
Correspondence from Appellant

Letter, dated June 21, 2010, from Mr Wade to Mr Cornelius requesting determination of vesting status of Rocking G, Inc property

Environmental Resource Permit (No 0202175-001), dated May 12, 2003, from the Florida Department of Environmental Protection for a limerock mine on Rocking G, Inc. property

Letter, dated July 23, 2010, from Mr Wade to Doug Gilpin, Chairman Board of County Commissioners, appealing the staff vesting determination of Mr Cornelius in his letter dated July 1, 2010

Letter, dated August 11, 2010, from Mr Wade to Mr Gilpin providing an affidavit of R. Frank Wade regarding the historic use of the Rocking G, Inc. property and statement related to publicly recorded mineral reservations and deeds, and historic aerial photographs.

Affidavit of R. Frank Wade Regarding Rocking G, Inc. Reclamation and Reconfiguration Project, dated August 9, 2010

Letter, dated August 12, 2010, from Mr Wade to Mr McAteer in response to Mr McAteer's letter dated July 30, 2010.

Sumter County Land Development Code

Section 13-772 – Mining – Specifically Section 13-772(d)(1)

Section 13-802 – Statutory Vesting – Specifically Section 13-802(b)(1)e

Sumter County Comprehensive Plan

Future Land Use Element – Specifically Policy 7.1.11.1(a)

Other Supporting Material

Sumter County Ordinance 90-12 and public notice for Ordinance 90-12

Aerials of Property – 1970, 2006, 2007, 2008, 2009

Public Notices for September 14, 2010, Appeal Hearing

Deed (OR Book 978 Page 164), dated May 13, 2002, transferring property from James Wilkes and Gail Wilkes to Rocking G, Inc.

The Board has the following options (Staff recommends Option A)

Option A – Affirm Staff's determination, in the letter from Mr Cornelius dated July 1, 2010, that the Rocking G, Inc. property is not a vested limerock mine, pursuant to the Sumter County Land Development Code and Comprehensive Plan.

Option B – Reverse Staff's determination and deem the Rocking G, Inc. property as a vested limerock

mine. If the Board chooses Option B, staff recommends the Board require Rocking G, Inc. to obtain a Operating Permit from the County. All existing operating limerock mines in the county, including mines vested by Ordinance 90-12, have Operating Permits issued by the County.

Option C- Other action as deemed appropriate by the Board.



Sumter County BOCC - GIS

BOCC Bushnell, FL 33513 | 352-793-0200

Parcel ID M21=025

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

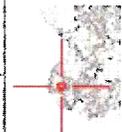
Street NOT ON FILE

S/T/R 21/21/21 FOR POB START AT NE COR OF SEC RUN N 88 DEG 51'34"W 2260.00 FT S 00 DEG 50'30"E 2260 FT S 00 DEG50'30"E
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

NOTES:



This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property, legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. This information was last and may not reflect the data currently on file at our office.

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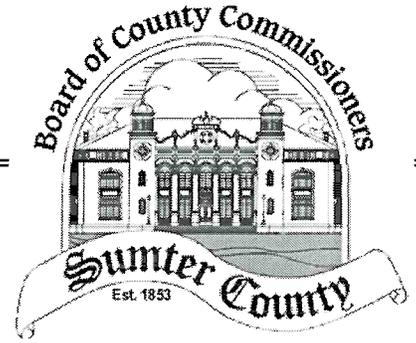
Correspondence from County

Board of County Commissioners

Division of Planning & Development

Planning Services

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274
Website: <http://sumtercountyfl.gov/planning>



July 1, 2010

James E. Wade, III, P.A.
116 Bushnell Plaza
Bushnell, FL 33513

Re Rocking G, Inc. Limerock Mine Reclamation and Reconfiguration Project

Dear Mr. Wade

This letter is in response to your letter, dated June 21, 2010, regarding the proposed limerock mine reclamation and reconfiguration project on property owned by Rocking G, Inc. My response is focused on the issue on whether the proposed activity is consistent with the County's existing regulations related to limerock mining, specifically Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element, and Section 13-772(d)(1), Sumter County Land Development Code

The proposed mining activities of Rocking G, Inc. reclamation of old mine pits (pre-adoption of the County's zoning regulation and comprehensive plan) and additional extraction of limerock deposits from the old mine pits is considered mining and must be consistent with the County's regulations for mining

The principal locational regulation for limerock mines in the County is they must be adjacent to existing legally permitted limerock mines (Section 13-772(d)(1), Sumter County Land Development Code and Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element).

