



MINING CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021
Board of County Commissioners (BCC): September 7, 2021

Case No. and Project Name: MCUP-21-01-3 Bishop & Buttrey Sand Mine-Borrow Pit at Long & Scott Farms/Great Scott's RV Park/Gaston Tree Recycling (MCUP/PUD)

Applicant: Bishop & Buttrey, Inc. (V. McCall & Jim Golden)

Owner: Long & Scott Farms Family, LLLP

Requested Action: Approval of an ordinance to allow sand mining and borrow pit use, to include RV resort and organic tree recycling uses on Agriculture and PUD zoned properties.

Staff Determination: Staff finds the mining 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: 197-acre property

Location: East side of CR 448A, in the Lake Jem area

Alternate Key No.: 3801708 & 3874568

Future Land Use: Rural

Current Zoning District: Agriculture and Planned Unit Development by Ordinance #2021-15

Flood Panel No.: 12069C0195E

Flood Zones: "A" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Lake Apopka Basin

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Right-of-Way, Residential and Agriculture	Keen Ranch Road, Large Agriculture Tracts, Residential Dwelling Units and Large Undeveloped Acreage
South	Rural and Conservation	A, Community Facility District (CFD)	Agriculture	Pasture Acreage, Vacant and Undeveloped Acreage
East	N/A	N/A	N/A	Orange County
West	Rural	A	Agriculture	Large Agricultural Residential Lots and Undeveloped Acreage

- Summary of Analysis -

Mining Conditional Use Permit (MCUP) application seeks approval of mining and borrow pit activity as a conditional use within a 197-acre property, to include previously uses approved by Ordinance 2018-53 and 2021-15. The proposed mining conditional use effects a portion of two (2) parcels identified by Alternate Key Numbers 3874568 and 3801708. However, the mining activity will encompass 40-acres of the 197-acre property as depicted in the concept plan (**Attachment 1**). The subject parcels are zoned PUD by Ordinance #2021-15 and Agriculture; and designated as Rural Future Land Use Category (FLUC). The primary purpose of this MCUP application is to allow sand mining to facilitate the creation of lakes for the undeveloped Great Scott's RV Park (**Attachment 1**) approved in 2018 via PUD Ordinance 2018-53. Additionally, a portion of AK#3874568 was previously approved for an organic debris and tree recycling use via PUD Ordinance 2021-15. The property owner seeks to facilitate agriculture, RV Park, tree recycling and sand mine/borrow pit use on the property acreage as generally listed below. The rezoning and future land use maps show a depiction of the general locations for the tree recycling and mining uses within the 197-acre property.

- Gaston Organic Debris and Tree Recycling – 10.12 acres
- Great Scott's RV Park – 53.0 +/- acres
- Sand mine and borrow pit use – 40.0 acres

The proposed mining activity will extend over a five (5) year period, with projected extraction rate of 1.18 million gallons per day, estimated at 430.7 million gallons per year. The excavation will take place below the water table at a depth primarily between 76-80 feet NAVD. This elevation is substantially above the Floridan Aquifer System (FAS) which is stated to be approximately 180 feet. These elevations are shown on **Attachment "2"**. The application proposes a 3-phase dewatering system of the sand slurry that will involve pumping into a rim ditch, settling ponds and pumping into recharge trenches and swales. The exaction pits will be approximately between 10-15 acres in size with side slopes of 6:1 in accordance with the LDR.

The application proposes approximately four (4) personnel to operate the sand mine/borrow exaction operation on Monday through Saturday. The application also estimates an average of two-hundred forty (240) round-trip truckloads daily to transport the mined material offsite. **Attachment "3"** shows the haul route the trucks will transport the mined material to market. Further, the proposed MCUP/PUD ordinance proposes development conditions for the various uses that will take place on the property, including the requirement to submit development applications for all the uses specified above.

Standards for Review (LDR Section 14.05.03)

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

The proposed mining and borrow pit use will take place within the Rural FLUC. Pursuant to Comp Plan Policy I-1.4-1 35% 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.

The subject parcels are situated within the Lake Apopka Basin Overlay District, pursuant to Comp Plan Policy I-6.3.1, the Lake Apopka Basin is recognized as a natural resource of regional significance befit for preservation and environmental protection. This is reflected in LDR Section 6.15.00., that also stipulates environmental protection of the basin. Light industrial uses are allowed within the basin provided the uses does not contribute to the degradation of the natural resources of the basin. The application information elaborates on the sensitivity of the area and specifies the project is greater than 50-feet from any wetlands and will not discharge any sewage. The application further stipulates that the allowed sand mine operation will adhere to stormwater quality standards of the St. Johns River Water Management District (SJRWMD). Erosion control berms will be situated around the exaction area to capture and control runoff to prevent surface water impacts. The information specifies obtaining a DEP Environmental Protection Permit (ERP) prior to sand mining and borrow pit operations. Further, the excavation activity will not take place within the 100-year floodplain or flood zone "A". These aspects of the operation are consistent with the LDR and Comp Plan regarding environmental protection of the regionally significant resources associated with Lake Apopka.

B. Effect on Adjacent Properties.

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

The land area surrounding the mining use is predominately Rural land use acreage, with agriculture activity. Orange County borders the property on the east. The proposed mining use is not anticipated to cause an adverse effect on nearby properties as the exaction activity because it will be centrally located within the 197-acre Long and Scott Farm property (reference Attachment 4). The LDR Section 6.06.02(C)(1)(a), specifies a minimum setback of 100-feet to adjacent properties. The activity will be situated between 200-280 feet from adjacent properties. No noise or vibration

is expected to be generated by the proposed use because the application does not propose sand blasting in the sand removal process. Dust and litter will be controlled with the use of a 2,000-gallon water truck, equipped with a water cannon and spreader that will be used to control dust to minimize dust debris to adjacent properties. This water truck will also be used to water internal hauls roads as necessary. Litter will be controlled with the use of perimeter fencing and site operators performing on-site litter and trash pick up on a daily basis. Further the application indicates the use of tarps on the departing trucks to minimize litter and dust spreading onto the right of way.

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 setback area between 200-280-feet 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 the central location of the mining activity, a noise assessment will be required for review with the submittal of the operating plan. Additionally, a berm is proposed to be installed at the perimeter of the mining area, inside of the 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 excessive setback buffer, installing the interior berm 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.

