



MINING CONDITIONAL USE PERMIT  
STAFF REPORT  
OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): March 1, 2023  
Board of County Commissioners (BCC): April 4, 2023

Case No. and Project Name: MCUP-22-01-1, Rubin Groves Sand Mine

Owner / Applicant: Rubin Groves of Clermont III & IV, LLC

Requested Action: Establish a 10 +/- acre sand mine on a 136 +/- acre parcel within the Agriculture (A) zoning district.

Staff Determination: Staff finds the request consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Emily W. Johnson, AICP, Chief Planner

PZB Recommendation:

**Subject Property Information**

Size: 136 +/- acres (10 +/- acre development area)

Location: West of US 27, south of County Road 474, in the unincorporated South Lake County area.

Alternate Key No.: 1412501 and 3925069

Future Land Use: Green Swamp Rural Conservation (Attachment "A")

Current Zoning District: Agriculture (A) and Planned Unit Development (PUD) [PUD Ord. #2021-14] (Attachment "B")

Flood Zone: "A" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern

**Adjacent Property Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Vacant, Residential, and Sand Mine	Large Vacant Agriculture Tract, Single Family Residence on Large Tract, and Existing Sand Mine (Bishop & Buttrey), adjacent to CR 474.

Direction	Future Land Use	Zoning	Existing Use	Comments
South	Green Swamp Rural Conservation	Agriculture (A)	Vacant	Large Vacant Agriculture Tract With Wetlands
East	Green Swamp Rural Conservation, Green Swamp Ridge, and Green Swamp Rubin Groves	Planned Unit Development (PUD)	Vacant and Mixed-Use Planned Unit Development	Large Vacant Agriculture Tract, Camden Park Subdivision (PUD Ord. #2019-68), and Rubin Groves (PUD Ord. #2021-14)
West	Green Swamp Rural Conservation	Agriculture (A)	Vacant	Large Vacant Agriculture Tract With Wetlands

**- Summary of Analysis -**

The 136 +/- acre property is generally located west of US 27 and south of County Road 474, in the unincorporated South Lake County area. The subject properties are zoned Agriculture (A) and Planned Unit Development (PUD) in accordance with PUD Ordinance #2021-14, and designated as Green Swamp Rural Conservation Future Land Use Category by the 2030 Comprehensive Plan.

The Mining Conditional Use Permit (MCUP) application proposes to establish a new sand mine on approximately 10-acres of the overall 136 +/- acre property. The Concept Plan (Attachment “C”) reflects that sand mining activities will take place entirely within 10 acres of Alternate Key #1412501, with the remainder of the overall acreage to be set aside as open space. Access is proposed directly from County Road 474; the applicant submitted a driveway apron connection permit to the Department of Public Works on February 6, 2023.

The MCUP application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO withholds the ability to appeal any process, pursuant to Section 380.05, Florida Statutes.

**- Analysis -**

LDR Section 14.05.03 (Standards for Review)

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

Comprehensive Plan Policy I-1.2.2, “Consistency between Future Land Use and Zoning”, Table FLUE 2 – Future Land Use Element Categories Table, requires a minimum of eighty (80) percent open space for property designated as Green Swamp Rural Conservation Future Land Use. The conceptual plan attached to the proposed ordinance shows the areas of the property set aside to comply with this open space requirement. A condition is included in the proposed ordinance to ensure this requirement is met.

The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-7.5.10, “Natural Resource Extraction,” which requires a conditional use permit for mining. The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-4.2.4, “Green Swamp Rural Conservation Area Future Land Use Category (FLUC)”, which allows sand mining, subject to Green Swamp policies and regulations.

The application contains a preliminary geotechnical evaluation containing hydrogeological details pursuant to the requirements of Comprehensive Plan, Conservation Element Objective III-3.5, “Mining and Borrow Pits” to demonstrate the effect of mining activity on aquifer protection zones. The submission of this report is consistent with LDR Section 6.06.01.J and Section 8.01.03.A.1, regarding the protection of environmental resources, which state that the County shall continue to evaluate and enforce its Land Development Regulations relative to mining, including criteria of restoration,

reclamation and mitigation plans.

The proposed use is indicated in LDR Table 3.01.03, which specifies the allowance of Mining and Quarrying in the Agriculture zoning district with a Conditional Use Permit. The request for the proposed sand mine expansion is consistent with LDR Section 3.01.02.B.8, 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, clay, gravel, etc. and peat and muck recovery and processing.

Mining, excavation and their related activities have been found to “contribute substantially to the economic stability of Lake County” as stated in LDR Section 6.06.01.A.6. The application is also consistent with LDR Section 6.06.02.C.1.a, Mining Operation Standards, which requires a two-hundred (200) foot setback from churches, schools, parks, hospitals, residentially zoned property and property used for public purposes and one-hundred (100) foot setback from all other property lines.

The proposed ordinance contains conditions in accordance with LDR Section 6.06.03.C.6.b, Mining Conditional Use Permits Term, which indicates should mining activities not commence within three (3) years from the date that the Board grants Mining Conditional Use Permit approval, the Mining Conditional Use Permit shall expire unless extended. Extension of approval of the Mining Conditional Use Permit shall be requested in writing by the applicant prior to the expiration of the Mining Conditional Use Permit approval and may be extended for a period of up to three (3) years upon approval by the Board.

