

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

PLANNING & ZONING BOARD  
 October 31, 2012



BOARD OF COUNTY COMMISSIONERS  
 November 20, 2012

<b>MSP #12/11/1-5</b> Pine Meadow Peat Mine	<b>Case Manager:</b> Jennifer M. Cotch, Environmental Specialist	<b>Agenda Item # 3</b>
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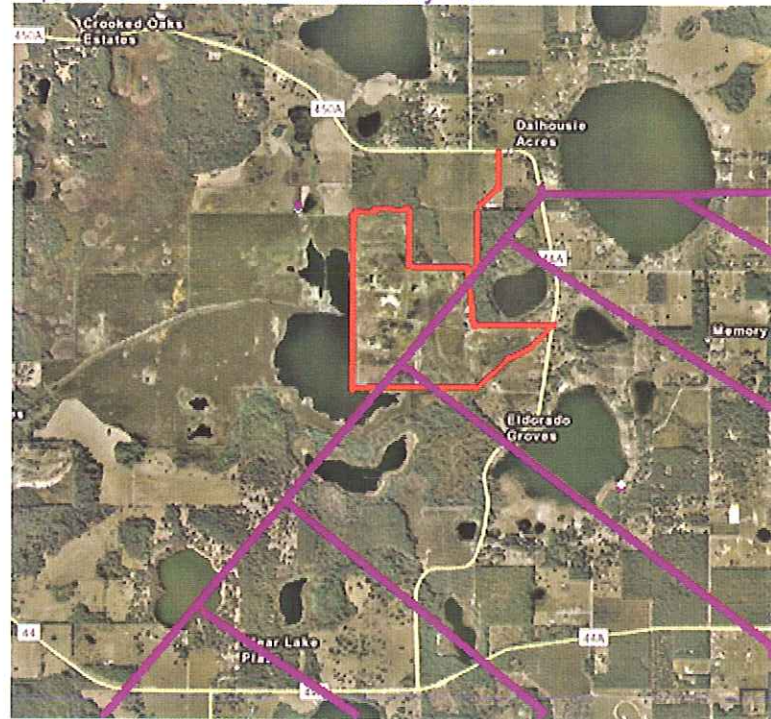
**Applicant:** Jack Reiner, Jr. c/o Reliable Peat Company, Inc. (the "Applicant")

**Owner:** Superior Investments at Black Bear I, LLC (the "Owner")

**Requested Action:** The Applicant is requesting a Mining Site Plan/Conditional Use Permit to extract peat.

– Site Location & Information –

Approximate Site Location outlined in **RED**  
 Purple Cross-hash is in the Wekiva Study Area



Size	231.22 +/- acres	
Location	Eustis Area, Southwest of CR 450A and CR 44A intersection	
Alternate Key #	3871996, 1081599, 2910429	
Future Land Use	Rural Transition	
	Existing	Proposed
Zoning District	R-1	R-1
Density	N/A	N/A
Floor Area Ratio	.20	.20
Impervious Surface Ratio	.30	.30
Joint Planning Area	N/A	
Utility Area:	Umatilla	
Site Utilities	None	
Road Classification	CR 450A- CR 44A-	
Flood Zone/ FIRM Panel	X & A /Panel 220	
Commissioner District	5-Cadwell	

Site Visit October 5, 2012  
 Sign Posted October 5, 2012

**Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture and Rural Residential	Vacant / Ag Uses-Timber	Wetlands
South	Rural Transition	Rural Residential	Vacant/ Ag Uses- Timber	SJRWMD property
East	Rural Transition	Rural Residential and	Residential	
West	Conservation	Agriculture	Vacant	Wetlands/SJRWMD property



– Summary of Analysis –

The Applicant is requesting a Mining Site Plan/Conditional Use Permit for the removal of peat on a +/- 231.22 acre property, within the Rural Transition Future Land Use Category (FLUC) and Rural Residential (R-1) Zoning District. The property is partially located within the Wekiva Study Area (WSA) and is located southwest of CR 44A and CR 450A intersection. The property includes 219.40 acres of wetlands that were historically ditched in order to support agricultural and development activities. The property was later used as a muck farm. Alterations of the property have decreased the water quality and the quality of the wetland systems, leaving mostly nuisance and exotic vegetation. The area surrounding the property is characterized by agricultural, conservation and rural residential uses.

