



MINING CONDITIONAL USE PERMIT  
STAFF REPORT  
OFFICE OF PLANNING & ZONING

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Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): November 4, 2020  
Board of County Commissioners (BCC): November 10, 2020

Case No. and Project Name: MCUP-20-03-5 Lisbon Sand-Dura Stress Mining Conditional Use Permit (MCUP)

Applicant: Blue Waters Industries, LLC (E. L. Baker II) and Kleinfelder (A. Seecharan)

Owner: Dura-Stress, Inc., Dura-Stress Holdings, LLC, Dura-Stress Acquisitions,

Requested Action: Mining conditional use approval for sand mining and sand processing plant use on Agriculture and Heavy Industrial (HM) zoned properties.

Staff Determination: Staff finds the conditional use permit application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Steve K. Greene, AICP, Chief Planner

PZB Recommendation:

**Subject Property Information**

Size: 104.15 +/- acres

Location: East of Emeraldalva Ave, on the north side of CR 44, in the Emeraldalva Marsh area

Alternate Key No.: 1702607, 1387558, 1387302, 1387281, 3814750, 1176930

Future Land Use: Rural and Industrial

Current Zoning District: Agriculture and Heavy Industrial (HM) zoned properties

Flood Zone: "X"; Panel #12069C0195E and Panel#12069C0332E

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

**Adjacent Property Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Undeveloped	Vacant
South	Urban Low	Heavy Industrial (HM)	concrete superstructure manufacturing operation	Dura Stress
East	Rural and Industrial	HM	Undeveloped	Goose Prairie Peat MCUP
West	Rural Transition	A	Partially developed	Large agricultural residential lots and some undeveloped acreage

**- Summary of Analysis -**

This Mining Conditional Use Permit (MCUP) application seeks approval of mining as a conditional use on approximately 104.15 +/- acres of Agriculture zoned property north of County Road (CR) 44, east of Emerald Avenue. The proposed mining conditional use effects a portion of six (6) parcels, however, the mining activity will encompass only 69.03-acres. Attachment 1 shows the area for the mining conditional use within the effected parcels. These parcels are designated as Rural or Industrial future land use.

The sand mining will be limited to a depth no lower than 110-feet or -40 feet of NAVD88. The Hydro-geotechnical report demonstrates that the mining elevation will be substantially above the Floridan Aquifer System (FAS) which is shown to be approximately -70 feet, NAVD88. These elevations are shown on Attachment 2. An electric hydraulic floating dredge will be used to extract the sand slurry which will be transported via above ground pipeline to an on-site processing plant where the sand will be separated from the slurry and stockpiled. Water from the surficial aquifer will be utilized to transport and further process the sand product, some of which will be returned to the extraction after the commercial grade sand has been removed for transport to market. Unmarketable material which will be discharged from the process and stockpiled (no greater than 4-feet) for either transport off-site as fill or to be used with the reclamation effort.

This mining activity of sand slurry extraction, processing, residual deposit, and sand transport will take place north of the Dura Stress concrete superstructure manufacturing operation area. Approximately thirty percent (30%) of the excavated commercial sand will supply the needs of the Dura Stress operation on the south. This nearby market will reduce the number of haul trucks leaving the property. Approximately 70% of commercial grade sand and some unmarketable aggregate fill will be routed south through the Dura Stress property to a signalized intersection at CR 44, which will provide western and eastern distribution routes to other markets. The application estimates an average of fifty (50) round-trip truckloads daily to transport mined material product offsite. The sand mining and processing operation is projected to span a 10-year period.

**Standards for Review (LDR Section 14.05.03)**

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

As a portion of the mining area lies within the Industrial future land use, which required 20% open space (minimum) pursuant to Comprehensive Plan (Comp Plan) Industrial Future Land Use Policy I-3.3. Additionally, as a portion of the mining use will take place within the Rural future land use, Comp Plan Policy I-1.4-1 dictates that 80% of the property must be set aside as open space. This amount of open space is specified as a condition in the proposed MCUP ordinance, which will mandate this be demonstrated in the required Operating Permit (Plan).

Although the required environmental assessment (EA) that was provided with the MCUP application is not current, the EA sufficiently describes the environmental conditions of the property. The MCUP application is consistent as the proposed location is not deemed to be an environmentally sensitive area pursuant to Comp Plan Policy III-3.5.2, which prohibits mining within environmentally sensitive areas. Although, the submitted reclamation plan lacked a

planting installation schedule regard, it is consistent with Comp Plan Policy III-3.5.4 that requires submittal of a reclamation plan in association with an approved Operating Plan (Permit). Additionally, the proposed MCUP ordinance contains a condition to require submittal of a reclamation plan for review and approval along with the required operating permit.

The MCUP application is consistent with LDR Table 3.01.03, which specifies the allowance of sand mining in the Agriculture zoning district with a conditional use permit. Additionally, the application for the proposed sand mine use is consistent with LDR Section 3.01.02, which defines mining as the extraction of natural resources, together with structures, machinery, equipment, and facilities incidental to the development thereof, including, but not limited to extracting, processing, storing, selling and distribution of sand and processing.

Further, the MCUP application is consistent with LDR Section 6.06.00, Mining which specifies the method and manner to undertake mining use in Lake County. The MCUP application addresses the criteria for mining approval by providing the scope of the mining activity LDR Section 6.06.00(B). Regarding natural resource protection pursuant to LDR Section 6.06.02, the MCUP application demonstrates implementation of best management practices and wetland protection. The proposed MCUP Ordinance contains conditions to ensure adherence to this LDR provision, which includes submission of a reclamation plan.

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

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

The location of proposed mining use will not have an undue adverse effect on nearby properties. The land area north and east of the mining use is undeveloped Rural acreage. The adjacent southern land area is site of the heavy industrial zoned Dura Stress concrete superstructure manufacturing operation. The adjacent western land area contains small agriculture lots with residential and agriculture use. To reduce adverse impacts to adjacent properties, the LDR requires that mining activity be setback 100-feet from adjacent property, which is specified as a condition within the proposed MCUP ordinance. This setback area is shown on Attachment 1.

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

The proposed ordinance contains conditions to minimize potential impacts and potential incompatibility between adjacent uses by requiring a perimeter landscape buffer of one hundred (100) feet.

### **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.**

As previously stated, an undisturbed 100-foot setback area will be established between the adjacent properties and the sand mine activity area as shown on Attachment 1. While adverse noise and visual impacts to adjacent neighbors are not anticipated due to use of the electric hydraulic dredge, a noise assessment will be required for review with the submittal of the operating plan. Further, the area of the primary mining use will be centrally located on 69.03-acres of the 104.15-acre MCUP area, with the sand processing area at the southcentral, northern area of Dura Stress (reference Attachment 3). Additionally, a berm is proposed to be installed at the perimeter of the mining area, inside of the 100-foot setback to further minimize adverse effects to adjacent properties. The proposed MCUP ordinance contains additional conditions to minimize potential impacts and potential incompatibility to adjacent properties.

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

As stated above, centrally locating the mining activity area, implementing the 100-foot setback buffer, installing the interior berm and locating the sand processing facility near the Dura Stress operational area result in a sand mining use that will not interfere with the development of the neighboring properties.

