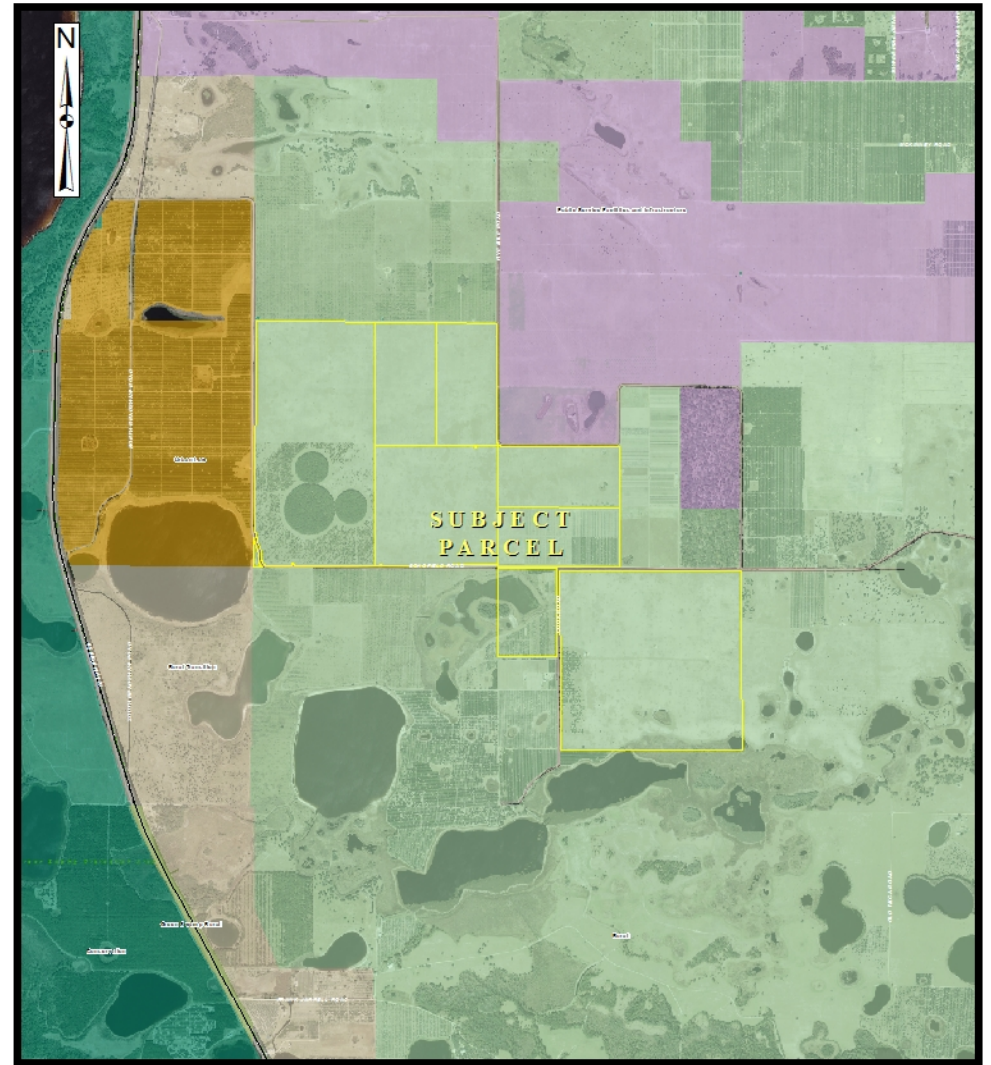
Concern: -0-

Opposition: -1-



**CURRENT ZONING**  
**AGRICULTURE (A)**

0 500,000  
Feet



**ADOPTED FUTURE LAND USE**  
**RURAL**

0 500,000  
Feet

**FOUR CORNERS SAND MINE**

**CASE NO.**  
MSP #13/3/1-2

**CASE LOCATION:**  
S26/27/35, T23S, R26E

**REQUESTING:**  
Mining Conditional Use Permit for a sand mine for  
the supply of construction aggregate materials.

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

**DATA SOURCES:**

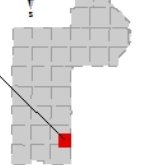
Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

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**MAP COMPOSITION:**  
JANUARY, 2008



**FOCUS AREA**



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ORDINANCE #2013-XX  
Four Corners Sand Mine  
MSP# 13/3/1-2

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, James D. Mott representing Cemex Construction Materials Florida, LLC (the "Permittee") on behalf of Lake Louisa, LLC (the "Owner"), has made application for a Mining Conditional Use Permit for a sand mine for the supply of construction aggregate materials; and.

