

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

Applicant: Blackwater Creek Wetlands Mitigation, LLC, a Florida Limited Liability Company ("Applicant").

Project: Eustis Sand Mine and Wetland Restoration on Lake Norris Conservation Area, located within Lake County ("Project" or "Project Site").

Affected Roads: Lake Norris Road, County Road 44A, CR 437, CR 46A /FL46-A ("Affected Roads").

ORDER

An application for a haul permit by the Applicant was reviewed and considered by the Lake County Board of County Commissioners ("Board") in a public meeting on August 11, 2020, and it was found as follows:

FINDINGS OF FACT

1. Section 18-2 of the Lake County Code, entitled "Haul Permit", provides that an owner or owner's agent shall obtain a haul permit from Lake County ("County") and obtain approval by the Board when it is anticipated that more than 10,000 cubic yards will be hauled to or from a single project site.
2. The purpose of a haul permit is to protect the public safety and to preserve the county road system by providing limitations and by establishing a permitting process for the hauling on public roads within the jurisdiction of the County road system.
3. The Board has previously found, in Ordinance 2019-8, that there is good cause for a haul permit and that it is in the public safety, interest and convenience to develop and regulate the use of the County road system by way of the haul permit process.
4. A request for haul permit is made by way of application to the County.
5. On or about June 16, 2020, Applicant, Blackwater Creek Wetlands Mitigation, LLC, a Florida Limited Liability Company, submitted an application to Lake County for a haul permit related to the Project Site ("application"), copy of which is attached hereto as Exhibit "A".
6. In the application the Applicant provided an anticipated volume of 2,799,516 cubic yards to be hauled on the County road system from the Project Site.
7. The application listed an anticipated haul duration of 778 days.
8. The application included a proposed haul route to be used by the Applicant or Applicant's agents extending from the Project Site to CR 46A/FL-46A utilizing Lake Norris Road and the other Affected Roads listed above.
9. Lake County Department of Public Works prepared a Lake Norris Road Pavement Evaluation of the Blackwater Creek Wetlands Mitigation, LLC Haul Permit Application dated July 10, 2020 and such Evaluation was considered by the Board.

10. In summary, such Evaluation and the statements provided by the Lake County Department of Public Works Director to the Board concluded that Lake Norris Road would suffer significant and permanent damage if the Applicant was permitted to haul the volume of material stated in the application.

11. The Board considered an Engineering Evaluation of Asphalt Pavement CR 437 Rehabilitation from SR 46 to CR 44A dated July 14, 2020.

12. The Board also considered a Pavement Condition Assessment and Rehabilitation Plan CR 44A from CR 44 to SR 44 Eustis, Lake County, Florida dated October 29, 2014.

13. Based upon the above described evaluations, evaluations and assessments, the Department of Public Works requested denial of the Application's haul permit application.

14. At the August 11, 2020 Board of County Commissioner's meeting, the Board heard and considered information provided by the Applicant.

15. The Applicant stated the Applicant is bound by an agreement with the St. Johns River Water Management District ("SJRWMD"), including a fifth amendment to such agreement, which provides the Applicant the ability to haul sand along Lake Norris Road.

16. The Applicant stated that Applicant has not been provided an option or alternative by SJRWMD to use Hart Ranch Road as a haul route from the Project Site.

17. The Board heard public comments regarding the application.

18. The Board considered the history of the Project Site.

19. The Board finds that granting of the Applicant's haul permit application would not protect the public safety and would not preserve the County road system.

CONCLUSION

Based upon the above findings of fact and all other information provided to the Board regarding the Applicant's application, by a vote of 5-0 by the Lake County Board of County Commissioners, it is hereby ORDERED that the application for a haul permit submitted by Blackwater Creek Wetlands Mitigation, LLC is denied.

COUNTY

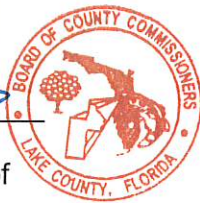
LAKE COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

Leslie Campione
Leslie Campione, Chairman

This 19th day of August, 2020.

ATTEST:

Gary J. Cooney
Gary J. Cooney, Clerk
Board of County Commissioners of
Lake County, Florida



Approved as to form and legality:

Melanie Marsh
Melanie Marsh, County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by U.S. Mail this 20th day of August, 2020, to Blackwater Creek Wetlands Mitigation, LLC, c/o Jimmy Crawford, Esq., Crawford, Modica & Holt, 702 W. Montrose Street, Clermont, FL 34711 and by email to jcrawford@cmhlawyers.com.


Sandra Lara, Paralegal