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HAND DELIVERED

July 13, 2020

Janie Barón, Senior Planner
Lake County Office of Planning & Zoning
P. O. Box 7800
Tavares 32778

Re: Mining Conditional Use Permit Application (MCUP) - White Water Farms
Project No. 2020050008, Application Request No. 4079
Alternate Key Nos. 3801484, 3801481, and 3816197

Dear Ms. Barón,

We have received the comments letter from your office dated June 16, 2020 for the referenced project. After review of your letter, we have prepared a response below which corresponds to your numbered items.

1. *Please provide the following information pursuant to LOR Section 6.06.03(8):*
a. *Contact information of the Mining operator.*

RESPONSE: See Pages 1 – 4 “Introduction” Proposed Operation and Setbacks.

- b. *Proposed commencement date of Mining activities.*

RESPONSE: Mass Grading is currently in progress.

- c. *A concept plan illustrating the dimensions and location of all existing structures, proposed structures, signs, driveways, off-street parking areas, loading areas, unloading areas, access roads, exterior walls and fences, stabilization of soils proposed for disturbance during construction.*

RESPONSE: Please see Plans. Agricultural and Mass Grading: Blueberry & Hay Production

- d. *Plans and reports showing the proposed treatment and disposal of sewage and waste.*

RESPONSE: Please see Part 2, Pages 2 – 4.

- e. *Copies of approved permits or permits required to be submitted to all state, federal, regional and local permitting agencies.*

RESPONSE: Permit applications are under Agency review and will be provided when they are received.

- f. *Wetlands alteration and mitigation plans.*

RESPONSE: There are no wetlands on the site.

g. Uplands alteration and mitigation plans.

RESPONSE: Please see Reclamation Plan – Blueberry and Hay Production

h. Map of the existing topography.

RESPONSE: Please see Plans.

i. Map of the proposed mining site.

RESPONSE: Please see Plans.

j. Existing on-site natural and manmade features on the subject parcel and within 300 feet of the proposed mine.

RESPONSE: Please see Plans. Aerial photos for project area and adjacent areas.

k. Cross-section drawing referring to NAVD 88 showing the proposed depth of the excavation area, slope of the site and depth of water.

RESPONSE: Please see Plans.

l. Hydro-geologic report of surface and groundwater conditions and the possible impact caused by the proposed activity.

RESPONSE: A Geotechnical Report was included in the previous submittal – See Part 7.

2. Please provide estimates of the total acreage of the waste storage, mining pit(s), existing and anticipated waterbodies associated with the proposed mining activity.

RESPONSE: Not applicable.

3. Please provide a schedule of the proposed sequences of the mining activity to be undertaken .

RESPONSE: See Section 4

4. Please provide a reclamation plan demonstrating the adherence to LOR Chapter 6 and LOR Chapter 9.

RESPONSE: Please see Part 4.

5. Please provide a metes and bounds legal description (word format) of the land that will comprise the entire mining operation for incorporation into the MCUP ordinance.

RESPONSE: Please see Plans. An electronic file is provided.

Environmental Review

Please submit an environmental report that identifies the location and extent of designated species as identified in the Florida Administrative Code and Florida Statutes that exists on the property which could be effected by the mining activity. The report shall address potential impacts of the proposed activity on animal and plant species and specify the protection and/or mitigation necessary.

RESPONSE: This was previously provided. Please see Part 5 of the submittal.

Public Works Department

1. *Provide the Truck Haul map for the site to the destination for the material being mined.*

RESPONSE: Please see Part 6 – Sheet 1 of 1.

2. *Provide information for hours and days of operation.*

RESPONSE: Please see Page 1-4.

3. *Provide number of trucks a day/week, estimated dirt removal, length of mining operation*

RESPONSE: Average haul trips = 50 – 75 per day. 1000 – 1500 cu.yds. Current estimated time to complete mass grading is 3 years.

4. *Access to the site is unclear as if it will be off of SR 44 or CR 46A.*

RESPONSE: Driveway connection is SR 44. No other access is proposed.

5. *Additional offsite road improvements that could consist of turn lanes maybe required.*

RESPONSE: The FDOT Permit to upgrade the existing connection is pending.

6. *Provide the hydrological study and information.*

RESPONSE: Previously provided - Part 7.

7. *Provide a conceptual map for the mining operation.*

RESPONSE: See actual Operating Plan.

8. *Additional permitting from Lake County maybe required for haul operation for the dirt within the county.*

RESPONSE: A Haul Permit will not be required for this Farm Operation/Plan.

9. *As this is the MCUP application, we will need data to support the application for mining conditional zoning. Additional items for the operating permit, if the MCUP is approved, will need to be provided related to drainage, hydrological and geotechnical.*

RESPONSE: If an Operating Plan is required, it will be submitted upon approval of the Site Plan for the Mass Grading.

10. *The mining operation will be subject to state and county permits, as applicable, such as Department of Environmental Protection.*

RESPONSE: A Mass Grading Permit has been applied for from the SJRWMD. FDEP does not require a permit since it is not classified as a mine under Ch 62-660.804(4)(d).

Informational Comments

The Offices or Departments of the County involved with the review process have provided informational comments to inform you of Code requirements and/or processes that will be required as you move forward with the development process. The informational comments are listed below.