WHEREAS, the subject property consists of 1,196.44+/- acres and is generally located in the Clermont area, approximately 1 mile southeast from U.S. Highway 27/Schofield Road intersection in Sections 26, 27 & 35, Township 23 South, Range 26 East, having Alternate Key Numbers 1098246, 1098254, 1594596, 1412358, 1070988, 3884451, 1412331, 1412340, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the subject property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Permittee submits this mining site plan application for the purpose of obtaining approval of a sand mine for the supply of construction aggregate materials; and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable in order to protect the public health, safety, and general welfare of the citizens of Lake County in accordance with the purpose and intent of this Ordinance, to require compliance with the special conditions hereinafter set forth; and

WHEREAS, this Conditional Use Permit MSP #13/3/1-2 was reviewed by the Planning & Zoning Board on March 6, 2013 and by the Board of County Commissioners of Lake County, Florida on March 26, 2013; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, upon review, certain terms and conditions pertaining to the development of the above described property have been duly approved; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Official Zoning Map of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as specified in Exhibit "A", subject to the following terms:

1 The County Manager or designee shall amend the Lake County Zoning Maps to reflect a Mining  
2 Conditional Use Permit in the Agriculture (A) Zoning District in accordance with this Permit. The uses of the  
3 property shall be limited to the uses specified in this Ordinance and generally consistent with the  
4 Conceptual Plan attached hereto as Exhibit "B". To the extent where there are conflicts between the  
5 Conceptual Plan and this Ordinance, this Ordinance shall take precedence. Permission is hereby granted  
6 to Permittee to utilize such property for:

- 7 1. Sand mining.

8 Accessory uses and structures, including a processing plant and an office, directly related to the  
9 above uses may be approved by the County Manager or designee. Any other use of the site shall  
10 require approval of an amendment to this Ordinance by the Board of County Commissioners.

11 **Section 2. Conditions:**

12 **A. Operating Plan Requirement:** The sand mine shall require approval of an Operating Plan that  
13 includes the following:

- 14 1. Operating Plan.  
15 2. Reclamation Plan.  
16 3. Noise Study.  
17 4. Traffic Study and Management Plan.  
18 5. Tree Removal Permit.

19 **B. General Standards:**

- 20 1. **Permits and Approvals.** All appropriate Water Management District and Florida Department of  
21 Environmental Protection permits shall be obtained prior to commencement of sand mining  
22 activities on the site, and shall be kept current.  
23 2. **Agency Approvals.** All mining activities shall be conducted in accordance with all applicable  
24 federal, state, regional and local laws, ordinances, rules and regulations, as amended.  
25 3. **Consistency with Operating Plan.** All mining and other activities shall be consistent with the  
26 Lake County Code, Land Development Regulations, the Lake County Comprehensive Plan and  
27 the approved Operating Plan.  
28 4. **Best Management Practices.** All mining and operational activities shall employ best  
29 management practices.  
30 5. **Phasing.** The mining activities shall be conducted in phases as described in the Operating Plan  
31 so as to expose the least amount of land surface practical at any time during the sand mine  
32 operation. No single phase shall exceed more than 200 acres.  
33 6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 40 feet in height  
34 within 200 feet of the property line or 70 feet if more than 200 feet away from the property line. No  
35 spoil or other excavated materials shall be placed within the setbacks.

- 36 7. **Hours of operation.** Hours of operation for sales shall be from 5 a.m. to 4 p.m., 7 days per week.



1           Excavation and processing operations will occur on a constant basis 24 hours per day, 7 days per  
2           week.

3           **8. Air Quality.**

4           a. The mining activity shall be conducted so as to prevent, reduce and control the generation and  
5           off-site migration of fugitive dusts and particles. All areas in which such dusts or particles may  
6           be generated shall be kept wet or controlled in another manner to reduce the potential for their  
7           Off-Site migration.