**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, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.**

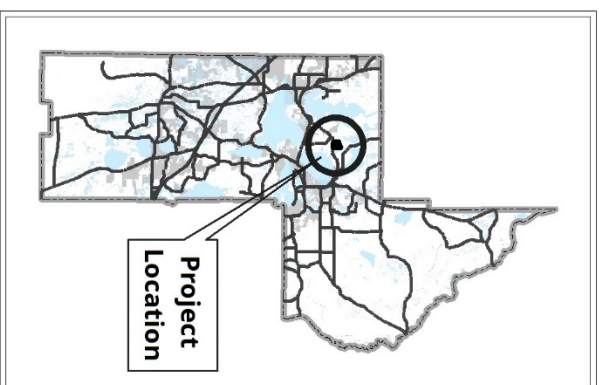
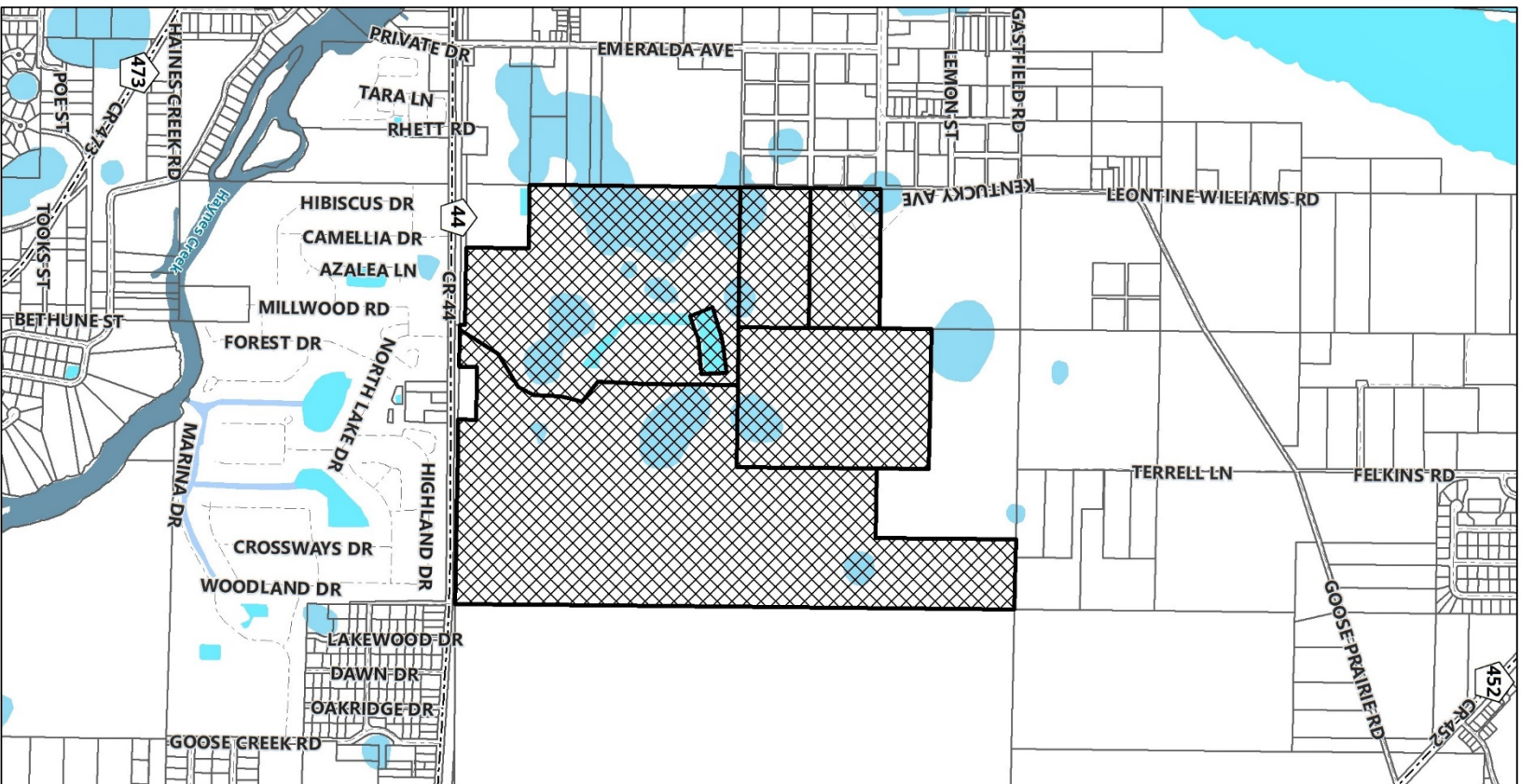
The proposed sand mining use is not anticipated to adversely impact the levels of service for police, roads, sewage, water, drainage, solid waste, parks, and recreation.

**D. Adequacy of Fire Protection.**

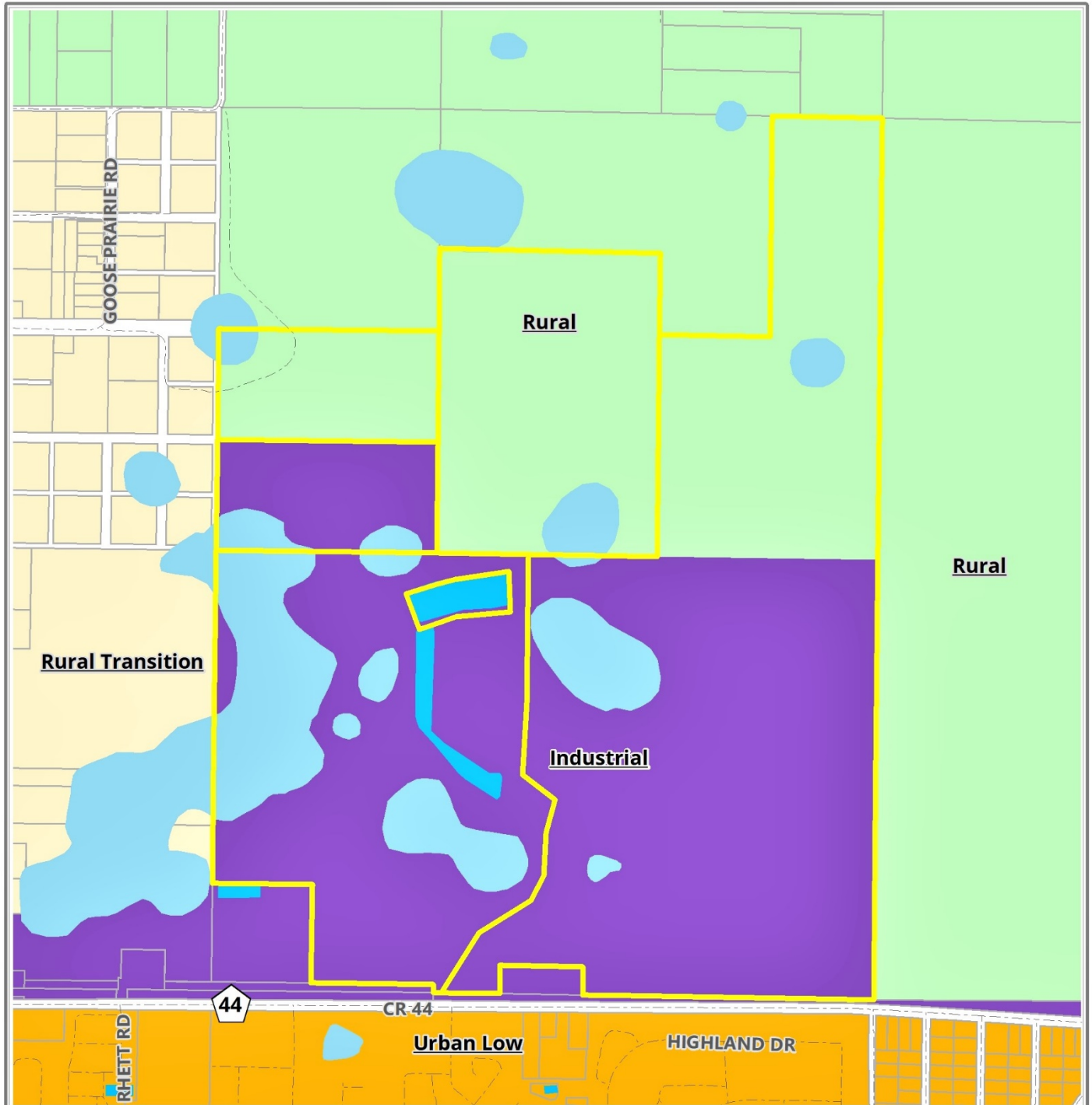
**The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

Lake County Fire Station 72 is located approximately one (1) west of the subject property at 11325 CR 44, Leesburg. This fire station is fully staffed with appropriate fire protection serve apparatus for any fire emergency.