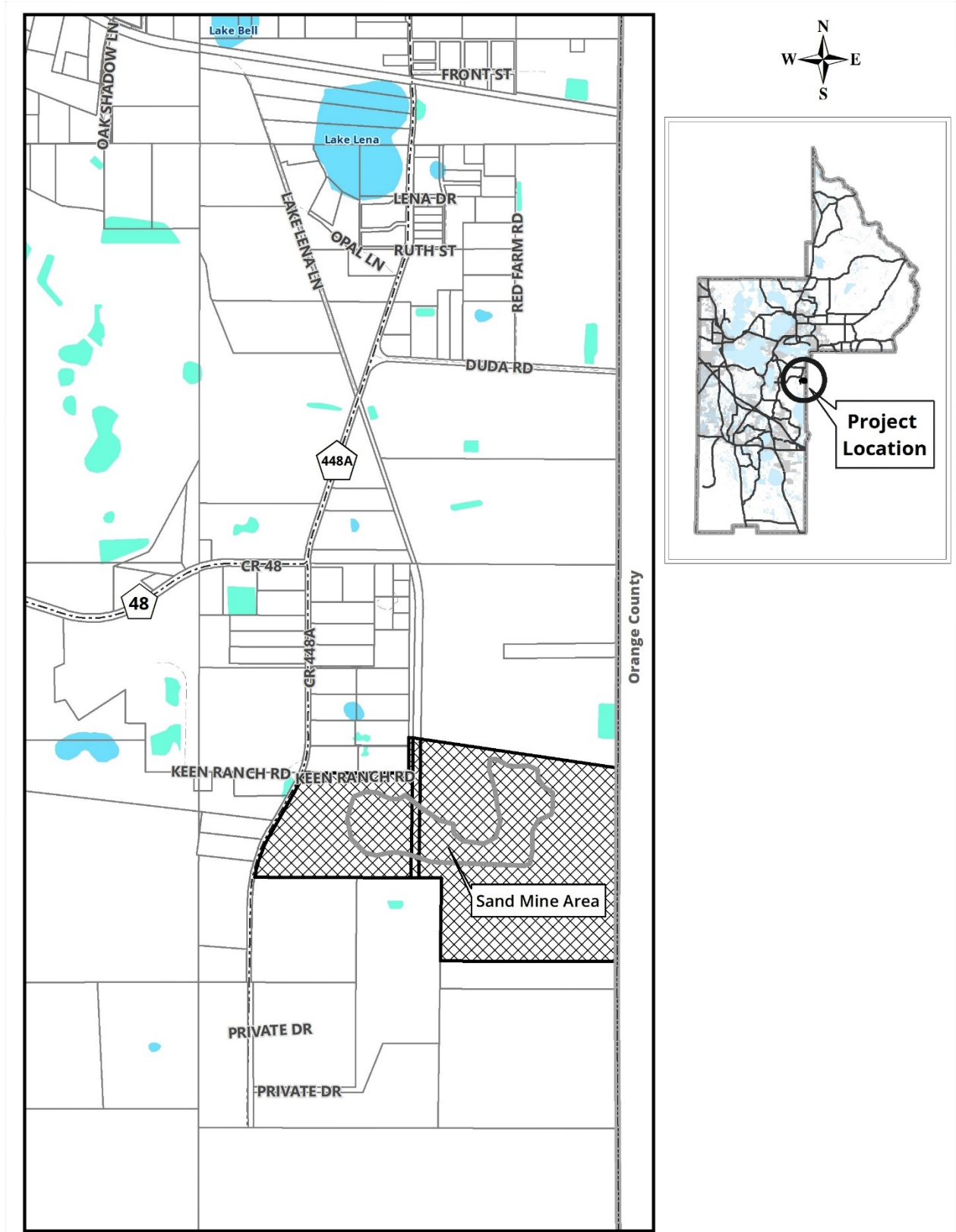
The proposed sand mining and borrow use is not anticipated to adversely impact the levels of service for police, sewage, water, drainage, solid waste, parks, and recreation. Impacts to CR 48 are anticipated in the form of dirt removal trucks arriving to the site to pick up dirt material. Removal of the dirt material will be via CR 48 (Duda Road/ Jones Avenue) to US Highway 441. The proposed ordinance contains conditions to the truck haul route.

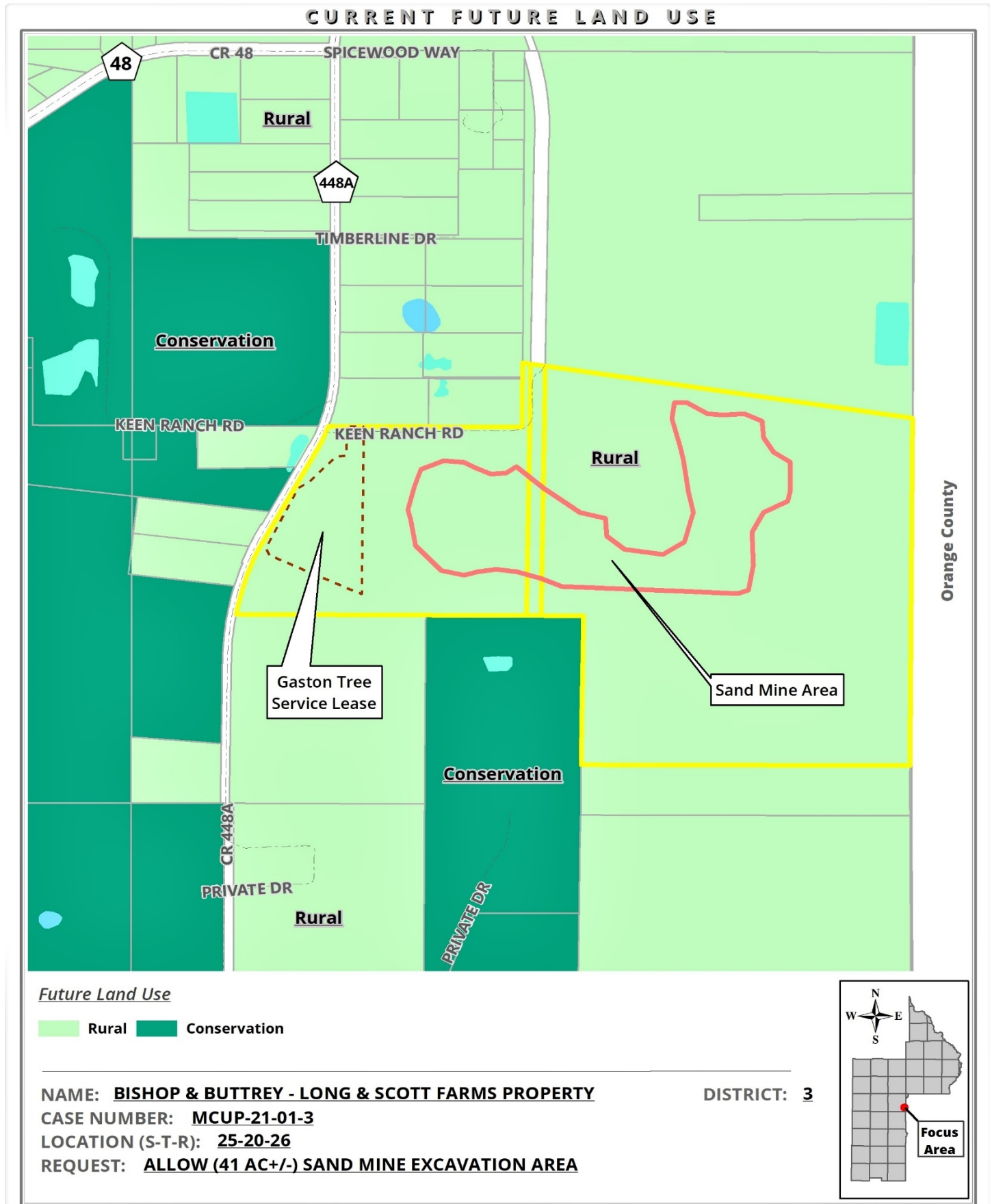
D. Adequacy of Fire Protection.