8           b. The Applicant shall cease all operations which do not meet the requirements of the Air Quality  
9           section of the Land Development Regulations, as amended, and the Operating Plan, upon  
10          notification by Lake County.

11          **C. Setbacks:**

12          1. A minimum 100-foot setback shall be established along all property lines.

13          2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the initiation  
14          of any phase of excavation and shall remain in place until sand mining activities are completed.

15          3. All setbacks shall be permanently marked in a manner that they will be clearly visible to  
16          equipment operators. Such markers shall be shown on the Operating Plan and shall be spaced at  
17          no more than 100 feet in areas being excavated.

18          **D. Open Space:** A minimum of 35% open space shall be provided and shown prior to or in conjunction  
19          with approval of the Operating Plan.

20          **E. Reclamation Standards:**

21          1. Reclamation Plan - A Reclamation Plan, conforming to the Mining Reclamation Standards  
22          contained in Lake County Land Development Regulations shall be filed with the Operating Plan.  
23          The reclamation plan shall fully describe the proposed site reclamation by both illustration and  
24          documentation, and including but not limited to:

25          a. A plan view with cross sections, final slopes/contours, vegetative plantings, stormwater  
26          retention areas, etc. shall be submitted.

27          b. All areas to be reclaimed by depicting and describing what man-made and natural features will  
28          exist when the reclamation plan is completed; and

29          c. A contour map and two (2) typical cross sections, generally oriented north to south and east to  
30          west, showing areas to be filled, backfilled, reconstructed, and reshaped.

31          d. Identification of the size, type, location, and planting schedule for all vegetation to be planted or  
32          seeded in accordance with the reclamation plan.

33          2. Timing. Reclamation shall commence within 90 days after completion of each phase of excavation  
34          or within 90 days after commencement of mining activities for the next phase, whichever is earlier.  
35          Reclamation of the area associated with any completed phase of the mining activity shall be  
36          completed no later than two (2) years after termination of mining in that phase. At no time shall  
37          more than two (2) phases remain unreclaimed. In the event that sand mining operations cease for  
38          a period of three (3) years, reclamation shall commence and be completed within a five-year  
39          period from the date of cessation of operation.

40          3. Topography. Sloping and grading shall be conducted in such a manner as to minimize soil erosion

1 and surface water runoff and to make the land surface suitable for revegetation. The final  
2 reclamation elevation of the site shall be as proposed by the Mining Site Plan to be incorporated  
3 into the Operating Plan.

4 4. Sand mining activities shall not adversely impact the water levels or water quality of surface  
5 waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the boundaries of the  
6 mine.

7 5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in the Lake  
8 County LDRs, as amended, or are listed by other agencies as invasive non-native species, shall  
9 be destroyed prior to completion of reclamation.

10 6. Reclamation shall be completed pursuant to the approved Operating Plan.

11 **F. Protection of Water Resources:**

12 1. The minimum distance between the bottom of the excavated and mined area and the top of the  
13 Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the Florida Aquifer system  
14 and shall be subject to approval by the County. The final elevation shall be at even grade as  
15 specified in the approved reclamation plan.

16 2. The sand mine operation shall be completely self-contained and shall retain any waste materials  
17 or water generated by the sand mining process on site. The operation shall not utilize any surface  
18 water from lakes or ponds that are not entirely contained on the property, except as specifically  
19 approved in the Operating Plan.

20 3. Discharges of water or liquid wastes into waters of the County or State are prohibited unless the  
21 County and jurisdictional agency has granted a variance or other approval to specifically allow the  
22 discharge. This shall not prevent discharges into water systems that are self-contained on the  
23 mine property as approved in the Operating Plan.

24 **G. Protection of Karst Features:**

25 1. A hydrology study shall be submitted with the Operating Plan that identifies any karst features  
26 within the property.

27 2. Karst features shall be avoided and protected from sand mining or any development activity, and  
28 any future development of the property shall comply with the requirements of the Lake County  
29 Comprehensive Plan and Land Development Regulations, as amended.

30 3. Karst features shall be maintained in their natural function, integrity and structure.

31 4. Impervious development shall be set back from the boundary of karst features a minimum of 100  
32 feet. The setback shall consist of a buffer that retains all natural vegetation within the setback  
33 area.