# Subject Property



### CURRENT FUTURE LAND USE

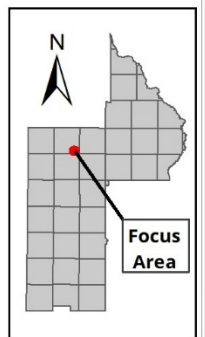


***FUTURE LAND USE LEGEND***

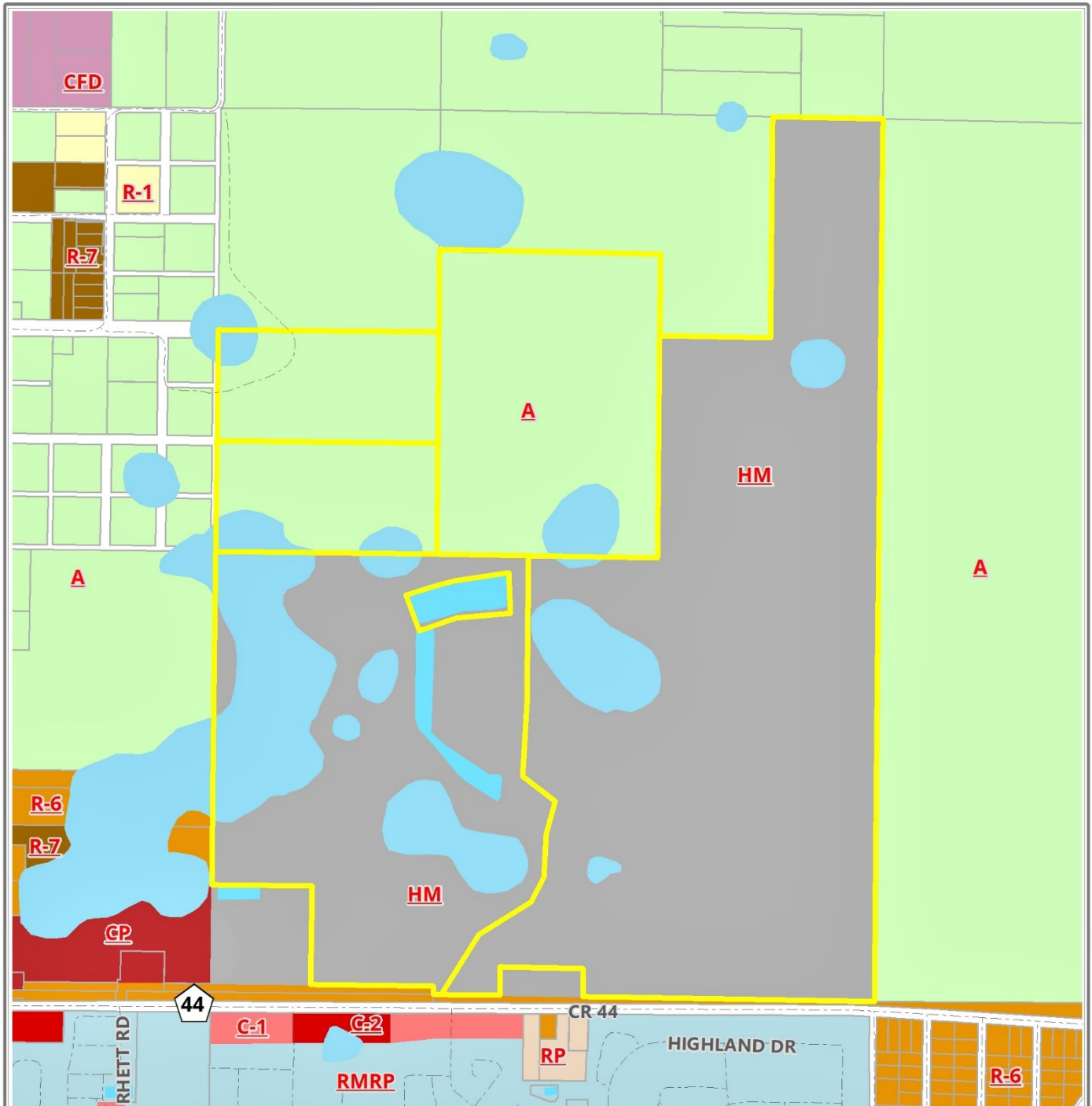
- Industrial
- Urban Low
- Rural
- Rural Transition

NAME: **LISBON SAND - DURA STRESS PROPERTY**  
CASE NUMBER: **MCUP-20-03-5**  
LOCATION (S-T-R): **35, 36-18-25**  
REQUEST: **SAND MINING & SAND PROCESSING PLANT USES**

DISTRICT: **5**



**CURRENT ZONING**

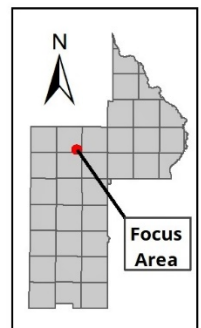


**ZONING LEGEND**

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<span style="display:inline-block; width:15px; height:15px; background-color:#fff9c4; border:1px solid black;"></span> R-1	<span style="display:inline-block; width:15px; height:15px; background-color:#8d6e3c; border:1px solid black;"></span> R-7	<span style="display:inline-block; width:15px; height:15px; background-color:#b2dfdb; border:1px solid black;"></span> RMRP	<span style="display:inline-block; width:15px; height:15px; background-color:#d32f2f; border:1px solid black;"></span> C-2	<span style="display:inline-block; width:15px; height:15px; background-color:#9e9e9e; border:1px solid black;"></span> HM	

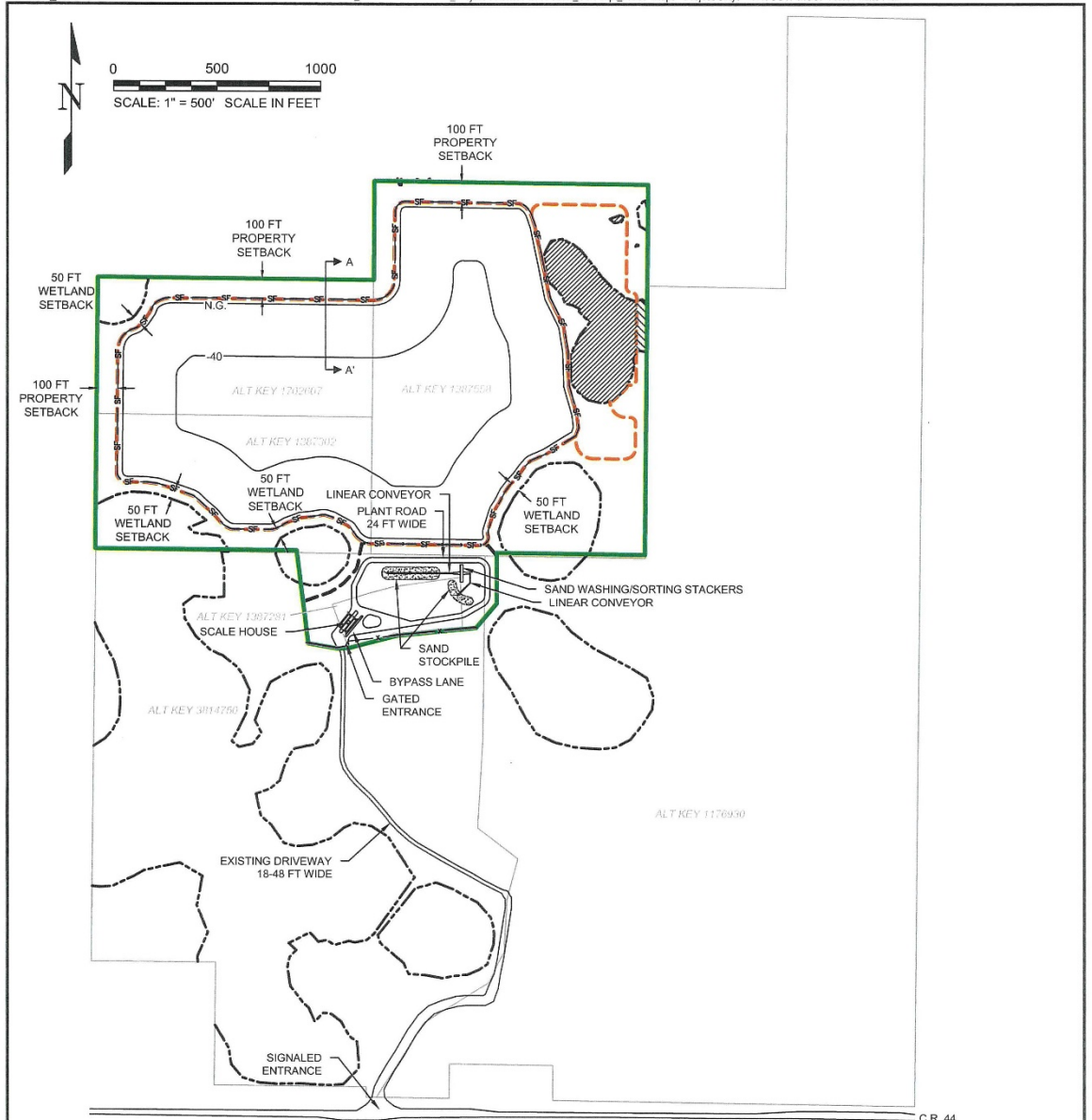
**NAME:** LISBON SAND - DURA STRESS PROPERTY  
**CASE NUMBER:** MCUP-20-03-5  
**LOCATION (S-T-R):** 35, 36-18-25  
**REQUEST:** SAND MINING & SAND PROCESSING PLANT USES