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.

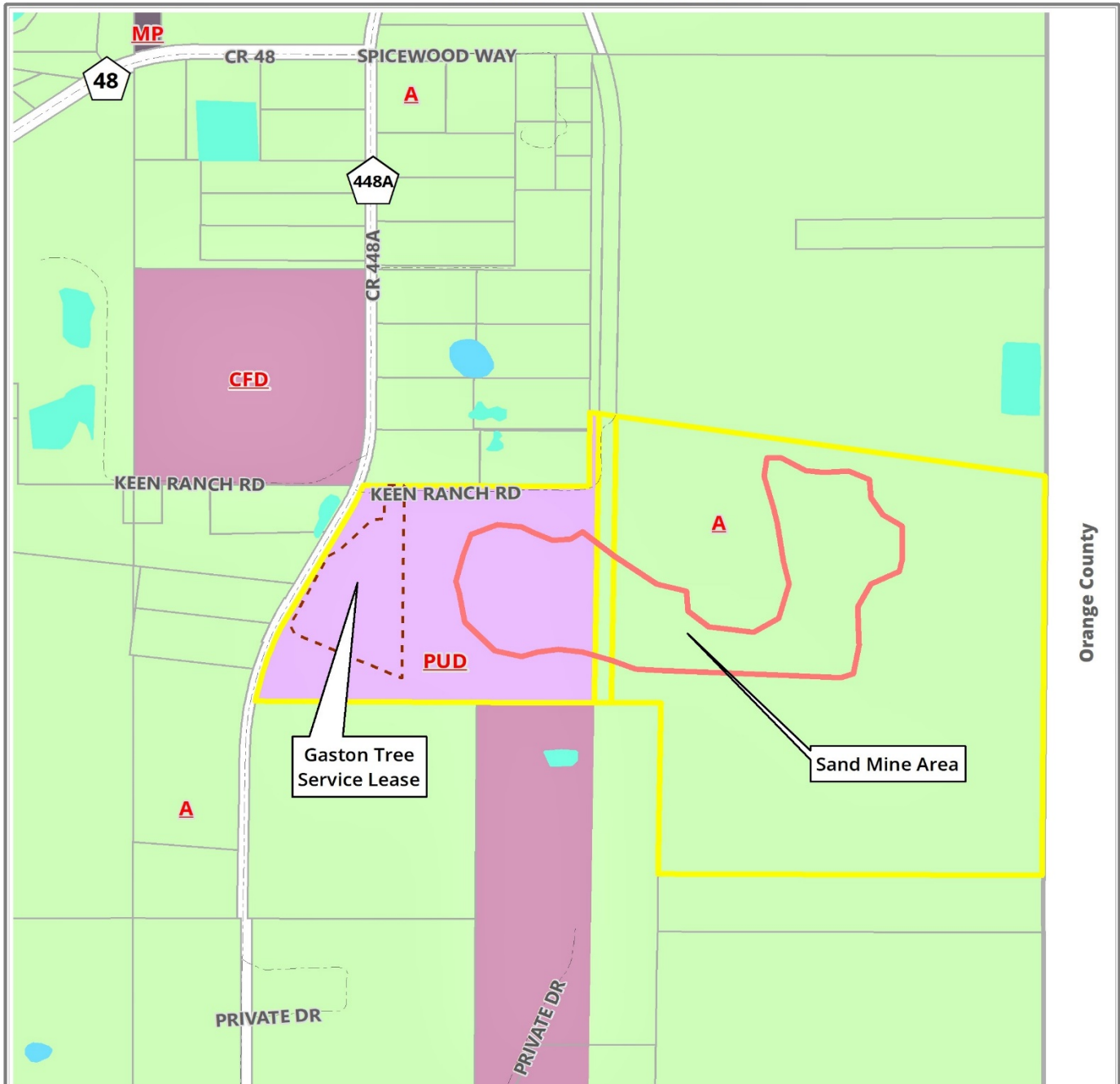
LCFR Station #78, located at 16345 CR 448 in Mt. Dora is approximately 3.4 miles away from this parcel. Hydrants are approximately 2 miles away, making the use of our Tanker Task Force necessary, see above.

Subject Property





CURRENT ZONING



Orange County

Zoning Legend

A MP CFD PUD

NAME: **BISHOP & BUTTREY - LONG & SCOTT FARMS PROPERTY**

DISTRICT: **3**

CASE NUMBER: **MCUP-21-01-3**

LOCATION (S-T-R): **25-20-26**

REQUEST: **ALLOW (41 AC+/-) SAND MINE EXCAVATION AREA**



Attachment "2"

(Universal Engineering Sciences Boring Log)



UNIVERSAL ENGINEERING SCIENCES BORING LOG

PROJECT NO.:	0130.2100054.0000
REPORT NO.:	1842302
PAGE:	B-2.1

PROJECT:	LIMITED GEOTECHNICAL EXPLORATION FILL SUITABILITY - 40 ACRE PARCEL, EAST OF COUNTY ROAD 448A ZELLWOOD, LAKE COUNTY, FLORIDA	BORING I.D.:	B-01	SHEET:	1 of 1
CLIENT:	BISHOP & BUTTREY, INC.	SECTION:		TOWNSHIP:	
LOCATION:	SEE BORING LOCATION PLAN	G.S. ELEVATION (ft):	N.S.	DATE STARTED:	7/15/20
REMARKS:	SHGWT = SEASONAL HIGH GROUNDWATER TABLE, N.S. = NOT SURVEYED	WATER TABLE (ft):	2.0	DATE FINISHED:	7/15/20
		DATE OF READING:	7/15/2020	DRILLED BY:	INTEGRITY
		EST. SHGWT (ft):		TYPE OF SAMPLING:	ASTM D 1586

DEPTH (FT.)	SAMPLING	BLOWS PER 6" INCREMENT	N BLOWS / FT	W.T.	SYMBOL	DESCRIPTION	-200 (%)	MC (%)	ATTERBERG LIMITS		K (FT/DAY)	ORG. CONT. (%)
									LL	PI		
0		2-4-5-5	9	▼		Loose brown fine SAND [SP]						
		11-12-16-14	28			-- medium dense						
5		16-10-15-25	25			Medium dense tan silty fine SAND [SM]	3	23				
		7-8-18-15	26				14	17				
10		15-18-12-14	30									
15		6-10-13	23				13	26				
20		11-23-34	57			Very dense tan fine SAND with silt [SP-SM]						
25		7-7-7	14			Medium dense light grey silty fine SAND [SM]						
30		2-1-2	3			-- very loose, light brown						
35		2-2-2	4			Very loose dark grey clayey fine SAND [SC]	38	12				
40		1-2-2	4									
45		1-1-4	5			Loose dark grey fine SAND with silt [SP-SM]	5	30				
50		2-2-2	4			Very loose dark grey clayey fine SAND [SC]						
						BORING TERMINATED AT 50.0 FEET						