Central Testing Laboratory, a third-party consultant contracted to provide services to Lake County, reviewed the application for consistency with LDR, Section 6.06.00 for mining use, and concluded that the data included with the application was consistent with standard industry practices and follows the general outlines for requirements set forth by the LDR, and is sufficient to satisfy the MCUP review process (Attachment “D”).

The proposed mining use is an allowable use pursuant to LDR Section 8.01.05, which specifies sand mining as an allowable use within the Green Swamp Area of Critical State Concern.

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

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

The proposed sand mine is located on the opposite side of County Road 474 from the existing Bishop & Buttrey sand mine (MSP #03/4/1-2 approved by Ordinance #2003-64 on July 22, 2003). The proposed MCUP ordinance will implement conditions consistent with other previously approved MCUP ordinances to ensure that the proposed mining operations will likely not cause additional undue adverse impacts upon nearby properties.

### **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, consistent with LDR Section 6.06.02.C.1.a.

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

The properties lying north across County Road 474 have been previously approved for sand mine activity (MSP #03/4/1-2 approved by Ordinance #2003-64 on July 22, 2003), and the adjacent parcels are vacant and largely wetland area. While adverse noise and visual impacts to adjacent neighbors are not anticipated, a noise assessment will be required at the time of site plan submittal to confirm potential noise levels. Additionally, a one-hundred (100) foot perimeter landscape buffer consistent with LDR Section 6.06.02.C.1.a shall be required to screen the adjoining properties and roadway, to minimize potential impacts and potential incompatibility.

### **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.**

It is not anticipated that the request will interfere with the neighboring properties as the existing Bishop & Buttrey sand mine (MSP #03/4/1-2 approved by Ordinance #2003-64 on July 22, 2003) is currently operating on the parcels located to the north, lying across County Road 474. Additionally, the adjacent parcels to the west, east, and south of the subject property are vacant and largely wetland area. A one-hundred (100) foot perimeter landscape buffer to screen the adjoining properties and roadway shall be required, to minimize potential impacts and incompatibility, consistent with LDR Section 6.06.02.C.1.a.

**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.**

Water and Sewage

The proposed request is not anticipated to adversely impact water and sewer services.

Schools

The proposed request is not anticipated to adversely impact schools.

Parks

The proposed request is not anticipated to adversely impact parks.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

The proposed request is not anticipated to adversely impact transportation levels of service.

**D. Adequacy of Fire Protection.**

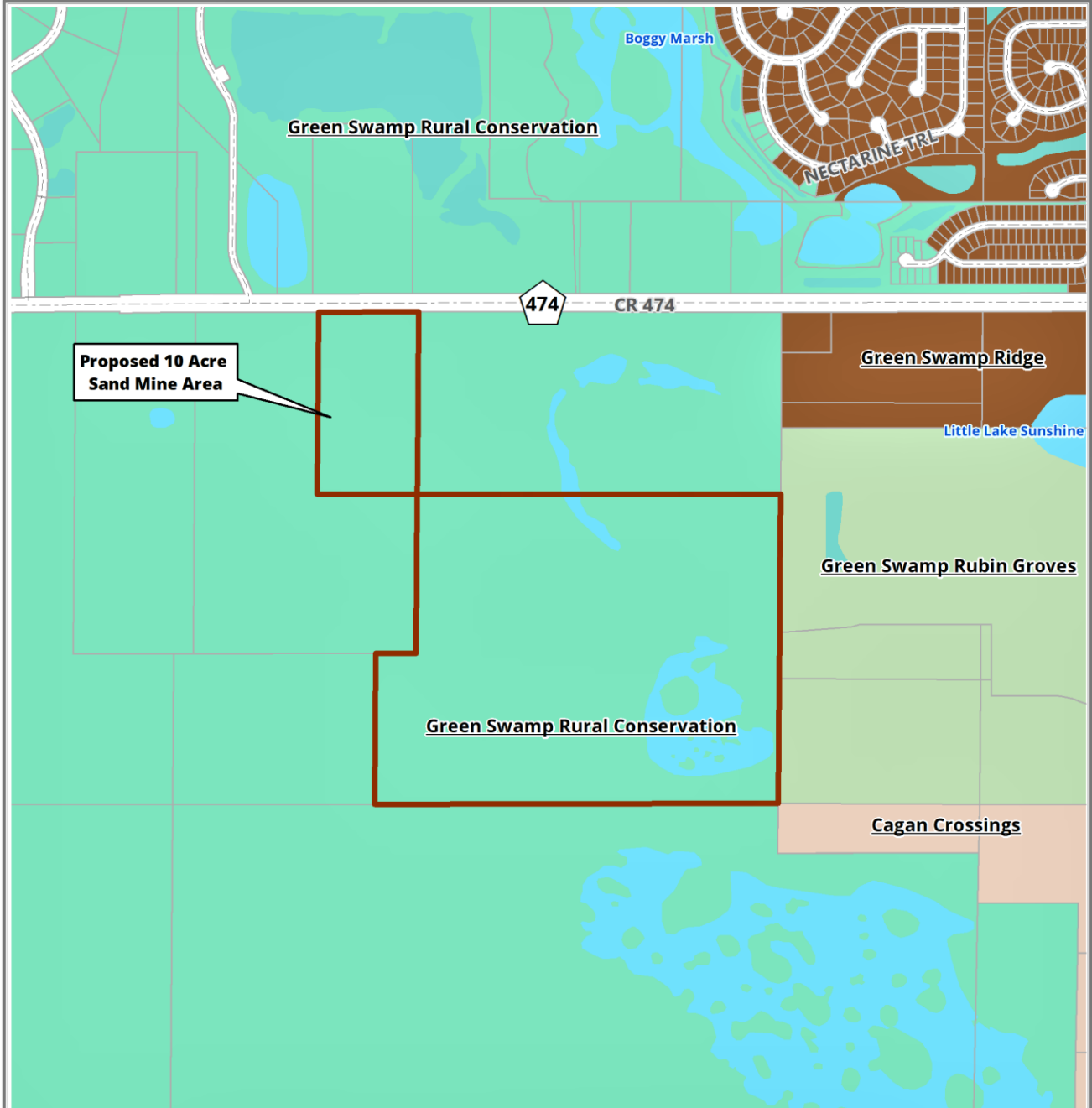
**The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