An existing legally permitted limerock mine in the County is a mine that either has a valid Conditional Use Permit and Operating Permit approved by the Board of County Commissioners or registered with the County as a vested mine under the provisions of Ordinance 90-12

Based on the records within our office, the Rocking G, Inc. property does not have a

Bradley T. Cornelius, AICP
Planning Manager
(352) 569-6027

Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Richard "Dick" Hoffman, Dist 1
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Don Burgess, Dist 3
Vice Chairman
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Garry Breeden, Dist 4
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
2nd Vice Chairman
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

valid Conditional Use Permit and Operating Permit approved by the Board of County Commissioners and was not registered as a vested mine under the provisions of Ordinance 90-12.

Ordinance 90-12 established a new mining ordinance for the county. One of the major provisions of the ordinance was the requirement for mines existing prior to adoption of the ordinance to register with the County to be considered as vested. The ordinance provided that mines that failed to register shall lose any vested rights and must meet the current requirements and obtain proper zoning approvals. Our office has no records indicating that the Rocking G, Inc. property registered under the provisions of Ordinance 90-12. In support of the registration process of Ordinance 90-12, the current Land Development Code Section 13-802(b)(1)(e) refers to the vesting/registration process of Ordinance 90-12 in determining if a property is subject to statutory vesting.

I acknowledge the issuance of the Florida Department of Environmental Protection's Environmental Resource Permit (ERP) No. 02021750991, dated May 13, 1993, for the subject property. However, the issuance of permit by a State Agency does not bind nor require the issuance of local zoning or development permits. In addition, the fact that the County did not object to the ERP in 1993 does not provide implicit approval of the required local zoning or development permits.

Considering these facts, the Rocking G, Inc. property is not a vested limerock mine pursuant to Section 13-802(b)(1)(e), Sumter County Land Development Code and the proposed use of the property for mining activities must be consistent with the locational requirements of Section 13-772(d)(1), Sumter County Land Development Code, and Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element.

The following options are available to Rocking G, Inc. .

- 1 Apply for a Large Scale Comprehensive Plan amendment to amend the Comprehensive Plan to allow for mining on the property and then apply for the Conditional Use Permit and Operating Permit;
- 2 File an appeal to my vesting determination to the Board of County Commissioners consistent with Section 13-852 and 13-326, Sumter County Land Development Code,
- 3 Make application to the County for a Conditional Use Permit and Operating Permit for a limerock mine on the property with the understanding that based on the current information staff would not recommend approval due to inconsistency with Section 13-772(d)(1), Sumter County Land Development Code, and Policy 7.1.11.1(a), Sumter County Comprehensive Plan,
- 4 Complete reclamation of the old limerock pits without "mining" (i.e. limerock removed only used on site and not sold or transferred); or
- 5 Abandon pursuit of a limerock mine on the property.

Do not hesitate to contact me with any questions or to set up a meeting to further discuss these issues

Sincerely,

Aimee Webb for Brad Cornelius

Bradley T. Cornelius, AICP
Planning Manager

cc.
Bradley Arnold, County Administrator

THE HOGAN LAW FIRM®

*We mean business*SM

July 30, 2010

James E. Wade, Esq.
116 Bushnell Plaza
Bushnell, FL 33513

Re: Rocking G Inc Vested Rights Appeal

Dear Mr Wade,

As you know, this firm has the pleasure of representing Sumter County, Florida (the "County"). On or about July 23, 2010, you filed a formal administrative appeal pursuant to Section 13-236 of the Sumter County Code. You contend that Brad Cornelius, in his capacity as Planning Manager, erred in denying a request for a new mining area on the property owned by Rocking G Inc. due in part to the County's position that the property at issue does not constitute a vested mine.

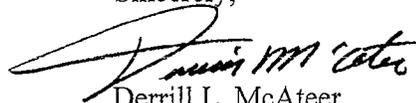
While the County disputes each allegation of error contained in your appeal letter, there is one specific allegation which is of particular interest to staff and counsel. Specifically, on page two of your letter you state, in pertinent part, that;

"the subject property and the existing mine pits constitute a non-conforming use of the subject property which has been continuous and which has not been abandoned since the 1960's."
(Emphasis supplied).

You make this assertion without citation to any proposed witness testimony, affidavits, or government records of any kind. The County is not currently in possession of any information that could be utilized as evidence that the property at issue has been in continuous operation as a mine and was never abandoned. Please provide the same by August 16, 2010.