The Applicant proposes to mine approximately 175 acres of peat from the wetlands in three phases, over ten years. When the mining is completed, the mitigation proposed will leave 87.99 acres of restored, high quality wetlands and 106.34 acres of open water. The County has received "Intent to Issue" from The Department of Environmental Protection regarding the mining project and proposed mitigation. In addition, the St Johns River Water Management District has expressed their support of the proposed project as a restoration project.

Policy I-1.4.5 *Rural Transition Future Land Use Category*, allows mining with a conditional use permit and Land Development Regulations (LDR) Table 3.01.03 permits "mining and quarrying" in the Rural Residential Zoning District with the issuance of a conditional use permit.

– Summary of Staff Recommendation –

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of a Mining Site Plan/Conditional Use Permit for a peat mine on the subject property, with conditions as specified in the proposed ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

– 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).**

Policy I-1.4.5, *Rural Transition Future Land Use Category*, allows for Mining and Resource Extraction, with a Conditional Use Permit.

The application request is consistent with the Comprehensive Plan Policy I-7.5.10, *Natural Resource Extraction*, which requires compliance with all other provisions of the Comprehensive Plan, and requires a conditional use permit for mining uses. Additionally, by implementing the proposed ordinance conditions, the application is 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.

Pursuant to LDR Table 3.1.03 *Schedule of Permitted and Conditional Uses*, mining may be undertaken within the Rural Residential Zoning Districts as a conditional use. Mining, excavation and their related activities have been found to "contribute substantially to the economic stability of Lake County" as stated in LDR Section 6.06.00 ("Mining"), Subsection 6.06.01 A.6. LDR Subsection 6.06.01.D provides that mining regulations in the LDR "shall apply to the extraction, mining, harvesting or removal" of "extractable materials".



Comprehensive Plan Policy III-3.5.2, *Prohibitions on Mining in Environmentally Sensitive Areas*, prohibits new peat mining operations in the most effective recharge areas. The portion of the project which is located within the Wekiva Study Area is not in the most effective recharge areas, according to the *Floridan Aquifer Recharge Map, Exhibit #6 of the Future Land Use Map Series*.

In order to be consistent with the Comprehensive Plan Policy III-3.5.6, *Wetland Reclamation Procedures*, the attached Ordinance requires the Permittee to restore the natural functions of the area to be mined, with respect to hydrology, vegetation, created wetlands and water bodies, and the control of exotic or noxious plant species.

Pursuant to Comprehensive Plan Policy I-7.5.10 *Natural Resource Extraction*, uses that extract or deplete natural resources of the County, including but not limited to mining operations, must be in compliance with all other with all other provisions of the Comprehensive Plan and LDR's, and require approval of a CUP from the Board of County Commissioners.

### Setbacks

Section 6.06.02C LDR ("Mining Operation Standards"), Subsection 1.a., requires all mining operations to maintain a 200-foot setback from churches, parks, schools, hospitals, residentially zoned property and property used for public purposes, and a 100-foot setback from all other property lines.

The application seeks a waiver of the entire setback requirement, to establish no setbacks from the north, west, south, and northeast property lines. Section 6.06.02(C.1) of the Mining Regulations specifies that a 100-foot setback is required unless specifically modified by the Board of County Commissioners (BCC). The Applicant has indicated that the setback waiver is necessary to achieve the restoration of the entire wetland system. A majority of the property abuts St. Johns River Water Management District (SJRWMD) property on the west. The SJRWMD supports the project and plans to undertake similar restoration of their property, when financially feasible. Creating a 100-ft setback between these projects could compromise the success of the restoration project.

The land adjacent to residential uses along the southeast boundary will be buffered by a wetland system that will be placed in a conservation easement, prior to the commencement of any mining activity. The only vegetation that may be removed are invasive/exotic species. The easement will create a 1000+/- foot buffer between the mining activity and the adjacent residential properties to the southeast of the subject property. The Conservation Easement area will be identified by markers that will be required under the attached Ordinance.