Lake County Fire Station 112 is located less than one (1) mile east of the subject property at 16240 County Road 474, Clermont. Should the MCUP be approved, fire protection water supply and emergency access will be addressed during the review of the operating permit application.



### Attachment "A" – Future Land Use Map

#### CURRENT FUTURE LAND USE

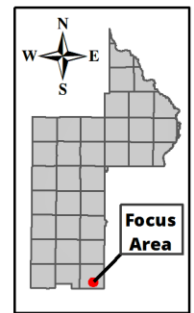


*Future Land Use*

- Cagan Crossings
- Green Swamp Rural Conservation
- Green Swamp Ridge
- Green Swamp Rubin Groves

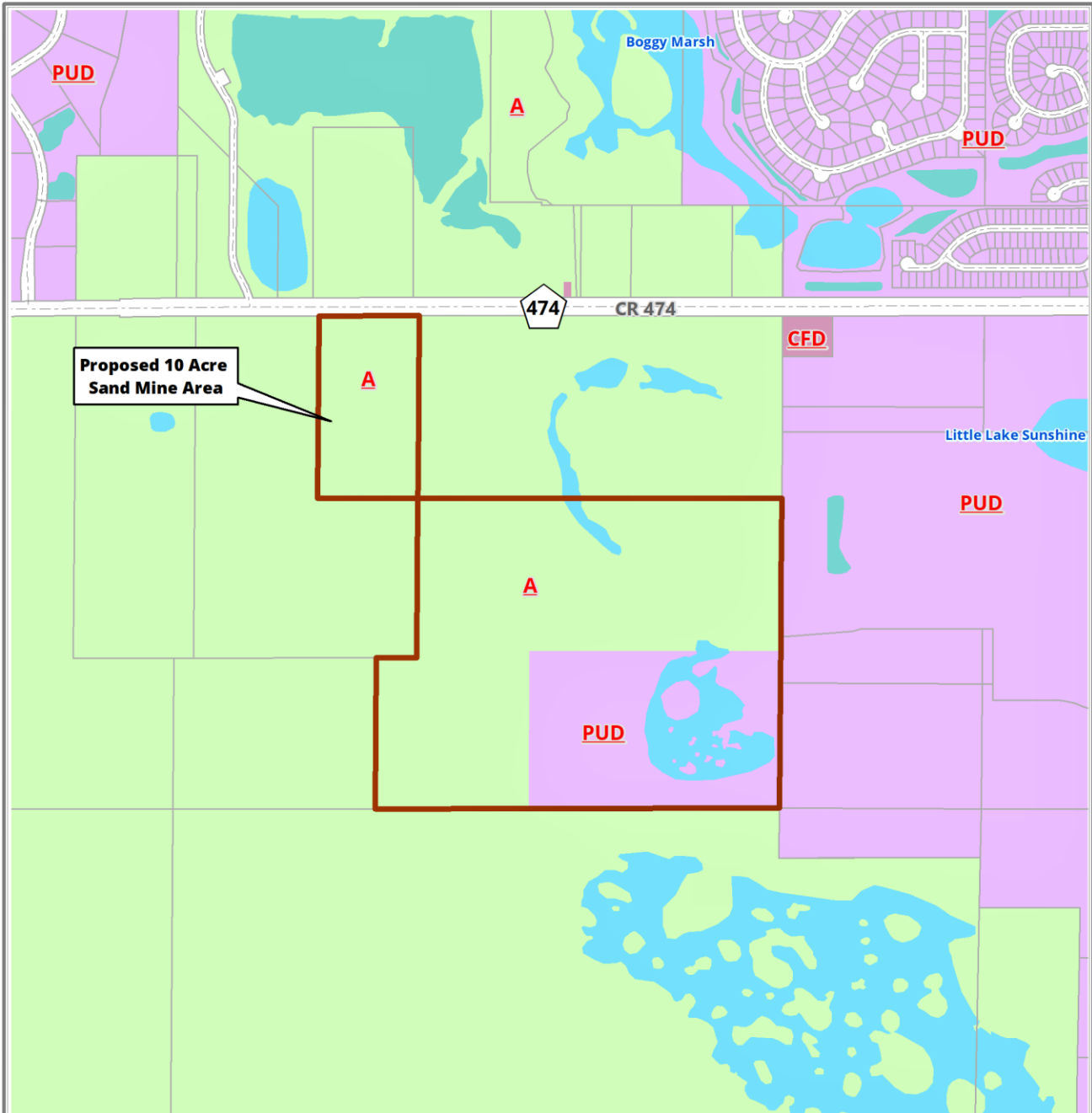
**NAME: RUBIN GROVES PROPERTY**  
**CASE NUMBER: MCUP-22-01-1**  
**LOCATION (S-T-R): 27-24-26**  
**REQUEST: ALLOW 10 ACRE SAND MINE FACILITY**