Finally, I must note that Section 13-166.7 of the Sumter County Code, cited in your variance request, no longer exists. I do not believe a variance request is proper at this stage in the review process; such a request should have been made when the initial application was submitted to the Planning Manager

Sincerely,



Derrill L. McAteer
The Hogan Law Firm

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*James E. Wade, Esq.
116 Bushnell Plaza
Bushnell FL 33513*

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
James E. Wade Addressee
- B. Received by (Printed Name) Date of Delivery
STEVEN W. WOOD *2/10*
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below No

USPS

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

7009 2250 0001 1459 2429

(Transfer from

PS Form 3811, February 2004

Domestic Return Receipt

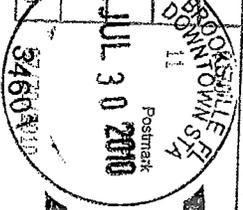
102595-02-M-1540

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| Return Receipt Fee (Endorsement Required) | \$ 2.30 |
| Restricted Delivery Fee (Endorsement Required) | \$ 1.00 |
| Total Postage & Fees | \$ 10.70 |



Sent To: *James E. Wade, Esq.*
 Street, Apt. No., or PO Box No. *116 Bushnell Plaza*
 City, State, ZIP+4[®] *Bushnell FL 33513*

7009 2250 0001 1459 2429

PS Form 3800, August 2006 See Reverse for Instructions

Cornelius, Brad

From: Derrill McAteer [Derrill@hoganlawfirm.com]
Sent: Thursday, August 12, 2010 4:59 PM
To: Arnold, Bradley; Cornelius, Brad
Subject: FW: Response - Rocking G appeal - Sumter BOCC
Attachments: Letter to Derrill McAteer pdf; Time stamped Letter to Doug Gilpin pdf; Time stamped Affidavit of Frank Wade pdf

See attached and below.

Derrill L. McAteer, Esq.



We mean business™

Post Office Box 485
Brooksville, Florida 34605
(352) 799-8423 Telephone
(352) 799-8294 Facsimile
derrill@hoganlawfirm.com

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From: James E. Wade III [mailto:jameswadeattorney@embarqmail.com]
Sent: Thursday, August 12, 2010 4:49 PM
To: Derrill McAteer
Cc: sue2500@embarqmail.com
Subject: Response - Rocking G appeal - Sumter BOCC

Hi Derrill,

See attached letter responding to yours of July 30, along with correspondence to chairman Gilpin and supporting affidavit in support of our position in this matter. Please advise when the BOCC plans to hear our appeal and whether you need anything further from me prior to the hearing.

Thank you, Jim Wade

James E. Wade, III, P.A.
116 Bushnell Plaza
Bushnell, FL 33513
Phone: 352-568-2500
Fax: 352-568-2501
Email: jameswadeattorney@embarqmail.com

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Cornelius, Brad

From: Derrill McAteer [Derrill@hoganlawfirm.com]
Sent: Thursday, August 12, 2010 5:02 PM
To: Cornelius, Brad, Arnold, Bradley
Subject: FW: Response Rocking G appeal Sumter BOCC
Attachments: Letter to Derrill McAteer.pdf; Time stamped Letter to Doug Gilpin.pdf; Time stamped Affidavit of Frank Wade.pdf

I disagree with Mr. Wade's interpretation of the variance process in general and as specifically outlined in past and current versions of the Code of Ordinances of Sumter County.

Derrill L. McAteer, Esq.



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Brooksville, Florida 34605
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Bushnell, FL 33513
Phone: 352-568-2500
Fax: 352-568-2501
Email: jameswadeattorney@embarqmail.com

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8/12/2010

Cornelius, Brad

From: Arnold, Bradley
Sent: Thursday, August 12, 2010 5:05 PM
To: 'derrill@hoganlawfirm.com'
Cc: Cornelius, Brad
Subject: Re: Response - Rocking G appeal Sumter BOCC

Yes

From: Derrill McAteer <Derrill@hoganlawfirm.com>
To: Arnold, Bradley
Cc: Cornelius, Brad
Sent: Thu Aug 12 17:03:52 2010
Subject: RE: Response - Rocking G appeal Sumter BOCC

Do you want me to convey this information to Mr. Wade?

Derrill L. McAteer, Esq.



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Brooksville, Florida 34605
(352) 799-8423 Telephone
(352) 799-8294 Facsimile
derrill@hoganlawfirm.com

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From: Arnold, Bradley [mailto:Bradley.Arnold@sumtercountyfl.gov]
Sent: Thursday, August 12, 2010 5:03 PM
To: Derrill McAteer
Cc: Cornelius, Brad
Subject: Re: Response Rocking G appeal Sumter BOCC

Set hearing at the 8/24 meeting for 9/14 meeting

From: Derrill McAteer <Derrill@hoganlawfirm.com>
To: Arnold, Bradley; Cornelius, Brad
Sent: Thu Aug 12 16:59:04 2010
Subject: FW: Response - Rocking G appeal Sumter BOCC

See attached and below.

8/12/2010

Derrill L. McAteer, Esq.