W-11504.GPJ

Attachment "3" (Truck Haul Route Map)

Figures.dwg

JUNE 2021



LEGEND



TRUCK ROUTE

SOURCE: GOOGLE EARTH, 2021

GROVE
SCIENTIFIC & ENGINEERING

CA. LICENSE N°. 7902
6140 Edgewater Dr., Suite F
ORLANDO, FL 32810
P: 407 298-2282

TRUCK ROUTE

B&B PIT# 197 ZELLWOOD
LONG - SCOTT FARMS
CR 448A & KEEN RANCH ROAD
ZELLWOOD, FL 32757

PROJECT #

291434

FIGURE

8

C:\Users\engr\OneDrive\Documents\Grove_Scientific\CLIENT FILES\20200602\B&B_Site\mxd\B&B_Zellwood_Pit#197_20190602\Figures.dwg, SHEET SIZE: LETTER, PEN STYLE: ---, LAYOUT NAME: FIGURE 5 (TRUCK ROUTE). LAST SAVE BY: ENGINEERING 06/02/21 10:51 PM

- 1 2. Recreational Vehicle (RV) Park (53 +/- acres)
- 2 3. Organic and Tree Recycling Facility (10.12-acres)
- 3 4. Sand Mining and Borrow Pit Operation (40 acres) as described in Exhibit "A" and shown on
- 4 Exhibit "B".
- 5 5. Accessory uses directly associated with the above uses may be approved by the County
- 6 Manager or designee. Any other use of the site will require approval of an amendment to this
- 7 Ordinance by the Board of County Commissioners.

8 **Section 3. Specific Conditions.**

- 9 A. Great Scott RV Park (53+/-acres) Exhibit "B": 250 total RV/cabin sites consisting of the following
- 10 percentages of uses:
 - 11 1. 55% Recreational Vehicle (RV) sites:
 - 12 a. RV Parking spaces must be a minimum of 2,400 square feet in size consistent with the Land
 - 13 Development Regulations (LDR), as amended
 - 14 2. 22% Cabin Sites:
 - 15 a. Typical site dimension of 3,500 SF (minimum)
 - 16 3. 23% Primitive Camp Sites:
 - 17 a. Primitive camping is defined as "camping without electrical and gas-powered equipment and
 - 18 apparatus"
 - 19 b. Typical site dimension of 2,100 SF (minimum)
 - 20 c. Maximum occupancy of two tents per site
 - 21 d. Bathhouse (Maximum of 3)
 - 22 4. Pool (1) and recreational area to include facilities for tennis, racket ball, volleyball, pickleball,
 - 23 shuffleboard, basketball, and playground equipment
 - 24 5. Administrative building (1) and Entrance Guard House (1)
 - 25 6. Package sewage treatment plant (1)
 - 26 7. caretaker's residence (1)
 - 27 B. Gaston Organic Debris and Tree Recycling (10.12-acres) Exhibit "C":
 - 28 1. Organic Processing and Tree Recycling Facility (agriculture use) is limited to a period of one (1)
 - 29 year from the site plan approval date.
 - 30 2. The Applicant shall submit a request and report to the Planning and Zoning Office on the site
 - 31 plan anniversary date for presentation to the Board of County Commissioners to obtain approval
 - 32 for continued use of the Organic Processing and Tree Recycling Facility for an additional five (5)
 - 33 years.
 - 34 3. Organic Processing and Tree Recycling Facility Hours of Operation: 7:30 a.m. to 5:30 p.m.
 - 35 4. Organic Processing and Recycling Facility shall be screened along the sides of parcels owned
 - 36 by others.
 - 37 5. Biosolids are prohibited. Biosolids are defined as liquid, semisolid, and solid fractions of the
 - 38 treatment waste stream from a domestic wastewater treatment facility.
 - 39

- 1 C. Sand Mine and Borrow Pit Use (40-acres) Exhibit "D": The sand mine shall require approval by County
2 staff of an Operating Plan that will include the following prior to commencement of mining operations:
- 3 1. A site layout of the mining operation of structures, stormwater management, access,
 - 4 2. parking area, and open space area.
 - 5 3. Tree Removal Permit and Reclamation Plan.
 - 6 4. Noise Study
 - 7 5. Traffic Study and Management Plan
 - 8 6. Haul Plan
- 9 **D. Sand Mine and Borrow Pit General Standards:**
- 10 1. **Permits and Approvals.** All appropriate Water Management District and Florida Department of
11 Environmental Protection (FDEP) permits shall be obtained prior to commencement of sand
12 mining activities on the site and shall be kept current.
 - 13 2. **Agency Approvals.** All mining activities shall be conducted in accordance with all applicable
14 federal, state, regional and local laws, ordinances, rules and regulations, as amended.
 - 15 3. **Consistency with Operating Plan.** All mining and other activities shall be consistent with the
16 Lake County Code, LDR, the Lake County Comprehensive Plan (Comp Plan) and the approved
17 Operating Plan.
 - 18 4. **Best Management Practices.** All mining and operational activities shall employ best
19 management practices.
 - 20 5. **Phasing.** The mining activities shall be conducted in a single phase.
 - 21 6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 4 feet in height within
22 200 feet of the property line. No spoil or other excavated materials shall be placed within the
23 setbacks.
 - 24 7. **Air Quality.**
 - 25 a. The mining activity shall be conducted to prevent, reduce and control the generation and off-
26 site migration of fugitive dusts and particles. All areas in which such dusts or particles may
27 be generated shall be kept wet or controlled in another manner to reduce the potential for
28 their Off-Site migration.
 - 29 b. The Permittee shall cease all operations which do not meet the requirements of the Air
30 Quality section of the LDR, as amended, and the Operating Plan, upon notification by Lake
31 County.
- 32 **E. Setbacks:**
- 33 Great Scott RV Park Use:
- 34 1. Recreational Vehicles:
 - 35 a. All recreational vehicles (RV) must maintain a 10-foot setback from other RVs and open
36 adjacent spaces.
 - 37 b. All recreational vehicles (RV) must maintain a 10-foot setback from interior surface roads.
 - 38 c. Property adjacent to federal, state or County highways must maintain a minimum setback of
39 fifty (50) feet from the highway right-of-way for any recreational vehicle space.
- 40