Office of Planning and Zoning

1. *A mandatory pre-application conference is required pursuant to the MCUP application.*

2. *The subject parcel is zoned Agriculture, and situated within the Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category. The property also lies within the Wekiva Study Area.*

3. *The proposed MCUP request is consistent with LOR Table 3.01.03, Schedule of Permitted and Conditional Uses, which conditionally allows mining within the Agriculture zoning district with an appropriate land use regulatory instrument; the proposed MCUP satisfies this requirement.*
4. *Please provide copies of all DEP and FFWCC agency species protection and/or mitigation permits prior to the commencement of the mining operation.*
5. *Please ensure the operating permit, when submitted, demonstrates that the proposed mining activities will not adversely impact surface or groundwater resources.*
6. *Pursuant to LOR Section 6.06.03(C)(6), mining activity must commence within three-years from the MCUP approval date.*
7. *Upon approval of the MCUP, a mining operating plan must be submitted for review and approval in accordance with LOR Section 6.06.03(0).*
8. *Please be advised that if there is a change in the Ownership or Operator of the mine, the new Owner or Operator shall be required to notify the County within sixty (60) days; the information must include the name, address, .and telephone number of the Mine Owner and Operator.*
9. *Please be advised that no mining activity, except for approved peat and muck mining, shall be conducted within the one hundred (100) year Floodplain, floodway, waterway, lake or stream if such mining activity would have an adverse effect on the one hundred (100) year Floodplain or floodway.*
10. *Please be advised that increases to ambient noises resulting from mining operations shall not cause a public nuisance as measured at the permittee's property lines; nor shall mining activities generate noise exceeding what is allowed by any local, regional, state or federal laws, ordinances, rules or regulations. Additionally, the mining activity shall be consistent with noise protection provisions of LOR Chapter 9.09.00.*
11. *Preparation of an annual report shall be certified by a licensed registered Florida Professional Engineer, professional geologist, Mine Operator or an authorized representative familiar with the operator's mining activities.*
The annual report, when submitted, must contain a notarized signature of the preparer for the purpose of certifying operation of the mine in accordance with Mining Conditional Use Permit (MCUP) Ordinance, Operating Permit and/or any applicable development of regional impact Development Order.
12. *Mining fees, annual fees and annual progress report fees shall be in accordance with LDR Section 6.06.03(F).*

Environmental Review

An environmental assessment (EA) dated within 6 months old of the operating permit must be submitted. The EA must indicate the presence of vegetation, soils, wetlands, threatened and endangered species that may exist on the site. Any required State permitting or mitigation will be required before the mining operation commencement.

Landscaping Review

A tree survey must accompany the tree removal permit application, which must be submitted prior to approval of the operating permit. If necessary, reclamation plan will need to reflect the required revegetation, and tree mitigation will be required at the time of mining operation permit submittal.

Office of Building Services

1. *Please be advised that a building permit is required for any structure(s) or change of occupancy use.*
2. *At the time of the operating permit please provide the following:*
 - a. *Building construction type with total building area.*
 - b. *Fire separation distances (setbacks) from the closets lot lines, street, alley, public way and buildings on the same property.*
 - c. *Type of fire protection water supply to be provided at the site.*
 - d. *Fire flow for the building(s) and/or structure(s).*
 - e. *Fire hydrant location(s).*
3. *At the time of the operating permit you will need to proof compliance with the Florida Fire Prevention Code regarding fire department access (adequate width, height and approved turnarounds).*

Office of Parks and Recreation

1. *The property is located along State Road 44 where the future trail will be located. The trail location (north/west or south/east of State Road 44) is to be determined later. Therefore, this development may be affected by the potential trail.*
2. *Additional right-of-way may be required if trail is finally located along the property.*
3. *At this time the State Road 44 Trail is under conceptual trail phase.*

4. According to the 2018 Trail Master Plan this segment of the proposed trail is planned to run along State Road 44.
5. Note that additional comments may be provided at the time of submitting a development application.

Office of Public Safety Support

This submission and future approvals are based on compliance with the Lake County Uniform Street Addressing Ordinance, Article V., Section 18.

Should the request be approved, addressing requirements will be advised during future development submittals for any new roadways and/or construction, such as barns, utility or office buildings, or any structure which is deemed appropriate.

Public Works Department

1. All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements; as amended.
3. The developer shall be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and Land Development Regulations, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.

RESPONSE: All Informational Comments are acknowledged.

We must reiterate that this application and all response comments are made in an attempt to settle an ongoing dispute with Lake County over the activities being conducted on the Property, and specifically and explicitly are made without waiver of our legal defenses and arguments that the activities being undertaken on the Property are bona-fide agricultural operations pursuant to an established Farm Plan on land classified as Agricultural for tax purposes, and pursuant to best management practices enrolled with the Florida Department of Agriculture, and are therefore exempt from regulation by Lake County.

This concludes our response to review comments. A hard copy and an electronic PDF on diskette is provided. Please contact our office if you have further comments regarding the project.

Sincerely,

Ted Wicks

Ted Wicks, P.E.

TW:kh

Enclosures: Project Plans & "Site Plan for Ag Mass Grading & Reclamation";

cc: Jimmy Crawford, Esq., C & K Family Trust

19108 / Permits / Lake Co / 2020-05 Mining Site Plan / 2020-07-13 Resp to 2020-06-16 RAI #1