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Phone 352-568-2500
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***** **Important Notice** *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

8/12/2010

Correspondence from Appellant

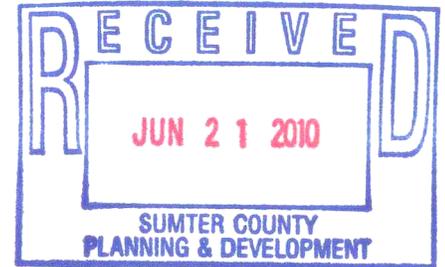
wadelow

JAMES E WADE, III, P.A.

June 21, 2010

Mr Brad Cornelius, AICP
Planning Manager - Sumter County
910 N Main St., Suite 301
Bushnell, Florida 33513

Re: Rocking G, Inc.
Reclamation and Reconfiguration Project



Dear Mr Cornelius

I have the pleasure of representing Rocking G, Inc. regarding their rock mine reclamation and reconfiguration project in Sumter County, Florida. My client has successfully obtained the required Environmental Resource Permit, Permit No. 0202175-001 from the Department of Environmental Protection to proceed with the project. Sumter County was provided with required notification during the DEP application process, however a copy of the ERP is attached for your convenience. I have consulted with Tracy Bryant, Principal Consultant, with Florida Communications and Development Group, Inc. (FCDG) regarding certain aspects of this project and the potential for her assistance with this matter. I hereby request a pre-application meeting with you and your staff to discuss proceeding with this reclamation and reconfiguration.

Limerock mining on the subject property began circa 1960 and included the two (2) existing mine pits which are approximately 60 feet in depth and have some shear walls with open access, which are potentially hazardous and obviously do not meet the current reclamation requirements. Since the mining operations predated the current reclamation standards, such reclamation is not required, but my client understands that the excavation of any new areas or mining activities as part of the reclamation project will require compliance with the current standards and agrees to a total reclamation of the entire project area. The proposed project will provide for improving the current condition of the property and eliminate potential dangers as well as provide an opportunity for the utilization of the aggregate resources to defray a substantial portion of the expense associated with the reclamation process and reconfiguration of the two (2) existing mine pits.

A significant issue to be discussed when we meet is whether or not Sumter County will require a conditional use permit (CUP) and approval of an operating permit pursuant to a mining site plan (Operating Permit) regarding this reclamation effort. This project is located in an area designated as agriculture on the Future Land Use Map and is appropriate for approval of such CUP, if required. The documentation for a mining site plan and other pertinent data have all been filed and approved by DEP as part of the ERP approval process. I will be happy to provide you with any documentation you need, but understand that Sumter County was provided with copies of such in the ERP process.

Rocking G
6/21/10 - Page 2

My client is ready to pursue the reclamation activities, including the excavations between and reconfiguration of the two (2) existing mine pits on the property I believe this project is vested and request that you determine it exempt from further local permitting, however, if additional permitting is required, this project complies with the requirements of Section 12-772(d) (1) Sumter Land Development Code and Policy 7.1.11.1 Sumter County Comprehensive Plan as to location, zoning and FLUM designation. The area of any new excavation or mining activity will be adjacent to, contiguous to and in fact physically in between the two (2) existing mine pits.

The two (2) existing mine pits squarely fit the Florida Statutory definition of existing mine. Pursuant to Florida Statute (F.S.) 378.403(4) “ ‘[E]xisting mine’ means any area upon which an operation is being conducted, or has been conducted, on October 1, 1986.” Excavation of said pits began circa 1960 so they were in existence and operation prior to Sumter County’s first zoning ordinances around 1972, and significantly prior to the adoption of County Comprehensive Plan and other regulations February 3, 1992. Presumably Sumter County will accept the recognition by the State of Florida and DEP that my client’s pits are “existing mines” by statutory definition. By contrast the two (2) existing pits clearly are not “new” mines and do not fit the statutory definition in F.S. 378.403 (11) “‘[N]ew mine’ means any mine that is not an existing mine” It would be illogical to conclude that the two (2) existing mine pits do not exist when they physically do exist. Thus I believe the two (2) existing mine pits are in fact legally vested mines and that the reclamation and reconfiguration project should be determined to be exempt from further local permitting.

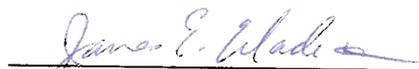
There were no objections to the application and approval process of the ERP through DEP, and Sumter County should welcome the opportunity to allow my client to move forward with this project and create some much needed jobs in the current economic climate as well as provide needed construction aggregate material resources for the road building and construction industry of Central Florida.

Therefore, please advise when you and your staff will be available for a pre-application meeting to discuss exemptions or the need for conditional use permit and/or issuance of an operating permit to proceed with this project.

Thank you for your attention and prompt response to my request.

Sincerely,

JAMES E. WADE, III, P.A.