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

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

The proposed ordinance contains conditions to mitigate any possible impacts particularly on the nearby residential uses. The south-eastern portion of the project site adjacent to residential uses will not be mined and is proposed as a mitigation area with a conservation easement to be placed over it. The conservation easement will require the 25.67+/- acres to remain in its natural condition and will permit only the removal of exotic/invasive species. The conservation easement shall be submitted for review and approval with the required operating permit after MSP/CUP approval and prior to commencement of mining activities.

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

The area around the site is characterized by vacant wetlands, silviculture activities, and large lot rural residential uses. Conditions have been included in the proposed ordinance to reduce or mitigate impacts expected from the proposed mine to surrounding uses including the nearby residential 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, landscaping, buffers and screening.

### **3. 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 Applicant has indicated the land areas that abut the residential lots will be placed in a conservation easement 25.67+/- acres, which will remain natural and undisturbed. The only vegetation to be removed would be exotics/invasive species.

#### 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.

Potable water and sewer – No impact on sanitary facilities and water supply capacities are anticipated. Water and sewer needs are to be met by providing bottled water for drinking and portable toilets.

Solid waste - No impact on solid waste is anticipated.

Transportation –Access to the site will be via County Road 450A and a private easement. Public Works has indicated that the proposed peat mine operation will be required to address the following issues during the review of the required operating permit:

- A Commercial Driveway Permit will be required to be submitted with the Mining Operating Permit Application. The Plan for the mine will need to include the driveway design along with what existing vegetation will be removed and remain.
- The mining site will be required to install advisory signs "Trucks Entering Highway" on CR 450A and CR 44A.
- The driveway connection to CR 450A will need to have a 50 feet radii for ingress and 35 feet minimum for egress. The driveway will need to have a culvert pipe with a minimum size of 15-inches and the swales on both sides of the driveway will need to be re-graded.

#### 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 six (6) miles from Lake County Fire Station 27 (closest fire station), located at 19212 State Road 44, Eustis and which is anticipated to provide sufficient services for the proposed use.

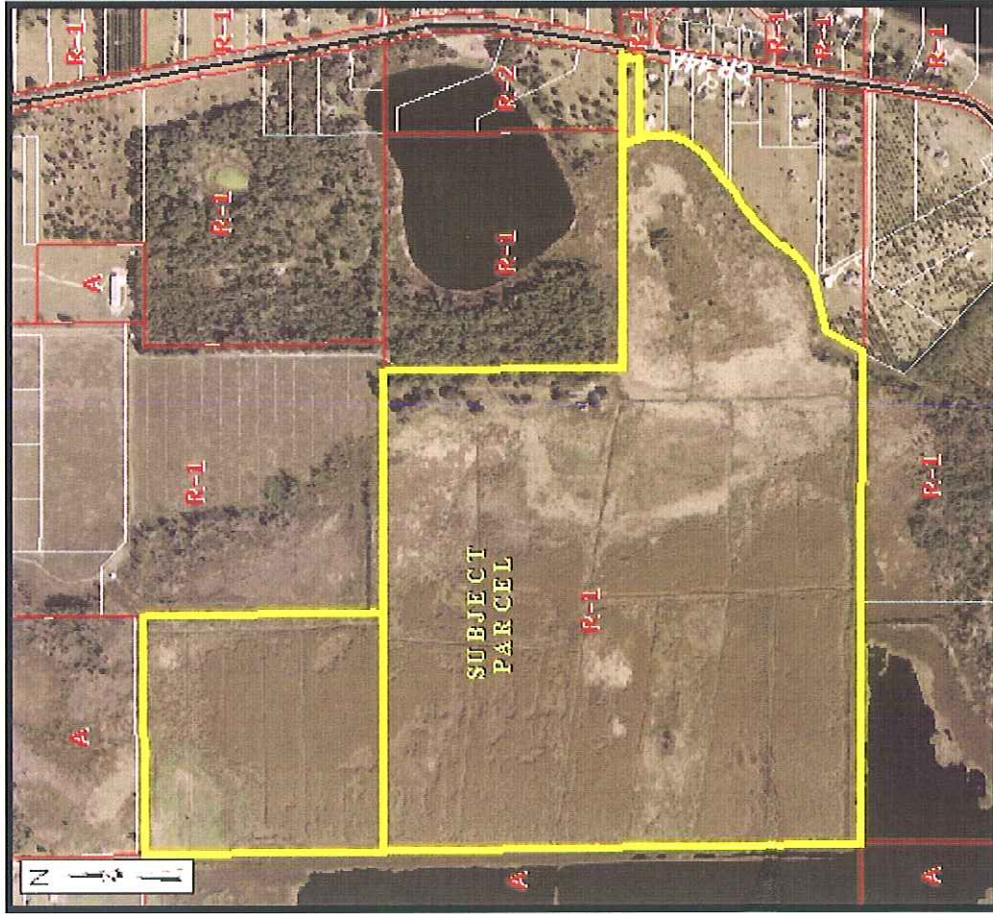
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed Mining Site Plan/Conditional Use Permit and found:

1. The application is consistent with Comprehensive Plan Policy I-1.4.5, *Rural Transition Future Land Use Category*, which allows for Mining and Resource Extraction with a Conditional Use Permit.
2. The application request is consistent with 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 Zoning District and Mining Regulations of the LDR, and specifically Table 3.01.03 and Section 6.06.00 and 14.05.00 Conditional Use Permits, subject to all conditions of the proposed ordinance.
4. Although the application is inconsistent with the 200-foot setback required by LDR Section 6.06.02 C.1.a. on the north, northeast, and south property lines and the required 100-foot setback on the east property line, staff finds that the proposal for full restoration of the wetland areas, which would be hampered on these property lines by maintenance of a setback justifies the waiver request of the setback requirement.
5. The application is consistent with Comprehensive Plan Policy III-3.5.2, *Prohibitions on Mining in Environmentally Sensitive Areas*, which prohibits new peat mining operations in the most effective recharge areas. The portion of the project which is located within the Wekiva Study Area is not located within the most effective recharge areas, according to the *Floridan Aquifer Recharge Map, Exhibit #6 of the Future Land Use Map Series*.

Therefore, based on Findings of Fact, staff recommends **APPROVAL, with conditions**, as specified in the proposed ordinance.

**WRITTEN COMMENTS FILED:**                      **Supportive: -0-**                      **Concern: -0-**                      **Opposition: -0-**