- 1 2. Cabin Sites:
- 2 a. Cabins (structures) must be located 10-feet from internal roadways.
- 3 3. Commercial and Accessory Buildings:
- 4 a. Commercial buildings and accessory buildings must be setback 150-feet from any
- 5 perimeter paved surface public road or highway.
- 6 b. Commercial buildings and accessory buildings must be setback 10-feet from interior
- 7 surface roads.
- 8 **F. Sand Mine-Borrow Pit Use:**
- 9 1. A minimum 200-foot setback shall be established along all property lines.
- 10 2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the initiation
- 11 of any phase of excavation and shall remain in place until sand mining activities are completed.
- 12 3. All setbacks shall be permanently marked in a manner that they will be clearly visible to
- 13 equipment operators. Such markers shall be shown on the Operating Plan and shall be spaced
- 14 at no more than 100 feet in areas being excavated.
- 15 4. A 50-foot setback to all wetland areas will be established pursuant to the Comprehensive Plan
- 16 and LDR, as amended. A conservation easement of the wetland areas will be required should
- 17 the Permittee become the property owner.
- 18 **G. Vegetation, Landscaping, Buffering, Berm, and Screening.**
- 19 1. The required operating plan shall specify the manner of revegetation, landscaping, buffering,
- 20 berm installation and screening to demonstrate impact mitigation to adjacent properties in
- 21 accordance with the LDR, as amended.
- 22 **H. Open Space.** Prior to or in conjunction with approval of the Operating Plan, open space shall be
- 23 provided as specified below.
- 24 1. Rural Future Land Use Category Area: 35%, minimum
- 25 **I. Reclamation Standards:**
- 26 1. Reclamation Plan - A Reclamation Plan, conforming to the mining reclamation requirements of
- 27 the LDR shall be filed with the Operating Plan. The reclamation plan shall fully describe the
- 28 proposed site reclamation by both illustration and documentation, and including but not limited
- 29 to:
- 30 a. A revegetation plan showing plan view with cross sections, final slopes/contours, vegetative
- 31 plantings, stormwater retention areas, etc. shall be submitted.
- 32 b. All areas to be reclaimed by depicting and describing what man-made and natural features
- 33 will exist when the reclamation plan is completed.
- 34 c. A contour map and two (2) typical cross sections, generally oriented north to south and east
- 35 to west, showing areas to be filled, backfilled, reconstructed, and reshaped.
- 36 d. Identification of the size, type, location, and planting schedule for all vegetation to be planted
- 37 or seeded in accordance with the reclamation plan.
- 38
- 39
- 40

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

16 **J. Protection of Water Resources:**

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

29 **K. Protection of Karst Features and Other Environmental Considerations:**

- 30 1. A hydrology study shall be submitted with the Operating Plan that identifies any karst features
31 within the property.
- 32 2. Karst features shall be avoided and protected from sand mining or any development activity, and
33 any future development of the property shall comply with the requirements of the Comp Plan and
34 LDR, as amended.
- 35 3. Karst features shall be maintained in their natural function, integrity and structure.
- 36 4. Impervious development shall be set back from the boundary of karst features a minimum of 100
37 feet. The setback shall consist of a buffer that retains all-natural vegetation within the setback
38 area.
- 39 5. A current Environmental Assessment (EA) prepared within six (6) month of the required operating
40 plan submittal, to demonstrate the presence of endangered, threatened or species of special
41 concern of both flora and fauna. The EA must address species protection and/or mitigation
42 demonstrated by providing the appropriate jurisdictional agency permit prior to commencement
43 of sand mining operations or development activity.

44

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

4 **M. Transportation Improvements and Access Management.**

- 5 1. Site access onto County Road 448A will be shared with the north parcel.
6 2. All access management shall be in accordance with the Comp Plan and LDR, as amended.

7 **N. Haul Operation**

8 1. Permit. A haul permit and agreement shall be required prior to any material leaving the site. A
9 hauling fee will also be required in the amount of \$.020 per cubic yard of material hauled offsite
10 retroactive to the commencement of hauling activities estimated as April 2020. The hauling fee is
11 for the purpose of mitigating the impacts long-term hauling will have on pavement structure and
12 surface of roads along the haul route. Records will be provided to the Lake County Public Works
13 Department on a monthly basis (due no later than the 10th day of the month following) that
14 documents the number of truckloads and the volume of material hauled on a daily basis. The
15 retroactive payment, retroactive documentation and first payment shall be remitted within ten (10)
16 days of the effective date of this Ordinance. Subsequent payments shall be made on a monthly
17 basis and remitted with the monthly records. Safety measures may also be required and will be
18 set forth in the Haul Permit. The Public Works Director is hereby delegated authority to execute
19 the Haul Permit without further approval of the Board. Any hauling of material to or from the
20 Project by the Permittee and its agents will be done in accordance with the terms and conditions
21 of this Permit, and the parties agrees as follows:

22 a. During the Hauling Period, the Permittee and its agents may haul material to or from the
23 Project by utilizing County Road 448 (Sadler Ave) east towards US 441, as and shown on
24 the Haul Route, attached as Exhibit "c" and incorporated herein. The authorization
25 provided in this Permit only applies to the hauling by Permittee and its agents on the
26 Affected Roads.

27 b. Vehicles used by the Permittee and the Permittee's agents shall not exceed standard weight
28 limits established by the State of Florida for its appropriate vehicle classification. Any
29 bridges that are on the haul route must be evaluated by the Permittee to determine whether
30 the haul vehicles will be operated within the allowable bridge weight rating. If haul vehicles
31 will exceed the allowable bridge loading, the Permittee must provide a structural engineering
32 analysis regarding the number of expected haul trips to determine if the bridge will be
33 damaged and is safe for the truck operation. The analysis will comply with State of Florida,
34 Department of Transportation (FDOT) requirements for such analysis, as applicable.

35 c. The Permittee and it agents shall only deliver to the Project, move and/or load and remove
36 material from the Project on the Affected Roads in accordance with the Hours of Operation
37 stated below.

38 d. Hours of operation for sand mining and borrow activity: Monday through Saturday from 6:00
39 am to 7:00 pm, only.

40 e. The Permittee and its agents shall not exceed 240 Trips per Day on to the County Road
41 system in a single 24-hour day. A roundtrip is defined to mean one (1) truck entering and
42 leaving the Project. Hauling on the Affected Roads by the Permittee and its agents is limited
43 to Monday through Friday and shall not occur, Sundays, or federal holidays: New Year's
44 Day, Birthday of Martin Luther King, Jr., President's Day, Memorial Day, Independence
45 Day/4th of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas
46 Day. Trucks are not permitted to park, stop, or impede traffic on any of the Affected Roads