James E. Wade, III



Department of Environmental Protection

Jeb Bush
Governor

David B. Struhs
Secretary

CERTIFIED NO.: 7001 1140 0002 1575 2666

May 13, 2003

Mr Jim Wade
Wilkes and McHugh
One North Dale Mabry Highway, Suite 800
Tampa, Florida 33609

Working
COPY

Dear Mr Wade:

RE: Rocking G Incorporated
Sumter County Limerock Mine
Environmental Resource Permit

Enclosed is Individual Environmental Resource Permit, Permit No. 0202175-001 issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code. Any party to the Order (Permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9 110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about this document, please contact me at (850) 488-8217

Sincerely,

Alan Whitehouse

Alan Whitehouse
Environmental Specialist

Enclosure:
Environmental Resource Permit

cc: DEP, Southwest District, Environmental Resource Permitting
DEP, Southwest District, Industrial Wastewater Section
Southwest Florida Water Management District, ERP
Southwest Florida Water Management District, WUP
Sumter County Property Appraiser

REPLY TO: Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, FL 32310-3760 850/488-8217

'More Protection, Less Process'

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Jeb Bush
Governor

Department of Environmental Protection

David B. Struhs
Secretary

ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Rocking G, Incorporated
One North Dale Mabry Highway, Suite 800
Tampa, Florida 33609

Permit/Authorization No. 0202175-001

Date of Issue: May 13, 2003

Expiration Date of Construction Phase:
May 13, 2013

County: Sumter

Project: Sumter County Limerock Mine

AGENT:

Mr Jim Wade
Wilkes and McHugh
One North Dale Mabry Highway, Suite 800
Tampa, Florida 33609

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. This permit also constitutes certification compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above-named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of this permit. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and

REPLY TO: Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, FL 32310-3760 850/488-8217

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drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification, as specifically described below

ACTIVITY DESCRIPTION:

The activity consists of the construction a surface water management system in support of a new limerock mining operation within a 33.49-acre project area of pasture, mine pits, spoil piles and mixed hardwood forest. No wetlands will be impacted by the mining. A 25-foot buffer will be maintained between the construction activities and the 1.9 acres of wetland hardwood forest and 1.0 acre of herbaceous wetlands within the project area. Surface waters on site are limited to about 5.88 acres within the existing mine pits. The new areas proposed to be disturbed by this project will be subject to the mandatory reclamation requirements of Chapter 62C-36, F.A.C. The mining will result in two lakes (11.4 and 15.9 acres) with sloping littoral zone wetlands. The lakes will be surrounded by 3.7 acres of pasture and the wetlands that were avoided by mining.

There will be no dewatering of the mine pits. The mine is designed to recycle and store all process wastewater and runoff from rainfall up to a 100-year, 24-hour storm event. The estimated life of the mine is 10 years. The construction phase of this permit will be for 10 years.

ACTIVITY LOCATION

The project is located just north of the intersection of County Roads 476 and 476B, six miles west of the town of Bushnell, in Section 21, Township 21 South, Range 21 East, in Sumter County, Class III waters.

GENERAL CONDITIONS.

- 1 All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in Chapter 6 of the Florida Land Development Manual. A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project-specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an Annual Status Report Form No. 62-343.900(4). These forms shall be submitted by January 31 of each following year
7. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the Department for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local governmental entity. Failure

to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity
9. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 62-343.900(5) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the Department. Submittal of the completed form shall serve to notify the Department that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 - a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 - b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 - c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 - d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;

- e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 - f. Existing water elevation(s) and the date determined; and
 - g. Elevation and location of benchmark(s) for the survey
10. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of General Condition 9 above, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Department of the changes prior to implementation so that a determination can be made whether a permit modification is required.
12. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40C-4 or Chapter 40C-40, F.A.C.
13. The permittee is hereby advised that section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
14. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under subsection 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS

1. **Permit Compliance.** The purpose of this permit is to authorize the creation of a surface water management system on certain described lands within the jurisdiction of the Department. In exchange for this authorization, the permittee is obligated to perform certain acts that are described herein. A material part of the reasonable assurances the Department is relying upon in issuing this permit is that the permittee will timely and completely implement all of the conditions of this permit. The permittee understands that its failure to completely and timely comply with all of the conditions of this permit may result in a revocation or suspension of the permit and, if appropriate, that the area be restored.
2. **Submittals.** Unless otherwise specified, all notices, plans, reports or other documents or information required to be submitted to the Department in this permit shall be submitted to the Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850) 488-8217, facsimile (850) 488-1254.
3. **Historical and Archaeological Resources.** If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately stop all activities which disturb the soil and notify the Department and the Florida Department of State, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850) 487-2333, facsimile (850) 922-0496.
4. **Listed Species.** Permits shall be obtained from the Florida Fish and Wildlife Conservation Commission, prior to the "taking" of any listed animal species. Listed animal species are

those animal species listed in rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
Taking means: taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any listed species, their nests or eggs, by any means, whether or not such actions result in obtaining possession.