**DISTRICT:** 5

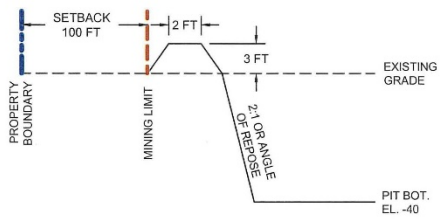


**ATTACHMENT - 1**

ATTACHED IMAGES: Images: KLF MD Logo with Address & COA.jpg Images: lak2017\_250548.sid Images: LAK2017\_250849.sid Images: LAK2017\_250849.sid  
 ATTACHED XREFS: CAD FILE: \\Mountdora\mountdora-data\GIS\CAD\B\WWW\_2019\2020\2442.001A\_Project Safari\01-2000 MSP\_CU Prep\MCUP Maps - Project Only\ LAYOUT: MCUP-Exh11-Mine Plan  
 PLOTTED: 01 Sep 2020, 10:37am, NLawrence



- LEGEND**
- TAX PARCEL BOUNDARIES
  - PROJECT BOUNDARY (104.15 AC.±)
  - MINING LIMITS (59.18 AC.±)
  - TAILINGS AREA (9.85 AC.±)
  - PLANT AREA (8.11 AC.±)
  - 40--- PROPOSED MINING CONTOURS (FT-NAVD)
  - WETLANDS AND SURFACE WATERS
  - DIRECT WETLAND IMPACTS (4.68 AC.±)
  - INDIRECT WETLAND IMPACTS (0.28 AC.±)
  - x- PROPOSED FENCE
  - SF-SF- PROPOSED SILT FENCE



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 Certificate of Authorization #4793  
 www.kleinfelder.com

PROJECT NO.	20202442.001A
DRAWN:	9/1/2020
DRAWN BY:	NCD/NL
CHECKED BY:	ANS
FILE NAME	20-0831-Lisbon Sand Dura

**Mine Plan and Cross-Section**

Lisbon Sand  
 Blue Water Industries, LLC  
 Lake County, Florida  
 MCUP Application