34 **H. Archeological Artifacts:** If any archeological artifacts are encountered during the sand mine  
35 operation, the sand mining activities shall cease; and notification will be made to the County Manager,  
36 or designee and the Florida Department of State, Division of Historical Resources.

37 **I. Vegetation, Landscaping and Buffering:** A Reclamation/Revegetation Plan shall be provided  
38 consistent with the Mining Reclamation provisions specified in the LDR requirements, as amended.

39 **J. Transportation:**

- 1 1. Schofield Road must be paved according to County standards (from Sand Mine property to US  
2 27). Construction Plans for Schofield Road must be submitted to the County with the  
3 Operating/Site Plan for review and approval prior to initiation of sand mining activities on the site.
- 4 2. As an alternative, the applicant may enter into Agreement with Lake County for Schofield Road  
5 Maintenance. This agreement shall be for the life of the mine. An adequate length of Schofield  
6 Road adjacent to US27 shall be paved to prevent soil tracking.
- 7 3. A southbound left turn lane must be constructed on US 27 at the Schofield Road/US27  
8 intersection. A northbound acceleration lane may be required as determined by Florida  
9 Department of Transportation and transportation concurrence review.
- 10 4. These requirements shall in no way be determined to waive or alter any improvements that may  
11 be required by Florida Department of Transportation.

12 **K. Financial Responsibility:**

- 13 1. Before final approval of the Operating Plan and Reclamation Plan, the Permittee/Owner must file  
14 a compliance and reclamation guarantee with the County to ensure that the site is operated and  
15 reclaimed in conformance with the Lake County Code and the approved Operating and  
16 Reclamation Plans. Acceptable forms of the guarantee include cash, certificates of deposit,  
17 irrevocable letters of credit, or surety bonds. In all cases, the form of the guarantee shall be  
18 subject to approval by the County Attorney.
- 19 2. The total cost of reclamation shall be estimated by the applicant and reviewed by the County. The  
20 estimated amount shall be established by calculations and judgments based on acceptable  
21 industry standards and procedures. The final amount of the guarantee shall be set by the Board of  
22 County Commissioners not less than one hundred and ten percent (110%) of the estimated cost  
23 of reclamation, based upon the phase that is being permitted.
- 24 3. The reclamation guarantee shall not be released by the County until the final reclamation on all  
25 area subject to this approval has been approved.
- 26 4. If reclamation under the approved Reclamation Plan has not been successful after the end of two  
27 (2) years, at the option of the County, a new Reclamation Plan shall be required of and carried out  
28 by the Permittee/Owner, or the reclamation guarantee shall be forfeited and the site reclaimed by  
29 the County using the guarantee to fund it. Additionally, if the site has been abandoned by the  
30 Permittee, the reclamation guarantee may be declared forfeited by the Board and the site  
31 reclaimed by the County using the guarantee to fund it. The site shall be considered abandoned if  
32 no sand mining activity has taken place for a period of six (6) months, or if reclamation has not  
33 been instituted as required under this ordinance.

- 34 **L. Inspections:** County staff, upon notification to the Applicant, shall have access to the project site to  
35 inspect and observe permitted activities in order to determine compliance with the terms of this  
36 ordinance. This use shall be inspected by the Code Enforcement Division annually to ensure  
37 compliance with the conditions of this Conditional Use Permit and the approved Operating Plan. An  
38 annual inspection fee will be assessed. If an emergency inspection is necessary during non-operating  
39 hours, a fee shall also be assessed.

40 **Section 3.** Additional conditions of this permit shall mean:

- 1 A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of  
2 the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual  
3 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners; comply  
4 with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or  
5 comply with any of the terms of the Mining Conditional Use Permit; or this Mining Conditional Use  
6 Permit is found to become a nuisance or safety hazard, the permit may be revoked after due Public  
7 Hearing before the Planning & Zoning Board and the Board of County Commissioners, or may be  
8 rescinded upon annexation to a municipal jurisdiction.
- 9 B. This Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the  
10 purpose, terms, and conditions contained herein shall be binding upon the Permittee or any successor  
11 and his interest hereto.
- 12 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement  
13 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and  
14 to recommend that the ordinance be revoked.
- 15 D. If the sand mining activities commence within three (3) years of the date that the Board grants the  
16 Mining Conditional Use Permit approval, the Permit shall remain valid and in force as long as the  
17 operator shall abide by this ordinance, the Operating Plan and the LDR requirements. Should sand  
18 mining activities not commence within the specified period, the Mining Conditional Use Permit shall  
19 expire and the applicant shall submit a request for extension for review and approval by the Board of  
20 County Commissioners.