5. **Good Cause Rule.** The permittee is hereby advised that rule 62-343.100(1)(c), F.A.C., provides that for good cause and after notice to the permittee, the Department may require the permittee to conform to new or additional conditions to this permit. Circumstances that constitute “good cause” shall include any of the situations listed in the referenced rule.
6. **Above-Ground Containment.** On-site dams, including stormwater ponds, dredge pond dikes, or tailings disposal area dikes shall not store flowable liquid more than 4 feet above natural grade. All water management structures shall be constructed of clean fill, devoid of materials or vegetation that could allow water to be piped through the structure. Topsoil storage piles or berms constructed as safety barriers shall not be utilized to store flowable liquid, but may be used to divert stormwater to sumps. Water deeper than one foot above grade shall be pumped away from these structures as expeditiously as possible.
7. **Best Management Practices.** Prior to initiating any dredging or filling within wetlands; stockpiling material, waste, or overburden in the vicinity of a wetland, or conducting any other earth disturbing activity in the vicinity of a wetland, the permittee shall implement measures to protect on-site and off-site wetlands and surface waters from turbidity and sediment.
 - a. The permittee shall instruct all personnel associated with the project that earth-disturbing activities, including the stockpiling of material or waste, shall not occur within wetlands or surface waters, nor adjacent to wetlands or surface waters where turbidity and sediment control devices are not present.
 - b. Best management practices for turbidity and erosion control shall be implemented and maintained, during earth disturbing activities adjacent to wetlands, to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Chapter 62-302, F.A.C. Staked filter cloth, staked hay bales, or other turbidity and sediment control devices shall be installed, where appropriate. The toe of each staked filter cloth shall be buried and panels shall have at least a three-foot staked overlap area. All turbidity and sediment control devices shall be installed prior to the disturbance. All turbidity and sediment control devices shall be maintained until disturbed areas have sufficiently stabilized and vegetated to prevent water quality violations, or the movement of sediment into the wetlands.
 - c. Mining operation areas shall be capable of containing a 25-year, 24-hour storm event. Any land clearing activity or overburden stockpiling outside of the mine pit shall be configured such that stormwater run-off is directed back into the mine pit.

- d. All areas along the perimeter of the mine pits that can be inundated during a 100-year flood event in the Withlacoochee River drainage shall be contained within a suitable flood control berm, as depicted on Cross Section 8, Sheet C-10.
 - e. Berms and other disturbed areas adjacent to wetlands shall be seeded, mulched, sodded or appropriately treated to facilitate the rapid growth of vegetation and stabilization of the area.
8. **Water Quality Standards.** Water discharged from the project area shall achieve the water quality standards of Chapter 62-302, F.A.C., for Class III waters at the point where the water leaves the project area.
9. **Procedures In The Event Of A Water Quality Violation.** The following measures shall be taken immediately by the permittee whenever the water quality levels at a monitoring station, or any water leaving the project area violates state water quality standards established pursuant to Chapter 62-302, F.A.C.
- a. cease all work contributing to the water quality violation,
 - b. modify the work procedures that were responsible for the violation, and repair any non-functioning containment devices;
 - c. notify the Department of the time the violation is first detected, the extent of the violation, and the corrective measures that have been and will be implemented. This notice shall be provided before the end of the next business day; and
 - d. continue monitoring at 8-hour intervals until samples no longer violate water quality standards.
10. **Wetland Buffer.** The permittee shall maintain an undisturbed buffer around, or adjacent to, all wetlands that are approached by mining operations. The buffer shall be clearly flagged and staked by the permittee. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas. The undisturbed buffer shall be a minimum of 25 feet in width. Best management practices, such as silt screens or hay bales shall be utilized, as may be appropriate, within the buffer area.
11. **Pollution Prevention Plan.** The permittee shall implement all the procedures described in the attached Pollution Prevention Plan (PPP) submitted to the Department on December 27, 2002.