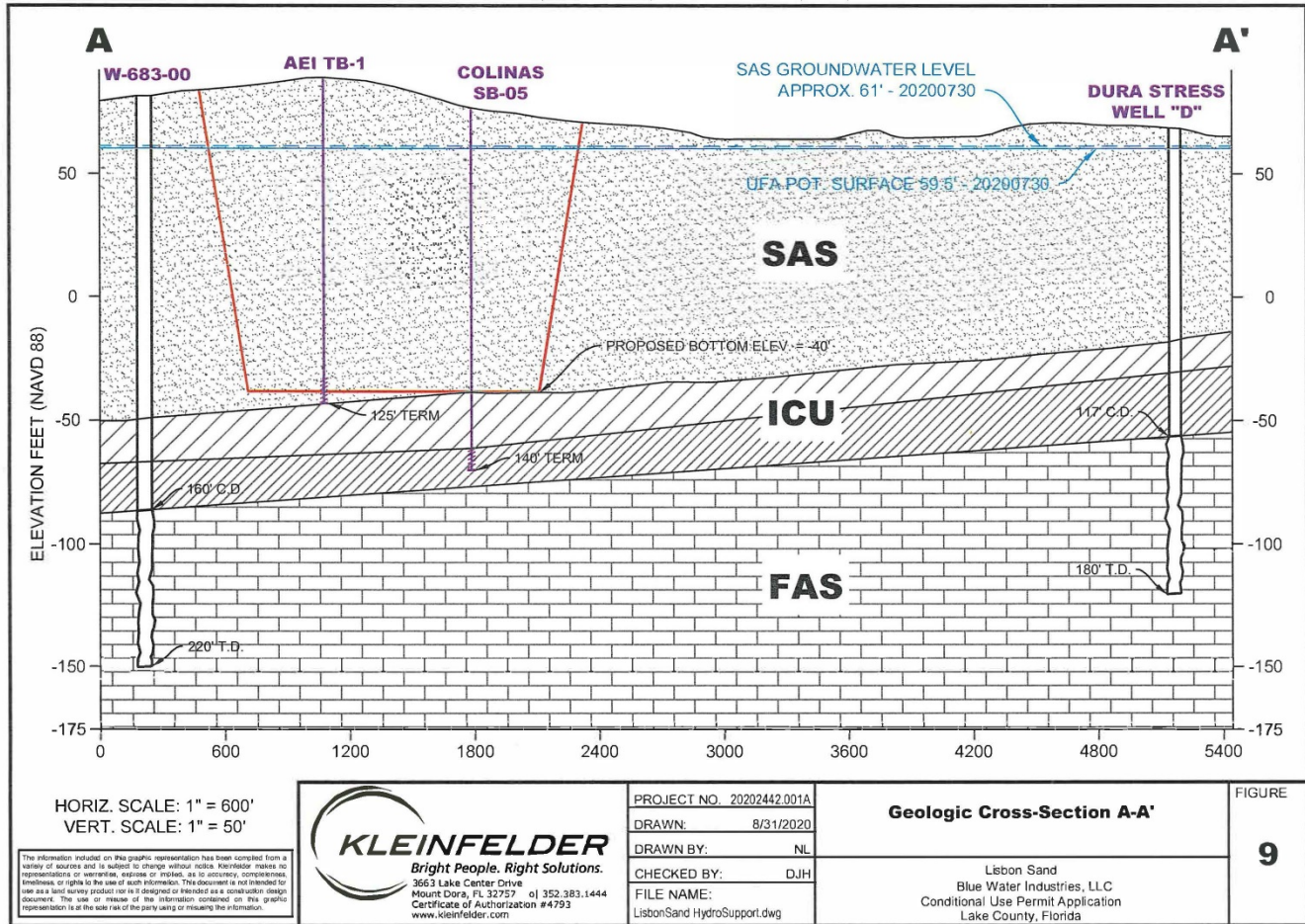
EXHIBIT  
**11**



**ATTACHMENT - 2**

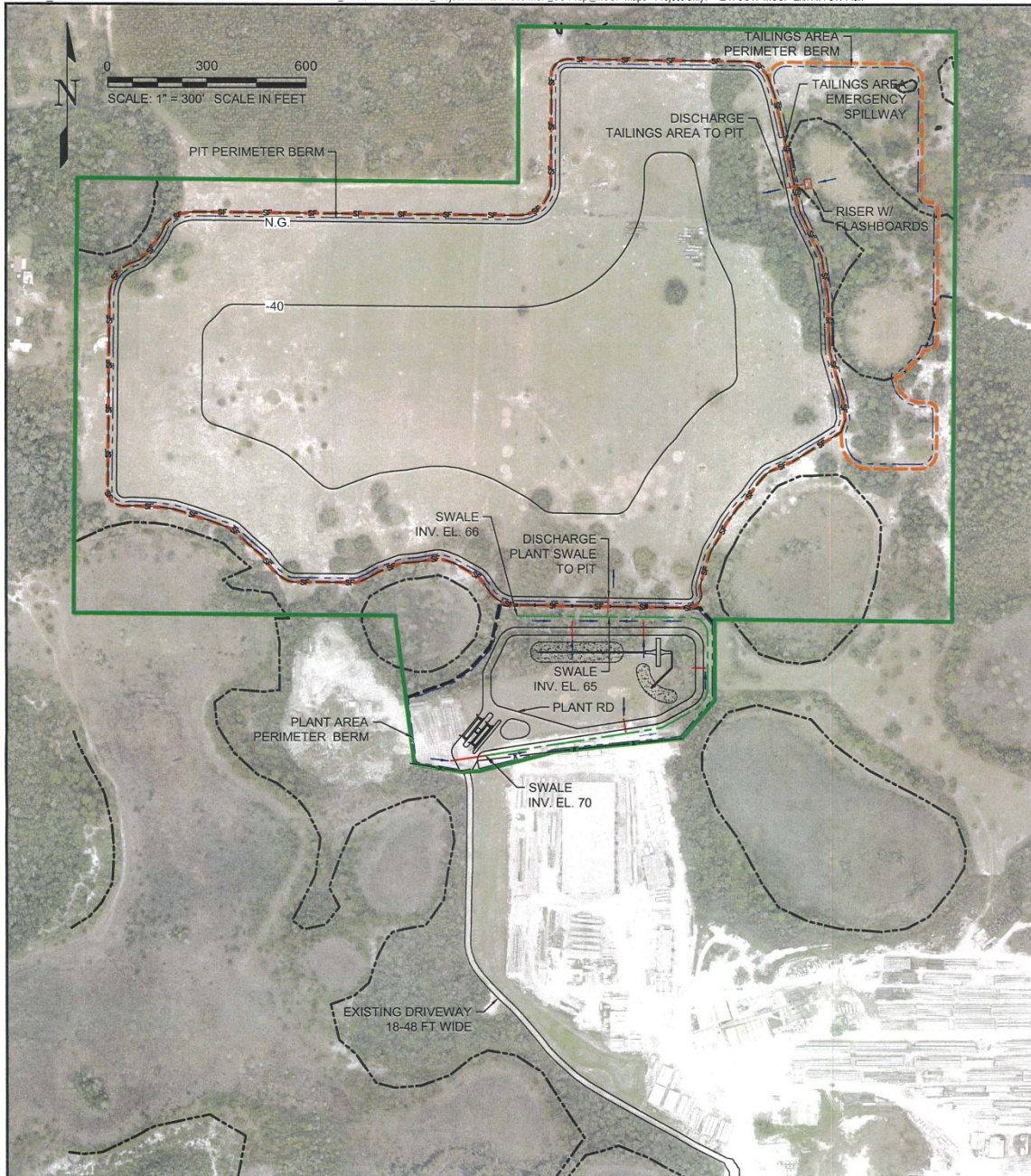
PLOTTED: 31 Aug 2020, 5:41pm, NLawrence

Mt. Dora, FL CAD FILE: \\Mountdora\mountdora-data\GIS\CAD\BWWW\_2019\20202442.001A\_Project Safari\07-0000 Hydro Support\ LAYOUT: Fig9-Geologic Cross-Section A-A'



**ATTACHMENT - 3**

ATTACHED IMAGES: Images: KLF MD Logo with Address & COA.jpg Images: lak2017\_250548.sid Images: LAK2017\_250549.sid Images: lak2017\_250848.sid Images: LAK2017\_250849.sid  
 ATTACHED XREFS: OFFICE\_NAME CAD FILE: \\Mountdora\mountdora-data\GIS\CAD\B\WWW\_2019\20202442.001A\_Project Safari\01-2000 MSP\_CU Prep\_MCUP Maps - Project Only\ LAYOUT: MCUP-Exh11A-SW Plan PLOTTED: 01 Sep 2020, 10:45am, N.Lawrence



**LEGEND**

- PROJECT BOUNDARY (104.15 AC.±)
- MINING LIMITS (59.18 AC.±)
- PLANT AREA (8.11 AC.±)
- TAILINGS AREA (9.85 AC.±)
- WETLANDS AND SURFACE WATERS
- PROPOSED FENCE
- PROPOSED SILT FENCE
- PROPOSED BERM
- PROPOSED SWALE
- PROPOSED PIPE
- PROPOSED MINING CONTOURS (FT-NAVD)
- SURFACE WATER FLOW DIRECTION

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PROJECT NO:	20202442.001A
DRAWN:	9/1/2020
DRAWN BY:	NCD/NL
CHECKED BY:	ANS
FILE NAME:	20-0831-Lisbon.dwg

<b>Conceptual Stormwater Management Plan</b>
Project Safari Blue Water Industries, LLC Lake County, Florida MCUP Application

EXHIBIT  
**11A**



- 1                    1. Sand Mining Operation (69.03 acres within the 104.15-acre MCUP area)
- 2                    2. Accessory uses directly associated with the above uses may be approved by the County
- 3                        Manager or designee. Any other use of the site will require approval of an amendment
- 4                        to this Ordinance by the Board of County Commissioners.

5 **Section 3. Specific Conditions.**

6                    **A. Operating Plan Requirement:** The sand mine shall require approval by County staff of an

7                        Operating Plan that will include the following prior to commencement of mining operations:

- 8                    1. Operating Plan, to include a site layout of the mining operation of structures, stormwater
- 9                        management, access, parking area, and open space area.
- 10                    2. Tree Removal Permit and Reclamation Plan.
- 11                    3. Noise Study
- 12                    4. Traffic Study and Management Plan
- 13                    5. Haul Plan

14                    **B. General Standards:**

- 15                    1. **Permits and Approvals.** All appropriate Water Management District and Florida
- 16                        Department of Environmental Protection (FDEP) permits shall be obtained prior to
- 17                        commencement of sand mining activities on the site and shall be kept current.
- 18                    2. **Agency Approvals.** All mining activities shall be conducted in accordance with all
- 19                        applicable federal, state, regional and local laws, ordinances, rules and regulations, as
- 20                        amended.
- 21                    3. **Consistency with Operating Plan.** All mining and other activities shall be consistent
- 22                        with the Lake County Code, LDR, the Lake County Comprehensive Plan (Comp Plan)
- 23                        and the approved Operating Plan.
- 24                    4. **Best Management Practices.** All mining and operational activities shall employ best
- 25                        management practices.
- 26                    5. **Phasing.** The mining activities shall be conducted in a single phase.
- 27                    6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 4 feet in
- 28                        height within 200 feet of the property line. No spoil or other excavated materials shall be
- 29                        placed within the setbacks.
- 30                    7. **Dura Stress Site Plan(s).** A development application(s) to amend the previously
- 31                        approved Dura Stress site plan(s) shall be approved prior to commencement of any
- 32                        sand mining activity within the Dura Stress concrete superstructure and manufacturing
- 33                        operation area. The amended site plan shall include the establishment of an access
- 34                        easement through the Dura Stress operation area. **Hours of operation for sand**
- 35                        **mining activity.** Normal hours of operation for hauls shall be from 7:30 a.m. to 5:30
- 36                        p.m., consistent with the dates specified by Section 3, Paragraph K.1.C of this
- 37                        ordinance.

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- 1                    8. **Air Quality.**  
2                    a. The mining activity shall be conducted to prevent, reduce and control the generation  
3                    and off-site migration of fugitive dusts and particles. All areas in which such dusts or  
4                    particles may be generated shall be kept wet or controlled in another manner to  
5                    reduce the potential for their Off-Site migration.  
6                    b. The Permittee shall cease all operations which do not meet the requirements of the  
7                    Air Quality section of the LDR, as amended, and the Operating Plan, upon  
8                    notification by Lake County.

9                    C. **Setbacks:**

- 10                   1. A minimum 100-foot setback shall be established along all property lines.  
11                   2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the  
12                   initiation of any phase of excavation and shall remain in place until sand mining activities  
13                   are completed.  
14                   3. All setbacks shall be permanently marked in a manner that they will be clearly visible to  
15                   equipment operators. Such markers shall be shown on the Operating Plan and shall be  
16                   spaced at no more than 100 feet in areas being excavated.  
17                   4. A 50-foot setback to all wetland areas will be established pursuant to the Comprehensive  
18                   Plan and LDR, as amended. A conservation easement of the wetland areas will be  
19                   required should the Permittee become the property owner.

20                   D. **Vegetation, Landscaping, Buffering, Berm, and Screening.**

- 21                   1. The required operating plan shall specify the manner of revegetation, landscaping,  
22                   buffering, berm installation and screening to demonstrate impact mitigation to adjacent  
23                   properties in accordance with the LDR, as amended.

24                   E. **Open Space.** Prior to or in conjunction with approval of the Operating Plan, open space shall  
25                   be provided as specified below.

26                   Rural Future Land Use area: 80%, minimum

27                   Industrial Land Use area: 20%, minimum

28                   F. **Reclamation Standards:**

- 29                   1. Reclamation Plan - A Reclamation Plan, conforming to the mining reclamation  
30                   requirements of the LDR shall be filed with the Operating Plan. The reclamation plan  
31                   shall fully describe the proposed site reclamation by both illustration and documentation,  
32                   and including but not limited to:  
33                   a. A revegetation plan showing plan view with cross sections, final slopes/contours,  
34                   vegetative plantings, stormwater retention areas, etc. shall be submitted.  
35                   b. All areas to be reclaimed by depicting and describing what man-made and natural  
36                   features will exist when the reclamation plan is completed.  
37                   c. A contour map and two (2) typical cross sections, generally oriented north to south  
38                   and east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.