1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

3 FILED with the Secretary of State \_\_\_\_\_, 2013.

4 EFFECTIVE \_\_\_\_\_, 2013.

5 BOARD OF COUNTY COMMISSIONERS  
6 LAKE COUNTY, FLORIDA

7 \_\_\_\_\_  
8 LESLIE CAMPIONE, Chairman

9 ATTEST:

10 \_\_\_\_\_  
11 NEIL KELLY, Clerk of the  
12 Board of County Commissioners  
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

15 \_\_\_\_\_  
16 SANFORD A. MINKOFF, County Attorney

1

**EXHIBIT "A" – LEGAL DESCRIPTION**

**PARCEL 1:**

The North half of Section 27, Township 23 South, Range 26 East, Lake County, Florida, LESS the West 33.00 feet and LESS the East 33.00 feet; ALSO the Southwest quarter of said Section 27, LESS the West 33.00 feet and LESS the South 33.00 feet; also LESS the North 50.00 feet of the South 83.00 feet of the West 35.00 feet of the East 1820.02 feet of the Southwest quarter of said Section 27; also LESS the North 20.00 feet of the South 53.00 feet of the West 30.00 feet of the East 1785.02 feet of the Southwest quarter of said Section 27.

Containing an area of 20742655.72 square feet, 476.186 acres, more or less.

**PARCEL 2:**

The Southwest 1/4 of Section 26, Township 23 South, Range 26 East, Lake County, Florida, subject to a County Road Right-of-way over the North 33 feet and LESS the South 33 feet thereof; and the Southeast 1/4 of Section 27, Township 23 South, Range 26 East, Lake County, Florida, LESS the South 33 feet thereof; LESS AND EXCEPT: the Easterly 35.00 feet of the Westerly 129.88 feet of the Northerly 50.00 feet of the Southerly 83.00 feet of the Southwest 1/4 of the Southeast 1/4; and LESS the Westerly 35.00 feet of the Easterly 512.76 feet of the Northerly 50.00 feet of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 23 South, Range 26 East, in the County of Lake, State of Florida.

Containing an area of 13724499.43 square feet, 315.071 acres, more or less.

**PARCEL 3:**

The Northeast 1/4, LESS the North 33 feet thereof; the East 1/2 of the Northwest 1/4, LESS the North 33 feet thereof; and the North 1/2 of the South 1/2, LESS the West 1/4 thereof; all being in Section 35, Township 23 South, Range 26 East, Lake County, Florida.

Containing an area of 15180438.87 square feet, 348.495 acres, more or less.