12. **Karst Protection.** The applicant is responsible for minimizing and/or preventing any violations of state water quality standards for surface- and/or ground-waters. If karstic conduits connected to waters of the state are penetrated and/or encountered during mining operations, the Department will be immediately notified, and the applicant will take any and all measures necessary to prevent violations of state water quality standards, especially for turbidity parameters. Such measures may include the temporary and/or permanent cessation of mining operations; the plugging and/or backfilling of the solutional feature with neat, bentonite grout or other Department approved materials; turbidity or other water quality monitoring; replacement of affected water wells; physical-, chemical-, and/or bio-remediation of the contaminant; etc.
13. **Shoreline Treatments.** The contouring for the treatment of final shorelines shall be initiated and completed no later than one year after the calendar year in which the length and final location of the shoreline is established and other mining operations have ceased in the area. The permittee may request a waiver of this requirement for any reasonable length of time, when necessary to prevent the unacceptable contamination of the resource being extracted. Mulching, contouring, and other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the permittee shall repair the eroded areas and stabilize the slopes. The lake shorelines shall be constructed as shown in the postreclamation cross-section drawings attached to this permit and in accordance with the requirements of rule 62C-36.008, F.A.C.
14. **Revegetation.** Pursuant to rule 62C-36.008(1)(c), F.A.C., revegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which the final contours are established in an area and revegetation activities would not interfere with mining operations. The reclaimed uplands shall meet the revegetation requirements of rule 62C-36.008, F.A.C.
15. **Conversion To Operations Phase.** The procedures for requesting a conversion of this permit from the construction phase to the operation phase and guidelines for the Department's response are provided herein. All documentation shall be submitted to the Department by certified mail addressed to Chief, Bureau of Mine Reclamation.
 - a. Within thirty (30) days of the completion of construction of the system (including final reclamation) the permittee shall submit the following:
 - (1) a copy of the most recent annual report, and a narrative describing how the reported data support the contention that each of the permit conditions have been met;
 - (2) an As-Built certification signed and sealed by a registered professional [Form 62-343.900(5), F.A.C. with accompanying as-built drawings]; and

- (3) a written site inspection certification by a professional engineer [Form 62-343.900(6), F.A.C.].
- b. The permittee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspections to determine whether the conditions are met. After this on-site inspection, the Department shall notify the permittee by certified mail that:
 - (1) The permit conditions have been completed and the surface water management system has been built in accordance with the approved plans; or
 - (2) The permit conditions have not been completed, identifying specifically those elements that do not meet the conditions; or
 - (3) The permit conditions cannot be determined at this time, identifying specifically the information lacking that prevents the determination from being made.
- c. After the permittee has received notification that the permit conditions have been completed and the surface water management system has been built in accordance with the approved plans, the permittee shall submit the following:
 - (1) a Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase [Form 62-343.900(7), F.A.C.]; and
 - (2) an Application for Transfer of Permit [Form 62-343.900(8) F.A.C.], if the permittee proposes to transfer the ownership or control of the site to another entity This application will be reviewed in accordance with the procedures and timeline established in rule 62-343.130, F.A.C.

MONITORING AND REPORTING REQUIRED:

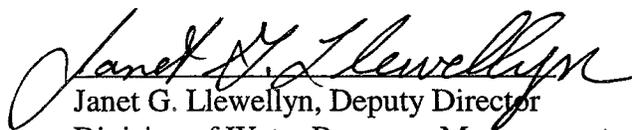
Annual narrative reports shall be submitted to the Department by January 31 of the following year, utilizing the Annual Status Report Form No. 62-343.900(4). The first annual report is due January 31, 2004, and shall identify work (i.e., mining, monitoring, reclamation, management, maintenance, notices, and any condition required by the permit) completed since the issuance of the permit. The reports shall continue to be submitted until all work authorized by the permit, including mitigation and reclamation, has been completed. Each report shall include the following information:

The cover page shall indicate the permit number, project name and the permittee name. Just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the period covered by this report."

- 1 A brief description of the extent of the work completed during the previous 12 months.
2. Copies of the permit drawings showing where work occurred during the previous 12 months.
- 3 A brief description of the work anticipated during the next 12 months.
4. Copies of the permit drawings showing where work will occur during the next 12 months.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Janet G. Llewellyn, Deputy Director
Division of Water Resource Management
2051 East Dirac Drive
Tallahassee, Florida 32310-3760
850/488-8217

Copies furnished to:

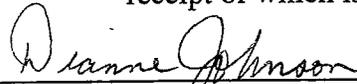
DEP, Southwest District, Environmental Resource Permitting
DEP, Southwest District, Industrial Wastewater Section
Southwest Florida Water Management District, ERP
Southwest Florida Water Management District, WUP
Sumter County Property Appraiser

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit,
including all copies was mailed before the close of business
on May 13, 2003, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date pursuant to 120.52,
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

 5-13-03
Clerk Date

Prepared by: Alan Whitehouse

Attached: 11 pages

LIST OF ATTACHMENTS

The following plan and figures are hereby attached to, and become part of this permit.