**CURRENT ZONING**  
**RURAL RESIDENTIAL (R-1)**

**PINE MEADOWS  
 PEAT MINE**

**CASE NO.**  
 MSP# 12/11/1.5

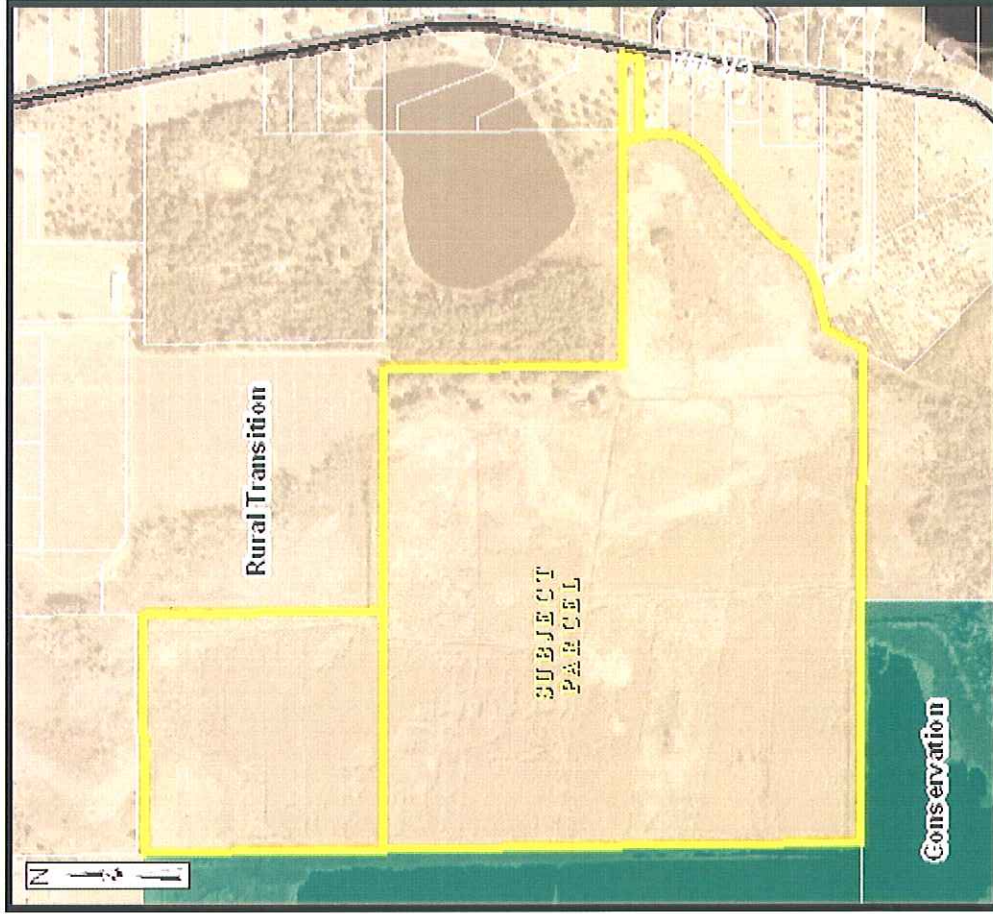
**CASE LOCATION:**  
 29-18S-27E

**REQUESTING:**  
 MSP/CUP to mine peat

**ZONING** [Red outline box]

**LAND USE** [Pink outline box]

**SUBJECT PARCEL** [Yellow outline box]



**2030 FUTURE LAND USE**  
**RURAL TRANSITION**

**CASE NO.** \_\_\_\_\_

**CASE LOCATION:** \_\_\_\_\_

**REQUESTING:** \_\_\_\_\_

**MAP SCALE:** 1" = 100'

**DATE:** \_\_\_\_\_

**LANE CONSULTANTS**



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**ORDINANCE #2012-XX**  
**Pine Meadows Peat Mine/Reliable Peat Company**  
**MSP# 12/11/1-5**

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

**WHEREAS**, Jack Reiner of Reliable Peat Company, Inc. (the "Permittee") on behalf of Superior Investments at Black Bear I, LLC (the "Owner"), has made application for a Mining Site Plan to extract peat; and

**WHEREAS**, the subject property consists of 231.22+/- acres and is generally located in the Eustis Area, Southwest of CR 450A and CR 44A intersection in Sections 29, Township 18 South, Range 27 East, having Alternate Key Numbers 3871996, 1081599 and 2910429, and more particularly described as:

**LEGAL DESCRIPTION:**— Alternate Key Number 1081599; Lots 67, 68, 69, 70, 85, 86, 87 and 88, of Eustis Meadows, according to the plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida. And Lot 71, less 2.62 acres in the southwest corner, less one acre in the southeast corner thereof, of Eustis Meadows, according to the plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida. And Lot 72, less 10.2 acres in the Southeast corner, subject of 10 foot wide easement for ingress and egress, reserved in Deed recorded in Official Records Book 322, Page 839, of Eustis Meadows, according to the plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida and Alternate Key Number 2910429; Begin at a point on the Westerly line of the right of way of CR 44A that is 1350.4 feet South and 845.84 feet West of the Northeast corner of the Southeast ¼ of Section 29, Township 18 South, Ranch 27 East; run thence South 08° 28' 38" West along said right of way line 97.48 feet; thence West 441.89 feet to the high water mark of marsh (Eustis Meadows); thence North 13° 49' 29" West, 48.50 feet; thence North 21° 30' 50" West, 52.10 feet; thence North 89° 54' 00" East, 486.96 feet to the Point of Beginning and Alternate Key Number 3871996; Southwest ¼ of the Northwest ¼ of Section 29, Township 18 South, Range 27 East, in Lake County, Florida.