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- 1 d. Identification of the size, type, location, and planting schedule for all vegetation to be  
2 planted or seeded in accordance with the reclamation plan.
- 3 2. Timing. Reclamation shall commence within 90 days after commencement of mining  
4 activities. Reclamation of the area associated with the mining activity shall be completed  
5 no later than two (2) years after termination of mining activity. Should the sand mining  
6 operations cease for a period of three (3) years, reclamation shall commence and be  
7 completed within a five-year period from the date of cessation of operation.
- 8 3. Topography. Sloping and grading shall be conducted to minimize soil erosion and  
9 surface water runoff and to make the land surface suitable for revegetation. The final  
10 reclamation elevation of the site shall be as proposed by the Conceptual Plans to be  
11 incorporated into the Operating Plan.
- 12 4. Sand mining activities shall not adversely impact the water levels or water quality of  
13 surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the  
14 boundaries of the mine.
- 15 5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in  
16 the LDR, as amended, or are listed by other agencies as invasive non-native species,  
17 shall be destroyed prior to completion of reclamation.
- 18 6. Reclamation shall be completed pursuant to the approved Operating Plan.

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

- 20 1. The minimum distance between the bottom of the excavated and mined area and the top  
21 of the Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the Florida  
22 Aquifer system and shall be subject to approval by the County. The final elevation shall  
23 be at even grade as specified in the approved reclamation plan.
- 24 2. The sand mine operation shall be completely self-contained and shall retain any waste  
25 materials or water generated by the sand mining process on site. The operation shall not  
26 utilize any surface water from lakes or ponds that are not entirely contained on the  
27 property, except as specifically approved in the Operating Plan.
- 28 3. Discharges of water or liquid wastes into waters of the County or State are prohibited  
29 unless the County and jurisdictional agency has granted a variance or other approval to  
30 specifically allow the discharge. This shall not prevent discharges into water systems that  
31 are self-contained on the mine property as approved in the Operating Plan.

32 **H. Protection of Karst Features and Other Environmental Considerations:**

- 33 1. A hydrology study shall be submitted with the Operating Plan that identifies any karst  
34 features within the property.
- 35 2. Karst features shall be avoided and protected from sand mining or any development  
36 activity, and any future development of the property shall comply with the requirements  
37 of the Comp Plan and LDR, as amended.
- 38 3. Karst features shall be maintained in their natural function, integrity and structure.

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- 1                   4. Impervious development shall be set back from the boundary of karst features a  
2                   minimum of 100 feet. The setback shall consist of a buffer that retains all-natural  
3                   vegetation within the setback area.
- 4                   5. A current Environmental Assessment (EA) prepared within six (6) month of the required  
5                   operating plan submittal, to demonstrate the presence of endangered, threatened or  
6                   species of special concern of both flora and fauna. The EA must address species  
7                   protection and/or mitigation demonstrated by providing the appropriate jurisdictional  
8                   agency permit prior to commencement of sand mining operations or development  
9                   activity.
- 10                **I. Archeological Artifacts.** If any archeological artifacts are encountered during the sand mine  
11                operation, the sand mining activities shall cease; and notification will be made to the County  
12                Manager, or designee, Florida Department of State, and Division of Historical Resources.
- 13                **J. Transportation Improvements and Access Management.**
- 14                1. Access to the mining site shall be through the Dura-Stress site at the signalized  
15                intersection of CR 44.
- 16                2. All access management shall be in accordance with the Comp Plan and LDR, as  
17                amended.
- 18                **K. Haul Operation**
- 19                1.     Permit. During the Hauling Period, the County authorizes the Permittee to utilize the  
20                Affected Roads for the delivery or removal of the material to or from the Project Site  
21                as identified in Exhibit B and shown on Exhibit B1, attached to this Permit. Any  
22                hauling of material to or from the Project by the Permittee and its agents will be done  
23                in accordance with the terms and conditions of this Permit, and the parties agrees as  
24                follows:
  - 25                A.     During the Hauling Period, the Permittee and its agents may haul material to or from  
26                the Project by utilizing the Affected Roads as anticipated and shown on the Haul  
27                Route, attached as Exhibit C and incorporated herein. The authorization provided in  
28                this Permit only applies to the hauling by Permittee and its agents on the Affected  
29                Roads.
  - 30                B.     Vehicles used by the Permittee and the Permittee's agents shall not exceed standard  
31                weight limits established by the State of Florida for its appropriate vehicle  
32                classification. Any bridges that are on the haul route must be evaluated by the  
33                Permittee to determine whether the haul vehicles will be operated within the allowable  
34                bridge weight rating. If haul vehicles will exceed the allowable bridge loading, the  
35                Permittee must provide a structural engineering analysis with regard to the number of  
36                expected haul trips to determine if the bridge will be damaged and is safe for the truck  
37                operation. The analysis will comply with State of Florida, Department of  
38                Transportation (FDOT) requirements for such analysis, as applicable.
  - 39                C.     The Permittee and it agents shall only deliver to the Project, move and/or load and  
40                remove material from the Project on the Affected Roads between 7:00 a.m. and 5:00  
41                p.m., Eastern Standard Time; provided, however, that the hours of operation shall be  
42                between 7:30 a.m. and 5:30 p.m., on the following dates:

- 1) December 1 through February 15;
- 2) 4 weeks after Daylight Savings Time begins (mid-March); and
- 3) 6 weeks before Daylight Savings Time ends (early November).

The Permittee and its agents shall not exceed 50 Number of Trips per Day] (#) on to the County Road system in a single 24-hour day. A roundtrip is defined to mean one (1) truck entering and leaving the Project. Hauling on the Affected Roads by the Permittee and its agents is limited to Monday through Friday and shall not occur on Saturdays, Sundays, or federal holidays: New Year's Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence Day/4th of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. Trucks are not permitted to park, stop, or impede traffic on any of the Affected Roads while waiting for the Project site to open, or while waiting to deliver or be loaded during the permitted hours.

D. Any changes to the Haul Route, a copy of which is attached to the Permit as Exhibit C, shall require an amendment to this Permit prior to such changes being allowed. If requested by the Director of Lake County Public Works, the Permittee will install and maintain additional signage and devices, at Permittee's expense, at the requested locations. The County retains full authority to regulate all road signage on roadways, including but not limited to, adding or removing signage as it deems necessary.

E. The Permittee agrees to implement and maintain soil tracking devices and wash down from the point of access of the Project at a location designated by the COUNTY, prior to entering onto County Road.

F. The Permittee shall be solely responsible for obtaining any other local, state and federal approvals, including any permits or approvals required by the FDOT.

2. Roadway Projects. Require a \$ 4,000 annual fee for maintenance for the county to sweep, cut shoulders, and re-sod as needed to the County Road system. A one-time cost of \$10,000 toward converting the magnetic loop detection at the existing Dura-Stress and CR 44 signalized intersection to a camera detection system. Annual fee and camera detection will require an agreement during the operating permit/site plan evaluation.

3. Indemnification. The Permittee, its successors and assigns, shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless the County, its officials, agents, and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including attorney's fees) for personal injury, bodily injury, property damage, or other liability of any kind or nature whatsoever arising directly out of, or caused in whole or in part by any act or omission relating to the hauling or this Permit by the Permittee, its agents or employees, or any contractor employed by the Permittee, or anyone directly or indirectly employed by them, or anyone for whose acts any of them may be liable, excepting only those acts or omissions arising out of the sole negligence of the County.



- 1                   4.     Additional Records. The Permittee agrees to provide the County, at the County's  
2                   written request, records held by the Permittee related to hauling on the Affected  
3                   Roads, including records indicating number of truckloads and cubic yards hauled or  
4                   to be hauled.
- 5                   5.     Additional Restrictions. Nothing within this Permit authorizes, grants, or otherwise  
6                   allows the Permittee, its successors and assigns to stockpile additional fill, sand, soil,  
7                   or rock on the Project Site or any other property owned by the Permittee. The  
8                   Permittee acknowledges that approval of this Permit does not act as an approval by  
9                   the County for Permittee, its successor, assigns, and agents, to conduct exaction or  
10                  mining on the Project Site.
- 11                 6.     Enforcement; Remedies. Except as otherwise provided herein, the parties shall have  
12                 all equitable and legal remedies available under Florida law to enforce the terms and  
13                 conditions of this Permit, and the terms of this Permit shall be specifically enforceable  
14                 in court.
- 15                 7.     Exhibit List. The following attachments are attached hereto and by this reference  
16                 made a part of this Permit:  
17                         Exhibit B and B1            Project Site  
18                         Exhibit C                 Proposed Haul Route

19                 **L. Stormwater and Floodplain Management.**

- 20                 1. The stormwater management system shall be designed in accordance with applicable  
21                 FDEP, St. Johns River Water Management District (SJRWMD) requirements, the Comp  
22                 Plan, and LDR, as amended.
- 23                 2. The developer shall be responsible for any flood studies required for developing the site  
24                 and comply with Federal Emergency Management Agency (FEMA), Comp Plan, and LDR,  
25                 as amended. Any development within the floodplain as identified on the FEMA maps will  
26                 require compensating storage.