**DISTRICT: 1**



## Attachment "B" – Zoning Map

### CURRENT ZONING

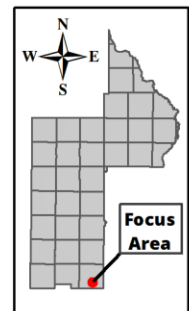


#### Zoning Legend

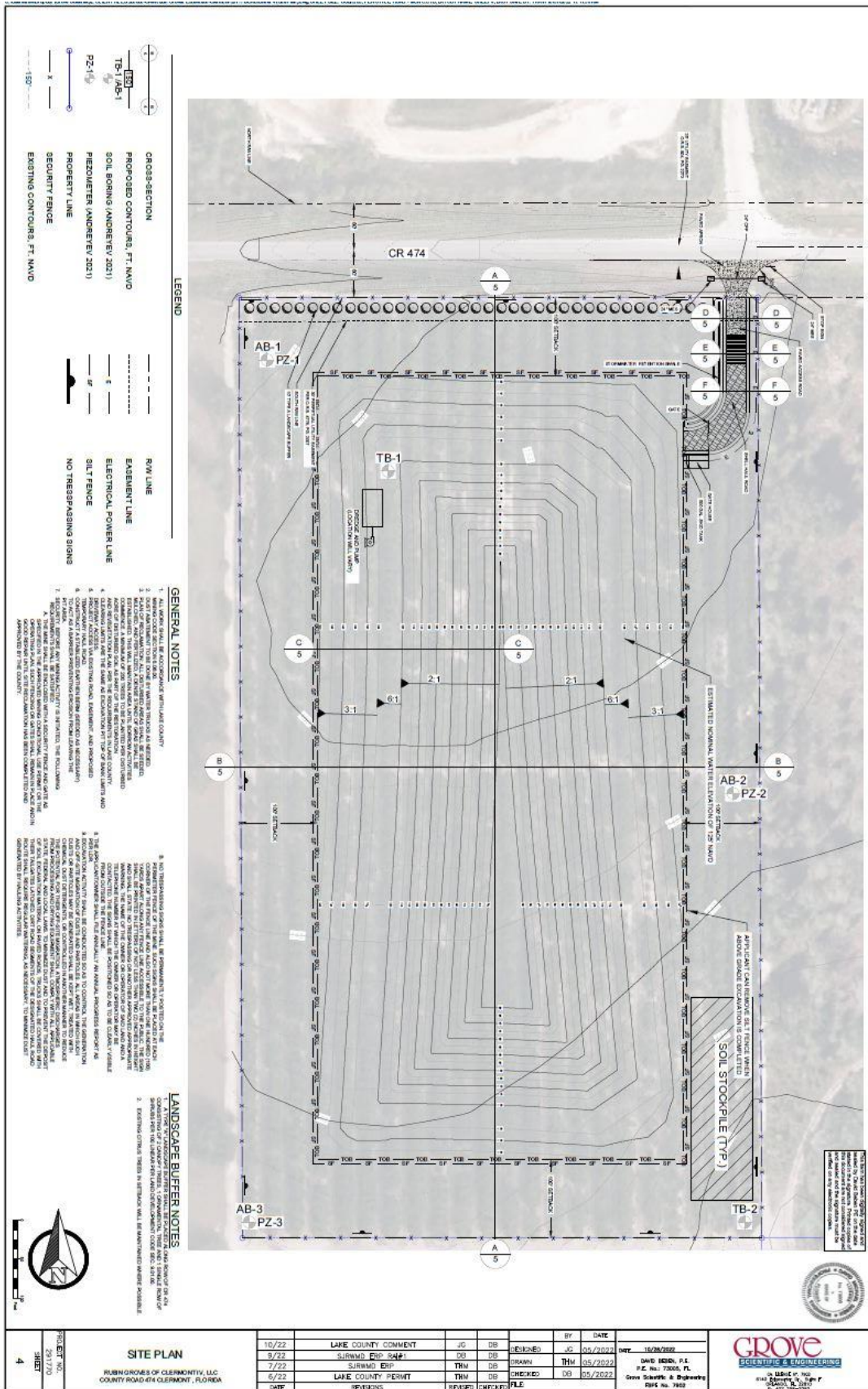
A    CFD    PUD

NAME: **RUBIN GROVES PROPERTY**  
CASE NUMBER: **MCUP-22-01-1**  
LOCATION (S-T-R): **27-24-26**  
REQUEST: **ALLOW 10 ACRE SAND MINE FACILITY**

DISTRICT: **1**



# Attachment "C" – Concept Plan





## Attachment "D" – Hydrogeological Review by CTL (Page 1 of 3)

### Central Testing Laboratory

ENGINEERING AND MATERIALS TESTING

EB 0002407

Reply to:

Leesburg

January 26, 2023

Lake County Department of Economic Growth  
Planning & Zoning Division  
P.O. Box 7800  
315 West Main Street  
Tavares, FL 32778  
(352) 343-9641  
(352) 343-9595 Fax

Attention: Emily W. Johnson  
Chief Planner  
[emily.johnson@lakecountyfl.gov](mailto:emily.johnson@lakecountyfl.gov)

Subject: Consultant Review  
Mining Conditional Use Permit (MCUP #22-01-1) Comment Letter Response  
Rubin Groves Sand Mine / Project #2022020020 - AR #4943  
CTL Project No. 2284144.201

Dear Ms. Johnson:

Central Testing Laboratory (CTL) has completed our review of the Mining Conditional Use Permit (MCUP) Comment Letter Response for the Rubin Groves Sand Mine provided by your office to CTL. The purpose of this review was to provide our opinions relating to the following:

- Review of Response to CTL Review comments presented in our report 2284144.200, dated August 18, 2022 for conformance to the requirements of Lake County Land Development Regulations Section 6.06.03 for hydrogeologic conditions.
- Review to provide our opinion of whether the information provided is sufficient for MCUP approval.