**WHEREAS**, the subject property is within the Rural Transition Future Land Use Category and is partially located within the Wekiva Study Area 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 to extract peat; 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 #12/11/1-5 was reviewed by the Planning & Zoning Board on October 31, 2012; and

**WHEREAS**, the Board of County Commissioners reviewed said petition on November 20, 2012, 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

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

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

6 **Section 1.** Terms: The County Manager or designee shall amend the Lake County Zoning Maps to  
7 reflect a Mining Site Plan (MSP) in the Rural Residential (R-1) Zoning District in accordance  
8 with this Permit. Use of the property shall be consistent with EXHIBIT "A" - CONCEPTUAL  
9 PLAN and all conditions herein. Where conflicts exist between the Conceptual Plan and this  
10 ordinance, the text of the ordinance shall prevail. Permission is hereby granted to Permittee to  
11 utilize such property for:

- 12           1. Mining for removal of peat.
- 13           2. Conservation uses.
- 14           3. Accessory uses and structures, including a caretakers unit, directly related to the above  
15 uses may be approved by the County Manager or designee. Any other use of the site  
16 shall require approval of an amendment to this Ordinance by the Board of County  
17 Commissioners.

18  
19 **Section 2.** Conditions:

20           **A. Operation and Permit Requirement:** Mining shall require approval of an Operation Permit  
21 that includes the following:

- 22                   1. Operation Plan;
- 23                   2. Reclamation Plan.
- 24                   3. Tree Removal Permit.
- 25                   4. Noise Study.
- 26                   5. Traffic Study and Management Plan.

27           **B. General Standards:**

- 28  
29           1. **Permits and Approvals.** All applicable Water Management District and Florida  
30 Department of Environmental Protection permits shall be obtained prior to  
31 commencement of peat mining activities on the site, and shall be kept current.
- 32           2. **Agency Approvals.** All mining activities shall be conducted in accordance with all  
33 applicable federal, state, regional and local laws, ordinances, rules and regulations, as  
34 amended.
- 35           3. **Consistency with Operating Permit.** All mining and other activities shall be consistent  
36 with the Lake County Code, Land Development Regulations, the Lake County  
37 Comprehensive Plan and the approved Operation Permit.
- 38           4. **Best Management Practices.** All operational activities shall employ best management  
39 practices.
- 40           5. **Phasing.** The mining activities shall be conducted in phases as described in the  
41 Operation Permit so as to expose the least amount of land surface practical at any time  
42 during the peat mining operation.



- 1                   6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 30 feet in  
2 height. No spoil or other excavated materials shall be stored within 200 feet of any  
3 property line.
- 4                   7. **Hours of operation.** Hours of operation shall be 7 a.m. to 7 p.m., Monday through  
5 Saturday. There shall be no mining activities conducted on Sunday.

6                   **C. Setbacks:**

7                   No setbacks are required on the North, Northeast, West, and South sides of the property  
8 for the purpose of promoting wetland restoration. A conservation easement shall be  
9 required over the 25+/- acres in the southeast corner of the property, and will create a  
10 1000 ft. +/- setback to the residential properties to the east.

11                   **D. Open Space and Conservation Easement:**

- 12                   1. A minimum of 35% open space shall be provided. The required open space shall be  
13 designated to remain protected in perpetuity through the use of conservation  
14 easements, or similar recorded and legally binding instruments acceptable to Lake  
15 County.
- 16                   2. The recorded conservation easement for the undeveloped 25+/- acres on the  
17 southeast portion of the property shall be required prior to the issuance of the  
18 Operating Plan/Permit.
- 19                   3. All designated conservation easements shall be marked. The markers shall be erected  
20 every 100 feet along the easement and stating "Conservation Easement, No Mining  
21 Permitted".