27                 **M. Financial Responsibility:**

- 28                 1. Before final approval of the Operating Plan and Reclamation Plan, the Permittee/Owner  
29                 must file a compliance and reclamation guarantee with the County to ensure that the site  
30                 is operated and reclaimed in conformance with the Lake County Code and the approved  
31                 Operating and Reclamation Plans. Acceptable forms of the guarantee include cash,  
32                 certificates of deposit, irrevocable letters of credit, or surety bonds. In all cases, the form  
33                 of the guarantee shall be subject to approval by the County Attorney.
- 34                 2. The total cost of reclamation shall be estimated by the Permittee and reviewed by the  
35                 County. The estimated amount shall be established by calculations and judgments based  
36                 on acceptable industry standards and procedures. The final amount of the surety  
37                 accepted by the Board of County Commissioners shall be one-hundred ten percent  
38                 (110%) of the estimated reclamation cost, based upon the phase that is being permitted.
- 39                 3. The reclamation guarantee shall not be released by the County until the final reclamation  
40                 on all area subject to this approval has been approved.

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1                   4. If reclamation under the approved Reclamation Plan has not been successful after the  
2                   end of two (2) years, at the option of the County, a new Reclamation Plan shall be  
3                   required of and carried out by the Permittee/Owner, or the reclamation guarantee shall  
4                   be forfeited and the site reclaimed by the County using the guarantee to fund it.  
5                   Additionally, if the site has been abandoned by the Permittee, the reclamation guarantee  
6                   may be declared forfeited by the Board and the site reclaimed by the County using the  
7                   guarantee to fund it. The site shall be considered abandoned if no sand mining activity  
8                   has taken place for a period of six (6) months, or if reclamation has not been instituted  
9                   as required under this ordinance.

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

16                **O. Annual Progress Report:** An Annual Progress Report shall be submitted by February 1st  
17                of each year consistent with the Mining provisions specified in the LDR, as amended. Failure  
18                to file the required annual progress report shall be grounds for suspension of the Operating  
19                Plan. An extension of time for filing may be granted by the County upon request and for good  
20                cause shown.

21   **Section 4. Additional conditions of this permit shall include the following:**

22                **A.** In the event of any breach in any of the terms or conditions of this permit or any default or  
23                failure of the Permittee or his successor to: Fulfill development in substantial accordance with  
24                the conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
25                Commissioners; comply with the codes of the governmental agencies having lawful and  
26                appropriate jurisdiction thereon; or comply with any of the terms of the Mining Conditional  
27                Use Permit; or this Mining Conditional Use Permit is found to become a nuisance or safety  
28                hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning  
29                Board and the Board of County Commissioners, or may be rescinded upon annexation to a  
30                municipal jurisdiction.

31                **B.** This Permit shall inure to the benefit of and shall constitute a covenant running with the land;  
32                and the purpose, terms, and conditions contained herein shall be binding upon the Permittee  
33                or any successor and his interest hereto.

34                **C.** The Lake County Code Enforcement Special Master shall have authority to enforce the terms  
35                and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

36                **D.** If the sand mining activities commence within three (3) years of the date that the Board grants  
37                the Mining Conditional Use Permit approval, the Permit shall remain valid and in force as  
38                long as the operator shall abide by this ordinance, the Operating Plan and the LDR as  
39                amended. Should sand mining activities not commence within the specified period, the  
40                Mining Conditional Use Permit shall expire, and the Permittee shall submit a request for  
41                extension, prior to the expiration of the Permit, for review and approval by the Board of  
42                County Commissioners.

1 **Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
2 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
3 of the remaining portions of this Ordinance.

4 **Section 6. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance  
5 to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida  
6 Statutes.

7 **Section 7. Effective Date.** This Ordinance will become effective as provided by law.

8  
9 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

10  
11 FILED with the Secretary of State \_\_\_\_\_, 2020.

12  
13 EFFECTIVE \_\_\_\_\_, 2020.

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BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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\_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN

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23 **ATTEST:**

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\_\_\_\_\_  
GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

26

27

28 **APPROVED AS TO FORM AND LEGALITY:**

29

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31 \_\_\_\_\_  
32 MELANIE MARSH, COUNTY ATTORNEY  
33  
34

**Exhibit A – Legal Description**

1  
2 COMMENCE AT THE NORTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION  
3 36, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. THENCE RUN S89°17'27"E  
4 ALONG THE NORTH LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 604.04 FEET  
5 TO THE POINT OF BEGINNING, THENCE DEPARTING SAID NORTH LINE, RUN S00°00'00"W A  
6 DISTANCE OF 247.00 FEET, THENCE RUN S40°33'03"W A DISTANCE OF 153.98 FEET, THENCE RUN  
7 S84°00'52"W A DISTANCE OF 385.33 FEET, THENCE RUN S75°28'46"W A DISTANCE OF 237.36 FEET,  
8 THENCE RUN S86°49'38"W A DISTANCE OF 54.16 FEET, THENCE RUN N80°24'59"W A DISTANCE OF  
9 143.79 FEET, THENCE RUN N07°15'13"W A DISTANCE OF 457.04 FEET TO THE NORTH LINE OF THE  
10 EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE  
11 COUNTY, FLORIDA, THENCE RUN N89°30'04"W ALONG SAID NORTH LINE A DISTANCE OF 970.42  
12 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35,  
13 THENCE RUN N00°31'55"E ALONG SAID WEST LINE A DISTANCE OF 1326.03 FEET TO THE NORTH  
14 LINE OF THE NORTH 1/2 OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, THENCE  
15 RUN S89°27'41"E ALONG SAID NORTH LINE A DISTANCE OF 1330.76 FEET TO THE WEST LINE OF  
16 THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 36, THENCE RUN N00°25'49"E  
17 ALONG SAID WEST LINE A DISTANCE OF 480.00 FEET TO A LINE THAT IS PARALLEL TO AND 480.00  
18 FEET NORTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID  
19 SECTION 36, THENCE RUN S89°16'21"E ALONG SAID PARALLEL LINE A DISTANCE OF 1322.64 FEET  
20 TO THE EAST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, THENCE RUN  
21 S00°28'31"W ALONG SAID EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE  
22 EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 36 A DISTANCE OF  
23 1324.66 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 36,  
24 THENCE RUN S89°17'27"E ALONG SAID NORTH LINE A DISTANCE OF 717.18 FEET TO THE POINT OF  
25 BEGINNING.