This review and report were performed and prepared by Theodore J. Strouse, P.E., Principal Engineer.

#### Identification of Documents Reviewed

The document provided for our review is identified as follows:

*Mining Conditional Use Permit (MCUP #22-01-1)-Comment Letter Response  
Rubin Groves Sand Mine, Project No. 2022020020, Application Request No. 4943, C.R. 474  
(Parcels 1412501, 3925069) Clermont, FL 34714, dated October 31, 2022, prepared by Grove  
Scientific and Engineering, GSE #291770.*

5400 S. Florida Avenue  
Inverness, FL 34450  
(352) 726-6447

130 Satellite Ct.  
Leesburg, FL 34748  
(352) 787-1268

Sumter County  
(352) 793-3110

Marion County  
(352) 622-1186

This document shall not be reproduced, except in full, without prior written approval of Central Testing Laboratory, Inc.

## Attachment “D” – Hydrogeological Review by CTL (Page 2 of 3)

Lake County Department of Economic Growth  
Planning & Zoning Division  
Proposed Rubin Groves Sand Mine  
CTL Project No2284144.201

January 26, 2023  
Page No. 2

Appendix B of the response was provided to specifically address the comments of our Hydrogeological Review report. Based on our review of the comment letter, it is CTL’s opinion that the discrepancies have been corrected, and the clarifications provided, more accurately reflect the hydrogeologic conditions presented in the AEI Preliminary Investigation Report dated October, 1 2021. Laboratory test data was used to estimate field permeability values for soils of the surficial aquifer. Based on the data and the calculations presented, it is CTL’s opinion that values appear reasonable for the soil types tested.

### Conformance Review

The Application and supporting documents reviewed were written to satisfy the requirements of Lake County Land Development Regulations Section 6 as it relates to permitting and design for the proposed development and land use.

Based on our review it is our professional opinion that the information provided follows the general outline for requirements of the Land Development Regulations. Information not included to be in conformance with the Land Development Regulations includes:

1. Permits or permit applications submitted to the Regulatory Agencies.

**Response provided:** The applicant acknowledges that this information is not included. The applicant states that the permits from Regulatory Agencies will be provided once received.

2. Water withdrawal volume, water discharge volume, and water budget for the mining operation

**Response provided:** The applicant acknowledges that the information is not included and the statement “an Environmental Resource Permit (ERP) for the site development and drainage, and a Consumptive Use Permit (CUP) for the excavation pit dewatering, must be obtained for the project from the St. Johns River Water Management District (SJRWMD). Each of these permits, and the conditions set forth therein, will ensure that the proposed soil excavation will be consistent with the LDR and compatible with its neighbors.”

3. Operating Plan or Operating Plan application

**Response provided:** The applicant acknowledges that this is not included and the statement “An Operating Permit application will be prepared upon a completed MCUP application approval.”

### Opinion of Findings

Our review of the Comment Letter Response finds that the information provided was prepared by professionals registered in the State of Florida. The responses provided and revisions made as outlined in Appendix B accurately reflects the hydrogeologic setting for the subject site based on the data presented. It is our professional opinion that the information provided may be used in the MCUP review process.

Once the permits from the Regulatory Agencies are provided, it is our opinion that the application for the MCUP will be in compliance with the Land Development Regulations from a Hydrogeological perspective.

## Attachment "D" – Hydrogeological Review by CTL (Page 3 of 3)

Lake County Department of Economic Growth  
Planning & Zoning Division  
Proposed Rubin Groves Sand Mine  
CTL Project No2284144.201

January 26, 2023  
Page No. 3

### Closure

The professional engineering opinions and comments presented in this report are based solely on the information and data provided to our office for review. CTL has not visited the site for observations, nor have we performed any subsurface exploration or tests.

CTL appreciates the opportunity to provide our services on this project. Should you have any questions concerning this report please do not hesitate to contact our Leesburg office at (352) 787-1268, by fax at (352) 728-2245 or by e-mail at [tstrouse@ctfl.com](mailto:tstrouse@ctfl.com).