- 1 while waiting for the Project site to open, or while waiting to deliver or be loaded during the
2 permitted hours.
- 3 f. Any changes to the Haul Route, a copy of which is attached to the Permit as Exhibit "E",
4 shall require an amendment to this Permit prior to such changes being allowed. If requested
5 by the Director of Lake County Public Works, the Permittee will install and maintain
6 additional signage and devices, at Permittee's expense, at the requested locations. The
7 County retains full authority to regulate all road signage on roadways, including but not
8 limited to, adding or removing signage as it deems necessary.
- 9 g. The Permittee agrees to implement and maintain soil tracking devices and wash down from
10 the point of access of the Project at a location designated by the COUNTY, prior to entering
11 onto County Road.
- 12 h. The Permittee shall be solely responsible for obtaining any other local, state and federal
13 approvals, including any permits or approvals from FDOT or Orange County, if applicable, for
14 hauling material via state-maintained highways or other public roads.
- 15 2. Roadway Projects. Require a \$ 4,000 annual fee for maintenance for the county to sweep,
16 cut shoulders, and re-sod as needed to the County Road system.
- 17 3. Indemnification. The Permittee, its successors and assigns, shall, to the fullest extent
18 permitted by law, defend, indemnify, and hold harmless the County, its officials, agents, and
19 employees from and against any and all claims, suits, judgments, demands, liabilities,
20 damages, cost and expenses (including attorney's fees) for personal injury, bodily injury,
21 property damage, or other liability of any kind or nature whatsoever arising directly out of, or
22 caused in whole or in part by any act or omission relating to the hauling or this Permit by the
23 Permittee, its agents or employees, or any contractor employed by the Permittee, or anyone
24 directly or indirectly employed by them, or anyone for whose acts any of them may be liable,
25 excepting only those acts or omissions arising out of the sole negligence of the County.
- 26 4. Additional Records. The Permittee agrees to provide the County, at the County's written
27 request, records held by the Permittee related to hauling on the Affected Roads, including
28 records indicating number of truckloads and cubic yards hauled or to be hauled.
- 29 5. Additional Restrictions. Nothing within this Permit authorizes, grants, or otherwise allows the
30 Permittee, its successors and assigns to stockpile additional fill, sand, soil, or rock on the
31 Project Site or any other property owned by the Permittee. The Permittee acknowledges that
32 approval of this Permit does not act as an approval by the County for Permittee, its successor,
33 assigns, and agents, to conduct exaction or mining on the Project Site.
- 34 6. Enforcement; Remedies. Except as otherwise provided herein, the parties shall have all
35 equitable and legal remedies available under Florida law to enforce the terms and conditions
36 of this Permit, and the terms of this Permit shall be specifically enforceable in court.
- 37 7. Exhibit List. The following attachments are attached hereto and by this reference made a
38 part of this Permit:
- 39 Exhibit "D" Project Site
40 Exhibit "E" Proposed Haul Route

41 **O. Stormwater and Floodplain Management.**

- 42 1. The stormwater management system shall be designed in accordance with applicable FDEP, St.
43 Johns River Water Management District (SJRWMD) requirements, the Comp Plan, and LDR, as
44 amended.

- 1 2. The developer shall be responsible for any flood studies required for developing the site and
2 comply with Federal Emergency Management Agency (FEMA), Comp Plan, and LDR, as
3 amended. Any development within the floodplain as identified on the FEMA maps will require
4 compensating storage.

5 **P. Financial Responsibility:**

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

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

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

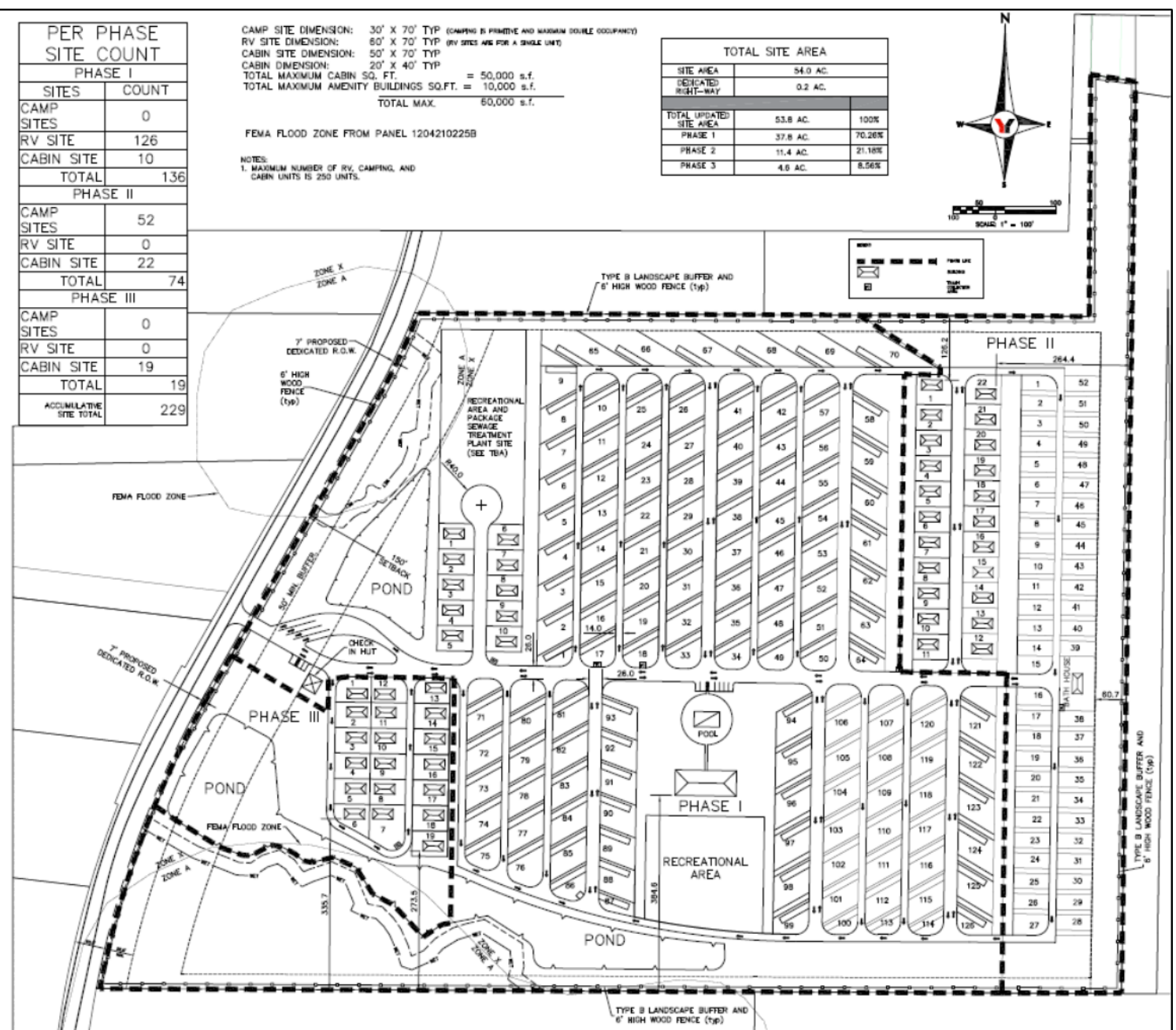
37 **Section 4. Additional conditions of this permit shall include the following:**

38 **A.** In the event of any breach in any of the terms or conditions of this permit/ordinance or any default or
39 failure of the Permittee or his successor to: Fulfill development in substantial accordance with the
40 conceptual plans as submitted to the Planning & Zoning Board and the Board of County
41 Commissioners; comply with the codes of the governmental agencies having lawful and appropriate
42 jurisdiction thereon; or comply with any of the terms of the Mining Conditional Use Permit/Planned
43 Unit Development Ordinance, including the submission of required development applications; or this
44 Mining Conditional Use Permit is found to become a nuisance or safety hazard, the permit may be
45 revoked after due Public Hearing before the Planning & Zoning Board and the Board of County
46 Commissioners, or may be rescinded upon annexation to a municipal jurisdiction.