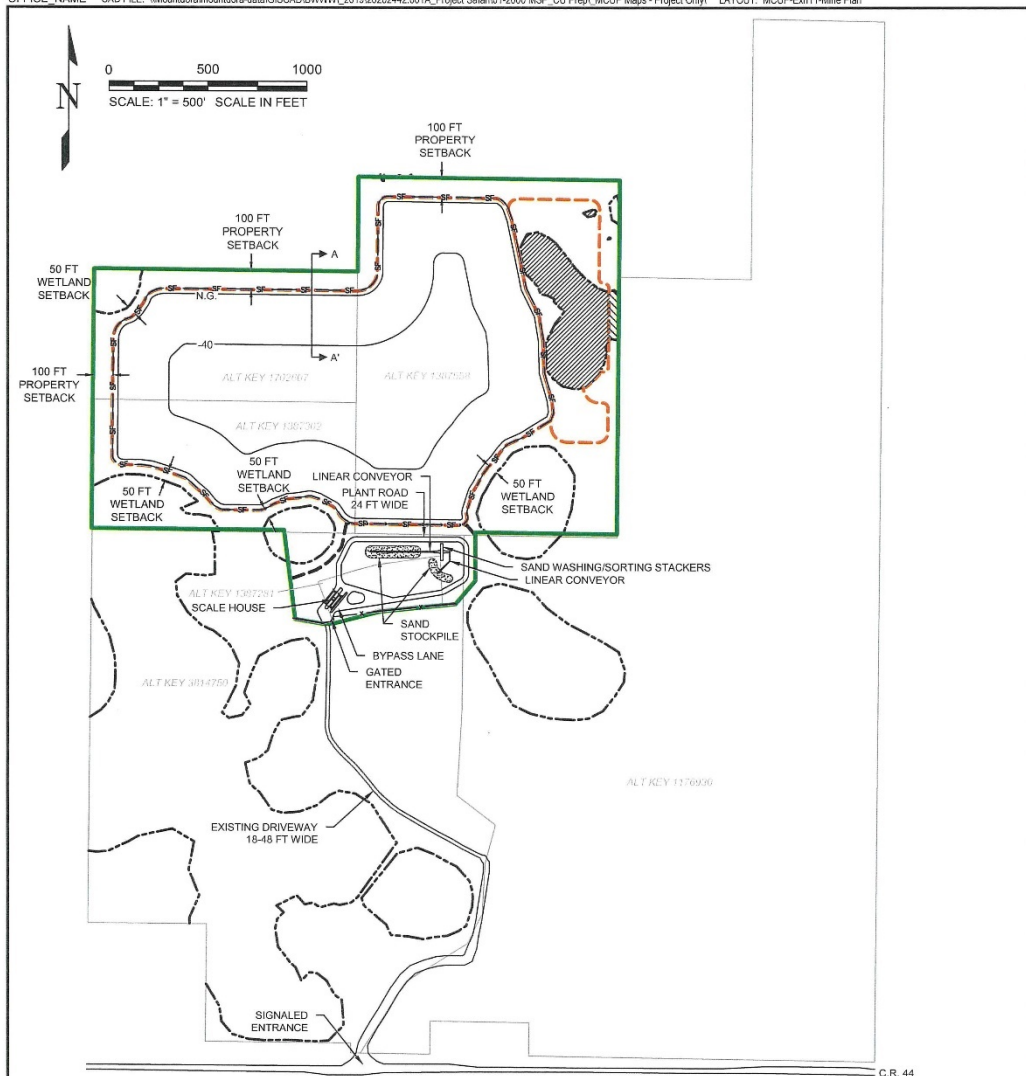
26 SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD.

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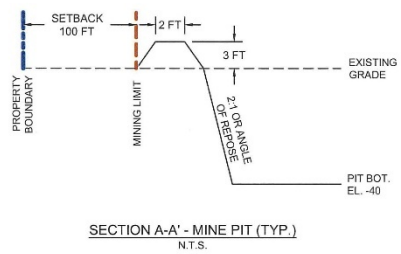


### EXHIBIT - B1

ATTACHED IMAGES: Images: KLF MD Logo with Address & COA.jpg Images: lak2017\_250548.sld Images: LAK2017\_250549.sld Images: lak2017\_250848.sld Images: LAK2017\_250849.sld  
 ATTACHED XREFS: PLOTTED: 01 Sep 2020, 10:37am, NLawrence  
 OFFICE NAME: CAD FILE: I:\Mountdora\mountdora-data\GIS\CAD\BWWW\_2019\2020\2442.001A\_Project Safety\01-2000.MSP\_CU\_Prep\_MCUP\_Maps - Project Only LAYOUT: MCUP-Exh11-Mine Plan



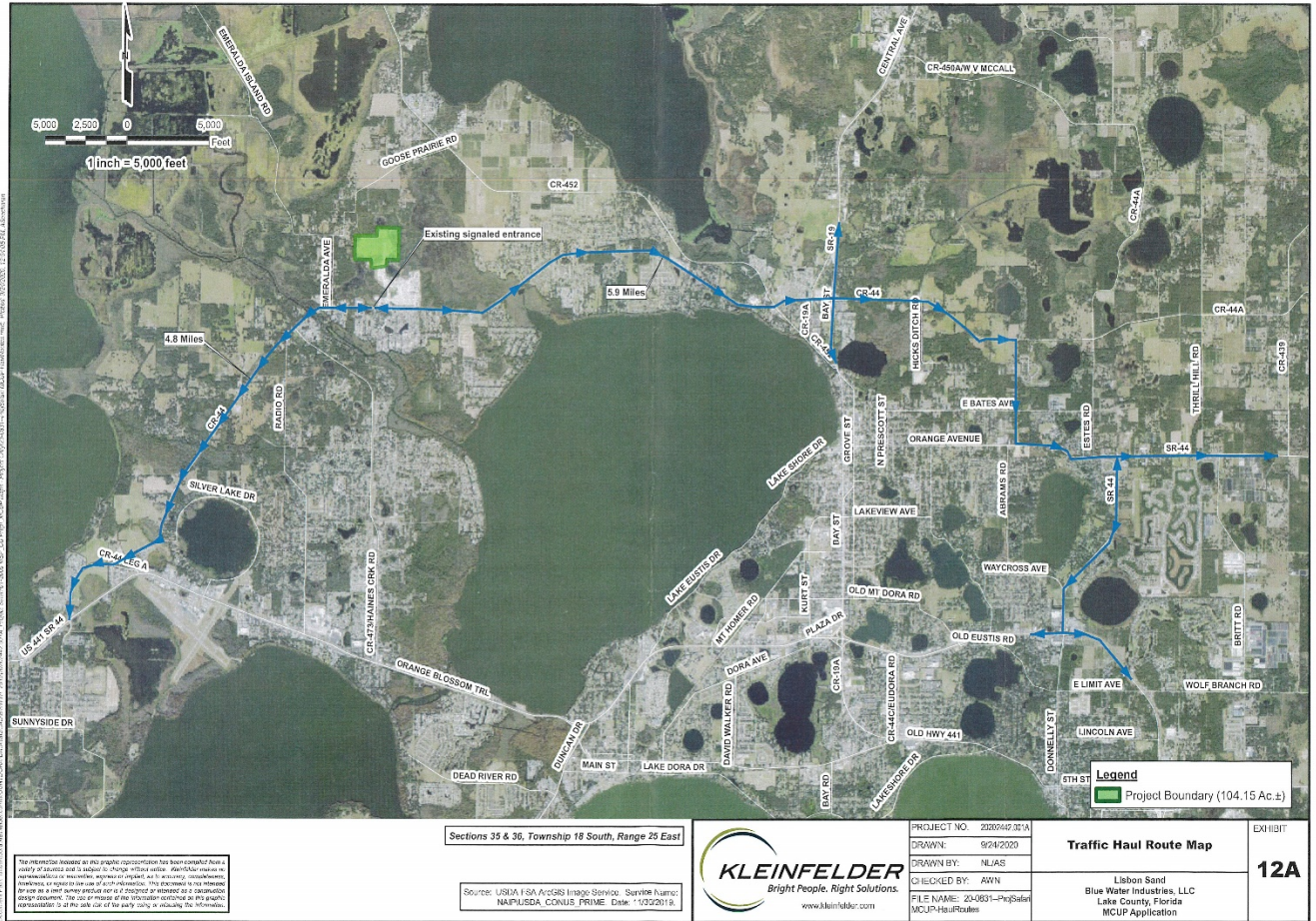
- LEGEND**
- TAX PARCEL BOUNDARIES
  - PROJECT BOUNDARY (104.15 AC.±)
  - MINING LIMITS (59.18 AC.±)
  - TAILINGS AREA (9.85 AC.±)
  - PLANT AREA (8.11 AC.±)
  - PROPOSED MINING CONTOURS (FT-NAVD)
  - WETLANDS AND SURFACE WATERS
  - DIRECT WETLAND IMPACTS (4.68 AC.±)
  - INDIRECT WETLAND IMPACTS (0.28 AC.±)
  - PROPOSED FENCE
  - SF — SF — PROPOSED SILT FENCE



<p>The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Whether printed or digital, this information is for informational purposes only and is not intended to be used as a legal document. The user of this information assumes all liability for its use and is not intended to be used as a legal document. The user of this information assumes all liability for its use and is not intended to be used as a legal document. The user of this information assumes all liability for its use and is not intended to be used as a legal document.</p>	<p><b>KLEINFELDER</b>  <i>Bright People. Right Solutions.</i>        2663 Lake Center Drive        Mount Dora, FL 32757   352.383.1444        Certificate of Authorization #4793        www.kleinfelder.com</p>	PROJECT NO. 20202442.001A DRAWN: 9/1/2020 DRAWN BY: NCD/NL CHECKED BY: ANS FILE NAME: 20-0831-LisbonSand.dwg	<p align="center"><b>Mine Plan and Cross-Section</b></p> <p align="center">Lisbon Sand          Blue Water Industries, LLC          Lake County, Florida          MCUP Application</p>	EXHIBIT          <b>11</b>

Exhibit - C

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