Respectfully submitted,

  
Justin S. Carroll, E.I.  
Staff Engineer

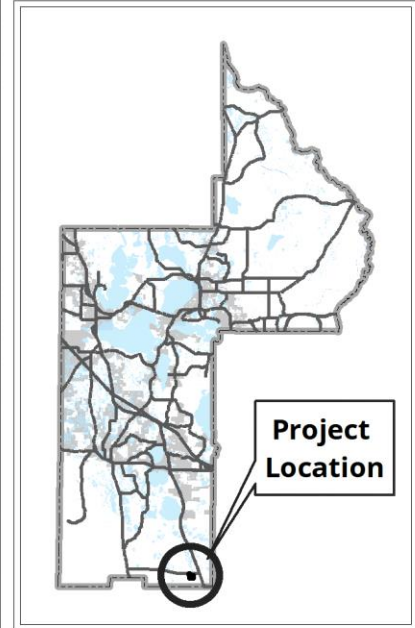
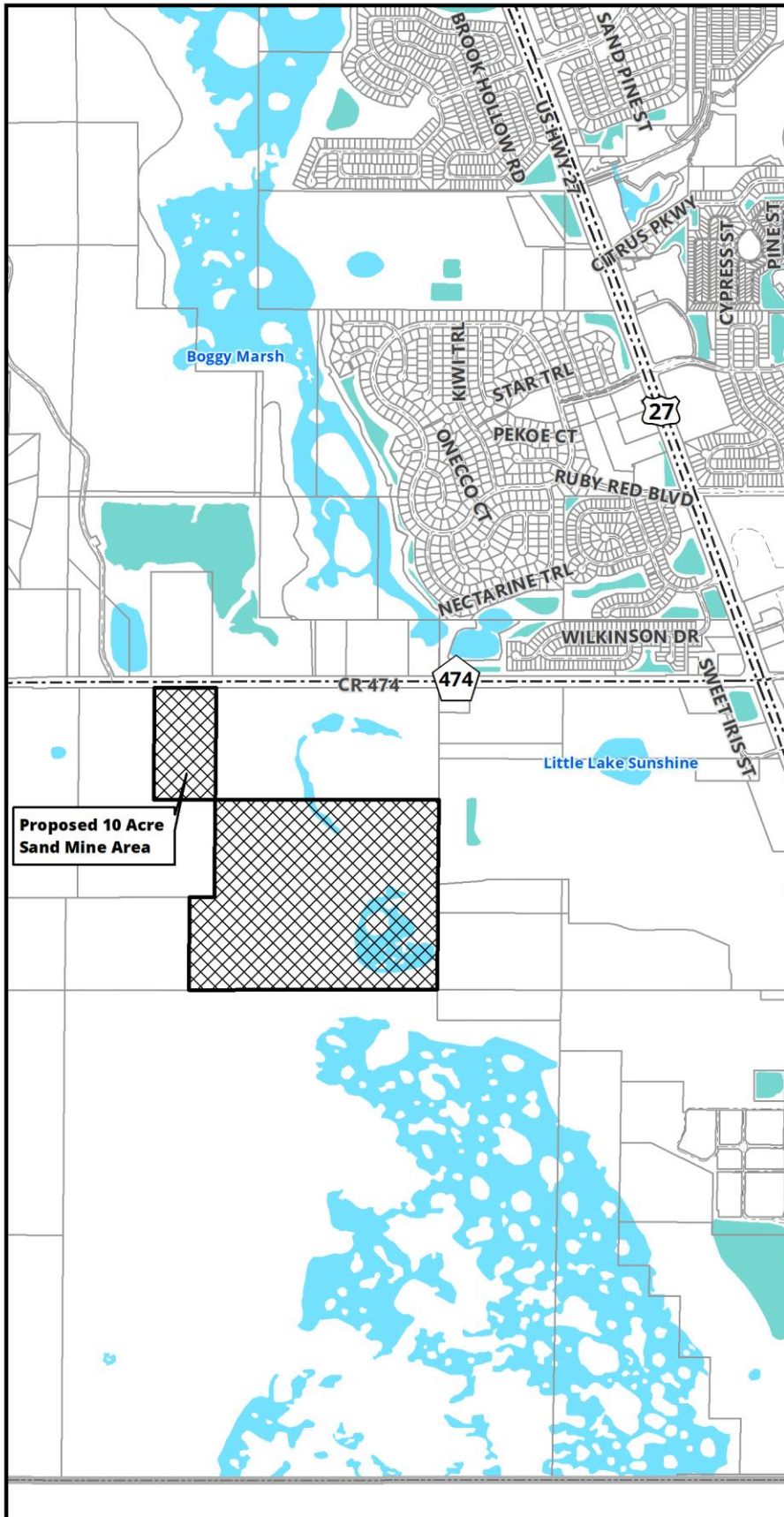


THIS ITEM HAS BEEN DIGITALLY  
SIGNED AND SEALED BY:  
**Theodore J Strouse** Digitally signed by  
Theodore J Strouse  
Date: 2023.01.27  
15:48:35 -05'00'  
ON THE DATE ADJACENT TO THE SEAL

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CENTRAL TESTING LABORATORY, INC.  
120 SATELLITE COURT  
LEESBURG, FLORIDA 34748  
CERTIFICATE OF AUTHORIZATION 2407  
THEODORE JAY STROUSE, P.E. NO. 48220

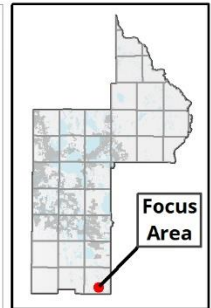
### Subject Property Map



# Aerial Map



MCUP-22-01-1  
Rubin Groves Property



Allow 10 Acre  
Sand Mine Facility

Legend

 Green Swamp Area

**ORDINANCE #2023 - \_\_\_\_\_**  
**MCUP-22-01-1**  
**Rubin Groves Sand Mine**

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

3 **WHEREAS**, Rubin Groves of Clermont III & IV, LLC (the “Owner” and the “Applicant) submitted a  
4 mining conditional use permit application to establish a 10 +/- acre sand mine on a 136 +/- acre parcel within  
5 the Agriculture (A) zoning district; and

6 **WHEREAS**, the subject property consists of approximately 136 +/- acres, generally located west of  
7 US 27 and south of County Road 474, in the Clermont area of unincorporated Lake County, situated in Section  
8 27, Township 24 South, Range 26 East, consisting of Alternate Key Numbers 1412501 and 3925069, and  
9 more particularly described in Exhibit “A” – Legal Description; and

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

12 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in  
13 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance  
14 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special  
15 conditions set forth in this Conditional Use Permit; and

16 **WHEREAS**, this Mining Conditional Use Permit was reviewed by the Lake County Planning & Zoning  
17 Board on the 1st day of March 2023 and by the Board of County Commissioners of Lake County, Florida, on  
18 the 4th day of April 2023.