**PARCEL 7:**

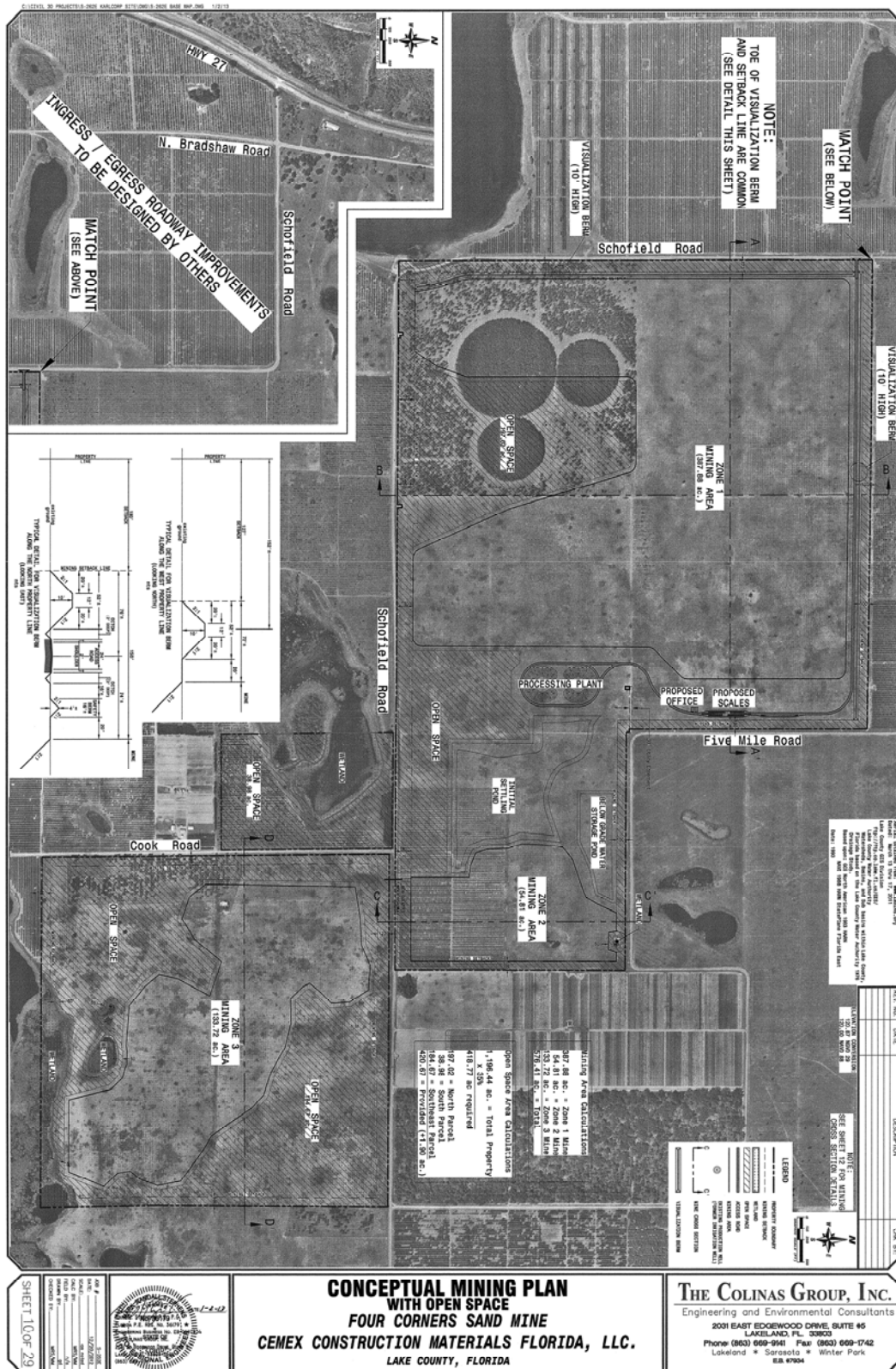
A portion of Section 35, Township 23 South, Range 26 East, Lake County, Florida described as follows:

BEGINNING at the Northwest corner of Section 35, Township 23 South, Range 26 East; thence run South 89°42'57" East, along the North line of said Section 35, for a distance of 1290.76 feet to the West Right-of-way line of Cook Road, as recorded in Deed Book 357, Page 10, of the Public Records of Lake County, Florida; thence departing said North line, run South 00°41'04" East, along said West Right-of-way line for a distance of 1978.82 feet to the North line of the South 1/4 of the West 1/2 of the Northwest 1/4 of said Section 35; thence departing said West Right-of-way line, run South 89°56'46" West, along said North line for distance of 1293.39 feet to the West line of said Northwest 1/4 of Section 35; thence departing said North line, run North along the aforesaid West line of Section 35 to the POINT OF BEGINNING, LESS the South 70 feet thereof.

2

Containing an area of 2469417.37 square feet, 56.690 acres, more or less.

EXHIBIT "B" - CONCEPTUAL PLAN



# Memo

To: Lisa Widican / Melving Isaac  
From: Curt Henschel  
CC: File  
Date: 1-7-13  
Re: Four Corners Sand Mine / JPA Staff Level Comments

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Until the South Lake Sector Plan is completely developed, staff feels this long term mining use could hinder the goals of the South Lake Sector Plan and recommends denial of the use until the South Lake Sector Plan is approved.

When this project is on the agenda for the Lake County Planning and Zoning Board and the Board of County Commissioners, city staff will obtain and forward official comments from our City Council.