EXHIBIT "A" – LEGAL DESCRIPTION

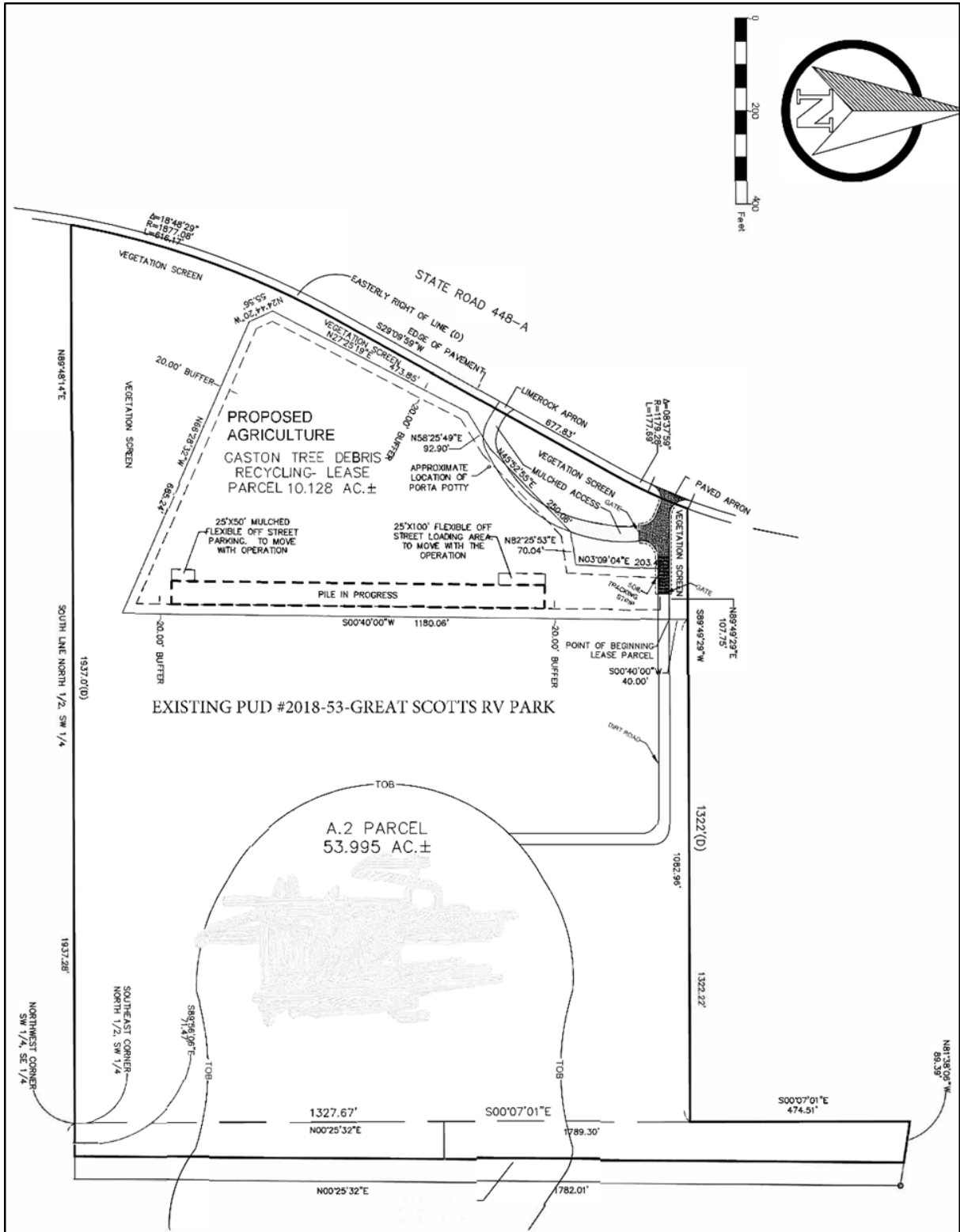
1
2 AK#3801708
3 FROM SE COR OF NE 1/4 RUN N 0-14-57 W 75.52 FT, N 81-38-06 W TO E'LY LINE OF CSX RR R/W FOR POB,
4 CONT N 81-38-06 W TO W'LY LINE OF CSX RR R/W, S ALONG SAID W'LY LINE OF RR R/W TO S LINE OF N 1/2
5 OF SE 1/4, E TO E'LY LINE OF SAID RR R/W, N ALONG SAID E'LY LINE OF RR R/W TO POB ORB 1993 PG 1873
6
7 AK#3874658
8 BEG AT SE COR OF NE 1/4, RUN N 0-14-57 W 75.52 FT, N 81-38-06 W 2688.03 FT TO W LINE OF NE 1/4, S 0-07-
9 01 E ALONG W LINE OF NE 1/4 A DIST OF 474.71 FT TO SW COR OF NE 1/4, S 89-49-29 W 1322 FT TO E'LY R/W
10 LINE OF SR 448-A, S'LY ALONG SAID E'LY R/W OF SR 448-A TO S LINE OF N 1/2 OF SW 1/4, N 89-48-14 E ALONG
11 S LINE OF N 1/2 OF SW 1/4 A DIST OF 1937 FT TO SE COR OF N 1/2 OF SW 1/4, S 89-56-06 E 420.64 FT TO A
12 POINT THAT IS 300 FT E'LY OF E R/W LINE OF SCL RR, S 0-25-32 W PARALLEL WITH THE SAID SCL RR R/W
13 1326.34 FT TO S LINE OF SEC & PT B, RETURN TO POB, RUN S 0-20-29 W 2677.49 FT TO SE COR OF SE 1/4, N
14 89-50-15 W ALONG S LINE OF SAID SEC A DIST OF 2245.44 FT TO PT B--LESS S 278.30 FT & LESS RR R/W--
15 ORB 3726 PG 1532
16