22                   **E. Reclamation Standards:**

- 23                   1. Reclamation Plan - A Reclamation Plan, conforming to the Mining Reclamation Standards  
24 contained in the Lake County Land Development Regulations shall be filed with the  
25 Operating Plan/Permit. The reclamation plan shall fully describe the proposed site  
26 reclamation by both illustration and documentation, and including but not limited to:  
27
- 28                   a. A plan view with cross sections, final slopes/contours, vegetative plantings, stormwater  
29 retention areas, etc. shall be submitted.
- 30                   b. All areas to be reclaimed by depicting and describing what man-made and natural  
31 features will exist when the reclamation plan is completed; and
- 32                   c. A contour map and two (2) typical cross sections, generally oriented north to south and  
33 east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.
- 34                   d. Identification of the size, type, location, and planting schedule for all vegetation to be  
35 planted or seeded in accordance with the reclamation plan.
- 36                   2. Timing. Regrading of final cover shall commence within ninety (90) days after completion  
37 of each phase of excavation identified in the Operating Plan. In the event that peat mining  
38 operations cease for a period of three (3) years, reclamation shall commence and be  
39 completed within a two-year period from the date of notice.
- 40                   3. Topography. Sloping and grading shall be conducted in such a manner as to minimize  
41 soil erosion and surface water runoff and to make the land surface suitable for  
42 revegetation. The final reclamation elevation of the site shall be as proposed by the



1 Mining Site Plan to be incorporated into the Operating Plan/Permit.

2 4. Mining activities shall not adversely impact the water levels or water quality of surface  
3 waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the boundaries  
4 of the mine.

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

8 6. Tree Mitigation. The phasing schedule shall include mitigation of trees in each phase  
9 proportionate to the number of phases and amount of mitigation required. The County  
10 Manager or designee may allow substitution of trees smaller than minimum requirements  
11 to ensure survivability.

12 **F. Phasing:**

13 1. Peat Mining activities shall be conducted in phases, as shown in the attached EXHIBIT  
14 "A" - CONCEPTUAL PLAN, so as to expose the least amount of land surface practical at  
15 any time during the peat mining operation.

16 2. Reclamation of Phases 1, 2, and 3 shall be completed pursuant to the approved  
17 Operating Plan/Permit.

18 **G. Protection of Water Resources:**

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

23 2. The peat mining operation shall be completely self-contained and shall retain any waste  
24 materials or water generated by the process on site. The operation shall not utilize any  
25 surface water from lakes or ponds that are not entirely contained on the property, except  
26 as specifically approved in the Operation Plan.

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

31 4. The Permittee shall reimburse the County for any costs for its consultant hydrogeologist  
32 to review studies to ensure compliance with these requirements.  
33

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

37 **I. Vegetation, Landscaping and Buffering:** A Reclamation/Revegetation Plan shall be  
38 provided consistent with the Mining Reclamation provisions specified in the LDR  
39 requirements, as amended. A tree removal application and appropriate fee shall be submitted  
40 prior to removing any trees pursuant to the Lake County Land Development Regulations, as  
41 amended.



1           **J. Transportation:** A Commercial Driveway Permit shall be required to be submitted with the  
2 Mining Operating Permit Application.

- 3           1. Mining plans shall show the driveway design and the vegetation that will be removed or  
4           that is to remain.
- 5           2. Advisory signs reading "Trucks Entering Highway" shall be installed on Eastbound CR  
6           44A , Southbound (Westbound) CR 44A, and Westbound on CR 450A.
- 7           3. The driveway connection to CR 450A will need to have a 50 feet radii for ingress and 35  
8           feet minimum for egress. The driveway will need to have a culvert pipe with a minimum  
9           size of 15-inches and the swales on both sides of the driveway will need to be regraded.

10  
11           **K. Financial Responsibility:**

- 12           1. Before final approval of the Operation Permit and Reclamation Plan, the Permittee/Owner  
13           must file with the County, a compliance and reclamation guarantee to ensure that the site  
14           is operated and reclaimed in conformance with the Lake County Code and the approved  
15           Operation and Reclamation Plans. Acceptable forms of the guarantee include cash,  
16           certificates of deposit, irrevocable letters of credit, or surety bonds. In all cases, the form  
17           of the guarantee shall be subject to approval by the County Attorney.
- 18           2. The total cost of reclamation shall be estimated by the Permittee's consultant and  
19           reviewed by the County. The estimated amount shall be established by calculations and  
20           judgments based on acceptable industry standards and procedures. The final amount of  
21           the guarantee shall be set by the Board of County Commissioners not less than one  
22           hundred and ten percent (110%) of the estimated cost of reclamation, based upon the  
23           phase that is being permitted.
- 24           3. The reclamation guarantee shall not be released by the County until the final reclamation  
25           on all areas subject to this approval has been approved.
- 26           4. If reclamation under the approved Reclamation Plan has not been successful after the  
27           end of two (2) years, at the option of the County, a new Reclamation Plan shall be  
28           required of and carried out by the applicant/property owner, or the reclamation guarantee  
29           shall be forfeited and the site reclaimed by the County using the guarantee to fund it.  
30           Additionally, if the site has been abandoned by the Permittee, the reclamation guarantee  
31           may be declared forfeited by the Board and the site reclaimed by the County using the  
32           guarantee to fund it. The site shall be considered abandoned if mining activity has taken  
33           place for a period of six (6) months, or if reclamation has not been instituted as required  
34           under this ordinance.