19 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
20 Florida, that:

21 **Section 1.** Permission is hereby granted to allow a sand mine operation facility on real property described in  
22 Exhibit “A” of this Ordinance. To the extent that there are conflicts between the Conceptual Plan  
23 (Exhibit “B”) and this Ordinance, this Ordinance will take precedence.

24 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to reflect a  
25 Mining Conditional Use Permit in the Agriculture (A) Zoning District in accordance with Land  
26 Development Regulations (LDR) Section 6.06.00 with conditions as outlined within this Ordinance.

27 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)  
28 Zoning District, the uses of the site will be allowed as specified below and generally  
29 consistent with Exhibit “B”, the Conceptual Plan.

30 1. Sand Mining Operation shall only be permitted on AK 1412501. The remaining acreage  
31 under AK 3925069 shall be designated as the open space and be permanently restricted  
32 under a Conservation Easement dedicated to the County.

33 2. Accessory uses directly associated with the above uses may be approved by the County  
34 Manager or designee. Any other use of the site will require approval of an amendment  
35 to this Ordinance by the Board of County Commissioners.

36 **Section 3. Specific Conditions.**

37 **A. Operating Plan Requirement:** The sand mine shall require approval by County staff of an  
38 Operating Plan prior to mining that includes the following:

- 1 1. Operating Plan
- 2 2. Reclamation Plan
- 3 3. Noise Study for expansion area
- 4 4. Traffic Study and Management Plan for expansion area
- 5 5. Tree Removal Permit for expansion area

6 **B. General Standards:**

- 7 1. **Permits and Approvals.** All appropriate Water Management District and Florida  
8 Department of Environmental Protection permits shall be obtained prior to  
9 commencement of sand mining activities on the site and shall be kept current.
- 10 2. **Agency Approvals.** All mining activities shall be conducted in accordance with all  
11 applicable federal, state, regional and local laws, ordinances, rules and regulations, as  
12 amended.
- 13 3. **Consistency with Operating Plan.** All mining and other activities shall be consistent  
14 with the Lake County Code, Land Development Regulations, the Lake County  
15 Comprehensive Plan and the approved Operating Plan.
- 16 4. **Best Management Practices.** All mining and operational activities shall employ best  
17 management practices.
- 18 5. **Phasing.** The mining activities shall be conducted in phases as described in the  
19 Operating Plan to expose the least amount of land surface practical at any time during  
20 the sand mine operation.
- 21 6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 40 feet in  
22 height within 200 feet of the property line or 70 feet if more than 200 feet away from the  
23 property line. No spoil or other excavated materials shall be placed within the setbacks.
- 24 7. **Hours of operation.** Hours of operation for hauls, excavation, and processing  
25 operations shall be from 7 a.m. to 7 p.m., Monday through Saturday.
- 26 8. **Air Quality.**
  - 27 a. The mining activity shall be conducted to prevent, reduce and control the  
28 generation and off-site migration of fugitive dusts and particles. All areas in which  
29 such dusts or particles may be generated shall be kept wet or controlled in another  
30 manner to reduce the potential for their Off-Site migration.
  - 31 b. The Permittee shall cease all operations which do not meet the requirements of the  
32 Air Quality section of the Land Development Regulations, as amended, and the  
33 Operating Plan, upon notification by Lake County.

34 **C. Setbacks:**

- 35 1. A minimum 100-foot setback shall be established along all property lines. A two-hundred  
36 (200) foot setback shall be established from churches, schools, parks, hospitals,  
37 residentially zoned property, and property used for public purposes.
- 38 2. Setbacks shall be permanently marked in a manner acceptable to the County prior to the  
39 initiation of any phase of excavation and shall remain in place until sand mining activities

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

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

- 6 1. Landscaping shall be provided in accordance with the Land Development Regulations
- 7 (LDR), as amended. The feasibility of vegetative seeding and/or use of native plants shall
- 8 be assessed during development review process.
- 9 2. Reclamation/Revegetation Plan shall be provided consistent with the Mining
- 10 Reclamation provisions specified in the Land Development Regulations (LDR)
- 11 requirements, as amended.