EXHIBIT "B" - GREAT SCOTT'S RV PARK CONCEPT PLAN



1

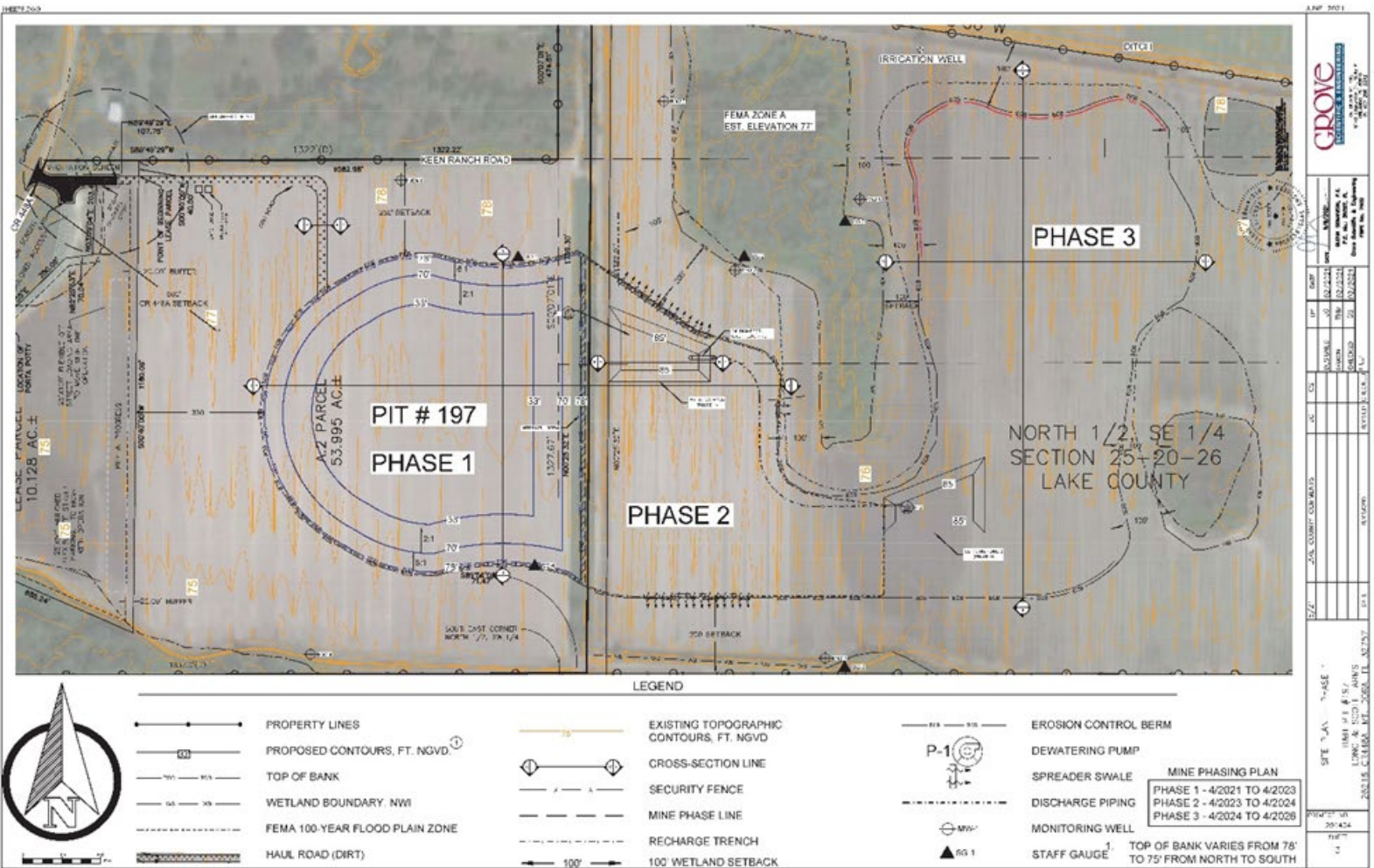
EXHIBIT "C" – GASTON TREE DEBRIS RECYCLING CONCEPT PLAN



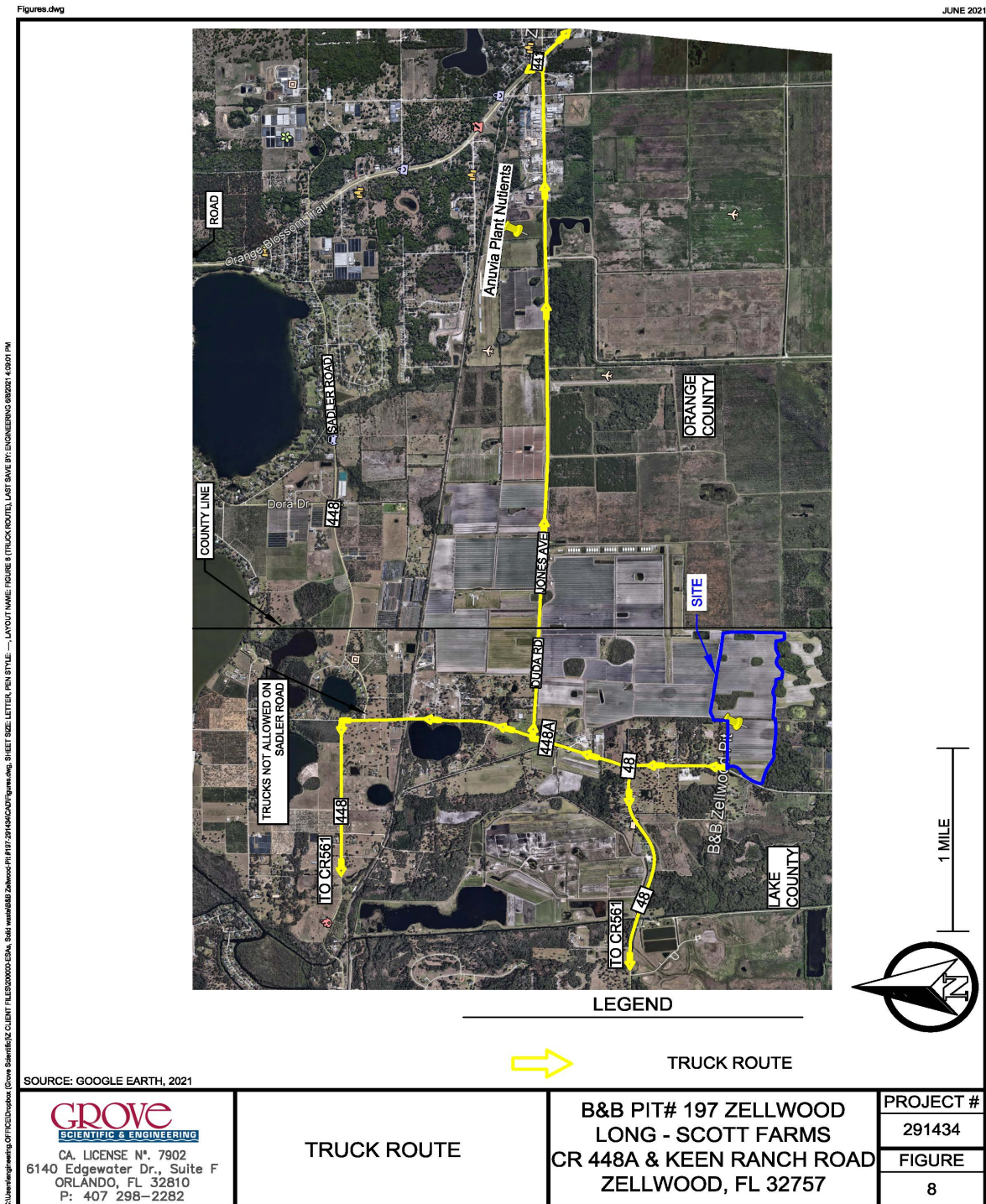
2

3

EXHIBIT "D" – BISHOP AND BUTTREY SAND MINE AND BORROW PIT



1 **EXHIBIT "E" – BISHOP AND BUTTREY SAND MINE AND BORROW PIT TRUCK HAUL ROUTE**



2