35           **L. Inspections:** County staff, upon notification to the Applicant, shall have access to the project  
36           site to inspect and observe permitted activities in order to determine compliance with the  
37           terms of this ordinance.

38  
39           **Section 3.** Additional conditions of this permit shall mean:

40           A. In the event of any breach in any of the terms or conditions of this permit or any default or  
41           failure of the Permittee or his successor to: Fulfill development in substantial accordance with



- 1 the conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
2 Commissioners; comply with the codes of the governmental agencies having lawful and  
3 appropriate jurisdiction thereon; or comply with any of the terms of the MSP; or this MSP is  
4 found to become a nuisance or safety hazard, the permit may be revoked after due Public  
5 Hearing before the Planning & Zoning Board and the Board of County Commissioners, or may  
6 be rescinded upon annexation to a municipal jurisdiction.
- 7 B. This Permit shall inure to the benefit of, and shall constitute a covenant running with the land;  
8 and the purpose, terms, and conditions contained herein shall be binding upon the Permittee,  
9 the Property Owner, and any successor in interest thereto.
- 10 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
11 Enforcement Special Master shall have authority to enforce the terms and conditions set forth  
12 in this ordinance and to recommend that the ordinance be revoked.
- 13 D. If the mining activities commence within three (3) years of the date that the Board grants  
14 mining site plan approval, the mining site plan and conditional use shall remain valid and in  
15 force as long as the operator shall abide by this ordinance, the operating permit and the LDR  
16 requirements. Should mining activities not commence within three (3) years, the mining site  
17 plan approval shall expire. The applicant may request an extension of mining site plan  
18 approval, in writing, prior to the expiration of the mining site plan approval. The applicant's  
19 request shall go to the Lake County Board of County Commissioners for review and approval.



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

2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

3

4 FILED with the Secretary of State \_\_\_\_\_, 2012.

5

6 EFFECTIVE \_\_\_\_\_, 2012.

7

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BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

9

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\_\_\_\_\_  
LESLIE CAMPIONE, Chairman

11

**ATTEST:**

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\_\_\_\_\_  
NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida

16

**APPROVED AS TO FORM AND LEGALITY**

17

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19

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

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23









# St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500  
On the Internet at [floridaswater.com](http://floridaswater.com).

July 23, 2012

Mr. Jack M. Reiner, Jr., General Manager  
Reliable Peat Company, J.V.  
P.O. Box 491440  
Leesburg, Florida 34749

Dear Mr. Reiner:

Thank you for your letter of July 18, 2012 regarding your progress in obtaining the necessary approvals for mining the peat deposits at Pine Meadows. It appears that you have made great progress since the time we last met.

As an adjoining landowner and owner of a perpetual flowage easement and hold harmless agreement over your site, the St. Johns River Water Management District (District) has no objection to your plans to mine this area. The District land adjacent to yours is of a similar character and has a history of being used for agricultural purposes. This site also has issues with exotic plant infestations and requires treatment by District staff as resources allow. I am not privy to the wetlands assessment conducted by DEP on your site, but can imagine that it is similar to the District's land. I assume that your proposed mining plans will include a restoration/reclamation element that will specify the condition that the land will be left in upon completion of your project.

Please be advised that this letter does not substitute for or constitute permit review by the District. If you should have any questions regarding this, please contact me at 386-329-4335. Best wishes in your project.

Sincerely,

A handwritten signature in black ink that reads "Raymond B. Bunton Jr." with a stylized flourish at the end.

Raymond B. Bunton Jr., Director  
Bureau of Real Estate Services

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