12 **E. Open Space.** A minimum of 80% open space shall be provided and shown prior to or in

13 conjunction with approval of the Operating Plan. The entirety of AK 3925069 shall be the

14 open space for this mining activity and shall permanently restricted in perpetuity in a

15 Conservation Easement dedicated to the County.

16 **F. Reclamation Standards:**

- 17 1. Reclamation Plan - A Reclamation Plan, conforming to the Mining Reclamation
- 18 Standards contained in Lake County Land Development Regulations shall be filed with
- 19 the Operating Plan. The reclamation plan shall fully describe the proposed site
- 20 reclamation by both illustration and documentation, and including but not limited to:
- 21 a. A plan view with cross sections, final slopes/contours, vegetative plantings,
- 22 stormwater retention areas, etc. shall be submitted.
- 23 b. All areas to be reclaimed by depicting and describing what man-made and natural
- 24 features will exist when the reclamation plan is completed.
- 25 c. A contour map and two (2) typical cross sections, generally oriented north to south
- 26 and east to west, showing areas to be filled, backfilled, reconstructed, and reshaped.
- 27 d. Identification of the size, type, location, and planting schedule for all vegetation to be
- 28 planted or seeded in accordance with the reclamation plan.
- 29 2. Timing. Reclamation shall commence within 90 days after completion of each phase of
- 30 excavation or within 90 days after commencement of mining activities for the next phase,
- 31 whichever is earlier. Reclamation of the area associated with any completed phase of
- 32 the mining activity shall be completed no later than two (2) years after termination of
- 33 mining in that phase. At no time shall more than two (2) phases remain un-reclaimed.
- 34 Should the sand mining operations cease for a period of three (3) years, reclamation
- 35 shall commence and be completed within a five-year period from the date of cessation
- 36 of operation.
- 37 3. Topography. Sloping and grading shall be conducted in such a manner as to minimize
- 38 soil erosion and surface water runoff and to make the land surface suitable for
- 39 revegetation. The final reclamation elevation of the site shall be as proposed by the
- 40 Conceptual Plans to be incorporated into the Operating Plan.



- 1 4. Sand mining activities shall not adversely impact the water levels or water quality of  
2 surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the  
3 boundaries of the mine.
- 4 5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species in  
5 the Lake County Land Development Regulations (LDR), as amended, or are listed by  
6 other agencies as invasive non-native species, shall be destroyed prior to completion of  
7 reclamation.
- 8 6. Reclamation shall be completed pursuant to the approved Operating Plan.

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

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

22 **H. Protection of Karst Features:**

- 23 1. A hydrology study shall be submitted with the Operating Plan that identifies any karst  
24 features within the property.
- 25 2. Karst features shall be avoided and protected from sand mining or any development  
26 activity, and any future development of the property shall comply with the requirements  
27 of the Lake County Comprehensive Plan and Land Development Regulations, as  
28 amended.
- 29 3. Karst features shall be maintained in their natural function, integrity and structure.
- 30 4. Impervious development shall be set back from the boundary of karst features a  
31 minimum of 100 feet. The setback shall consist of a buffer that retains all-natural  
32 vegetation within the setback area.

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

36 **J. Transportation Improvements and Access Management.** All access management shall  
37 be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),  
38 as amended.

39 **K. Stormwater and Floodplain Management.**

- 40 1. The stormwater management system shall be designed in accordance with applicable

1 Florida Department of Environmental Protection (DEP), St. Johns River Water  
2 Management District (SJRWMD) requirements, the Comprehensive Plan, and Land  
3 Development Regulations (LDR), as amended.

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

8 **L. Financial Responsibility:**

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

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

37 **N. Annual Progress Report:** An Annual Progress Report shall be submitted by February 1st  
38 of each year consistent with the Mining provisions specified in the Land Development  
39 Regulations (LDR), as amended. Failure to file the required annual progress report shall be  
40 grounds for suspension of the Operating Plan. An extension of time for filing may be granted  
41 by the County upon request and for good cause shown.

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

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

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

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

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

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
**FILED** with the Secretary of State \_\_\_\_\_, 2023.  
**EFFECTIVE** \_\_\_\_\_, 2023.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**KIRBY SMITH, CHAIRMAN**

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**MELANIE MARSH, COUNTY ATTORNEY**

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## Exhibit "A" – Legal Description

### Parcel A:

From the Northeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 27, Township 24 South, Range 26 East; run S  $89^{\circ}51'$  East 273.35 feet for a point of beginning; run South  $0^{\circ}01'$  West 1262 feet; thence South  $89^{\circ}51'$  East 660.6 feet; thence North  $0^{\circ}01'$  East 1262 feet; thence North  $89^{\circ}51'$  West 660.6 feet to Point of Beginning. (Less that part thereof lying within 60 feet of State Road No. S-474)

3

4 **And**

### Parcel B:

From the Northeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 27, Township 24 South, Range 26 East; run South  $89^{\circ}51'$  East 933.95 feet; thence South  $0^{\circ}01'$  West 1262 feet for a Point of Beginning; run thence South  $0^{\circ}01'$  West 1002.1 feet; thence South  $89^{\circ}59'$  East 720.15 feet; thence South  $0^{\circ}05'$  East 1043.83 feet to the South line of Section 27; thence South  $89^{\circ}52'$  East 1647.27 feet to the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ ; thence North  $0^{\circ}25'$  East 2043.52 feet; thence North  $89^{\circ}51'$  West 2383.61 feet to the Point of Beginning.

### Parcel C:

From the Northeast corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 27, Township 24 South Range 26 East; run South  $89^{\circ}51'$  East 933.95 feet; thence South  $0^{\circ}01'$  West 2264.1 feet for a Point of Beginning; thence South  $89^{\circ}59'$  East 720.15 feet; thence South  $0^{\circ}05'$  East 1043.83 feet to the South line of Section 27; thence N  $89^{\circ}52'$  West 1009.47 feet to the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence North  $0^{\circ}21'$  East 991.96 feet; thence South  $89^{\circ}51'$  East 281.19 feet; thence North  $0^{\circ}01'$  East 50.5 feet to the Point of Beginning.

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