- ATTACHMENT A. EQUIPMENT FUELING AND MAINTENANCE POLLUTION PREVENTION PLAN, as signed and sealed on December 18, 2002
- FIGURE 1: COVER SHEET AND LOCATION MAP, as signed and sealed on December 19, 2002
- FIGURE 2: STANDARD NOTES, as signed and sealed on December 19, 2002
- FIGURE 3: EXISTING CONDITIONS DRAINAGE MAP (1 of 2), as signed and sealed on December 19, 2002
- FIGURE 4: EXISTING CONDITIONS DRAINAGE MAP (2 of 2), as signed and sealed on December 19, 2002
- FIGURE 5: PROPOSED CONDITION DRAINAGE MAP (1 of 2), as signed and sealed on December 19, 2002
- FIGURE 6: PROPOSED CONDITION DRAINAGE MAP (2 of 2), as signed and sealed on December 19, 2002
- FIGURE 7: PROPOSED GRADING PLAN (1 of 2), as signed and sealed on December 19, 2002
- FIGURE 8: PROPOSED GRADING PLAN (2 of 2), as signed and sealed on December 19, 2002
- FIGURE 9: RECLAMATION PLAN, as submitted on February 21, 2003
- FIGURE 10: CROSS SECTIONS & DETAILS, as signed and sealed on December 19, 2002
- FIGURE 11 CROSS SECTIONS & DETAILS, as signed and sealed on December 19, 2002

CONSTRUCTION NOTES

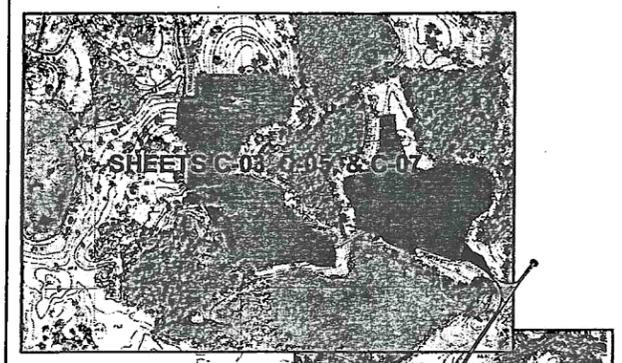
- MISCELLANEOUS
A. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE PERMIT AND INSPECTION REQUIREMENTS SPECIFIED BY THE VARIOUS GOVERNMENTAL AGENCIES...

- CLEARING/DEMOLITION
A. PRIOR TO ANY SITE CLEARING, ALL TREES SHOWN TO REMAIN AS INDICATED ON THE CONSTRUCTION PLANS SHALL BE PROTECTED BY ACCORDANCE WITH LOCAL TREE ORDINANCES...

- PAVING AND GRADING
A. ALL DELETERIOUS SUBSURFACE MATERIAL (I.E. MUCK, PEAT, BURIED DEBRIS) IS TO BE EXCAVATED IN ACCORDANCE WITH THESE PLANS OR AS DIRECTED BY THE OWNER...

- EROSION/TURBIDITY CONTROL
A. PRIOR TO INITIATING CONSTRUCTION, CONTRACTOR SHALL SUBMIT FOR REVIEW AND APPROVAL A DETAILED PLAN THROUGH THE ENGINEER OF RECORD...

- SITE PLAN AND COORDINATE GEOMETRY
A. ALL POINTS AND MONUMENTS SHALL BE SURVEYED UPON MOBILIZATION TO VERIFY THEIR ACCURACY. ANY DISCREPANCIES DISCOVERED MUST BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN WRITING PRIOR TO CONSTRUCTION...



ENGINEER
JOSEPH M. RUPERTO, SR. WATER RESOURCES ENGINEER
URS CORPORATION SOUTHERN
1 NORTH DALE MABRY, SUITE 700
TAMPA, FLORIDA 33609

CHRIS BRYANT, ENG. TECHNICIAN
URS CORPORATION SOUTHERN
7850 W. COURTNEY CAMPBELL CSWY.
TAMPA, FLORIDA 33607

SURVEYOR
HUNT'S SURVEYING AND MAPPING
DOUGLAS K. HUNT, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 2480



LEGAL DESCRIPTION:

THAT PORTION OF SECTIONS 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 21 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
FOR A POINT BEGINNING, START AT THE NORTHEAST CORNER OF SAID SECTION 21 (NORTHWEST CORNER OF SAID SECTION 22), THENCE RUN N88°51'34"W ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 2280.00 FEET...

TOGETHER WITH A NON-EXCLUSIVE EASEMENT, FOR INGRESS AND EGRESS OVER AND ACROSS ANY LANDS OWNED BY GRANTORS HEREIN LYING WITHIN 25 FEET EACH SIDE OF THE CENTERLINE OF THAT PORTION OF THAT CERTAIN EXISTING LIMEROCK ROAD LYING IN SECTIONS 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 21 EAST, SUMTER COUNTY, FLORIDA, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:
FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 21 EAST, SUMTER COUNTY, FLORIDA...

Table with columns: NO., BY, DATE, DESCRIPTION. Contains revision history entries.

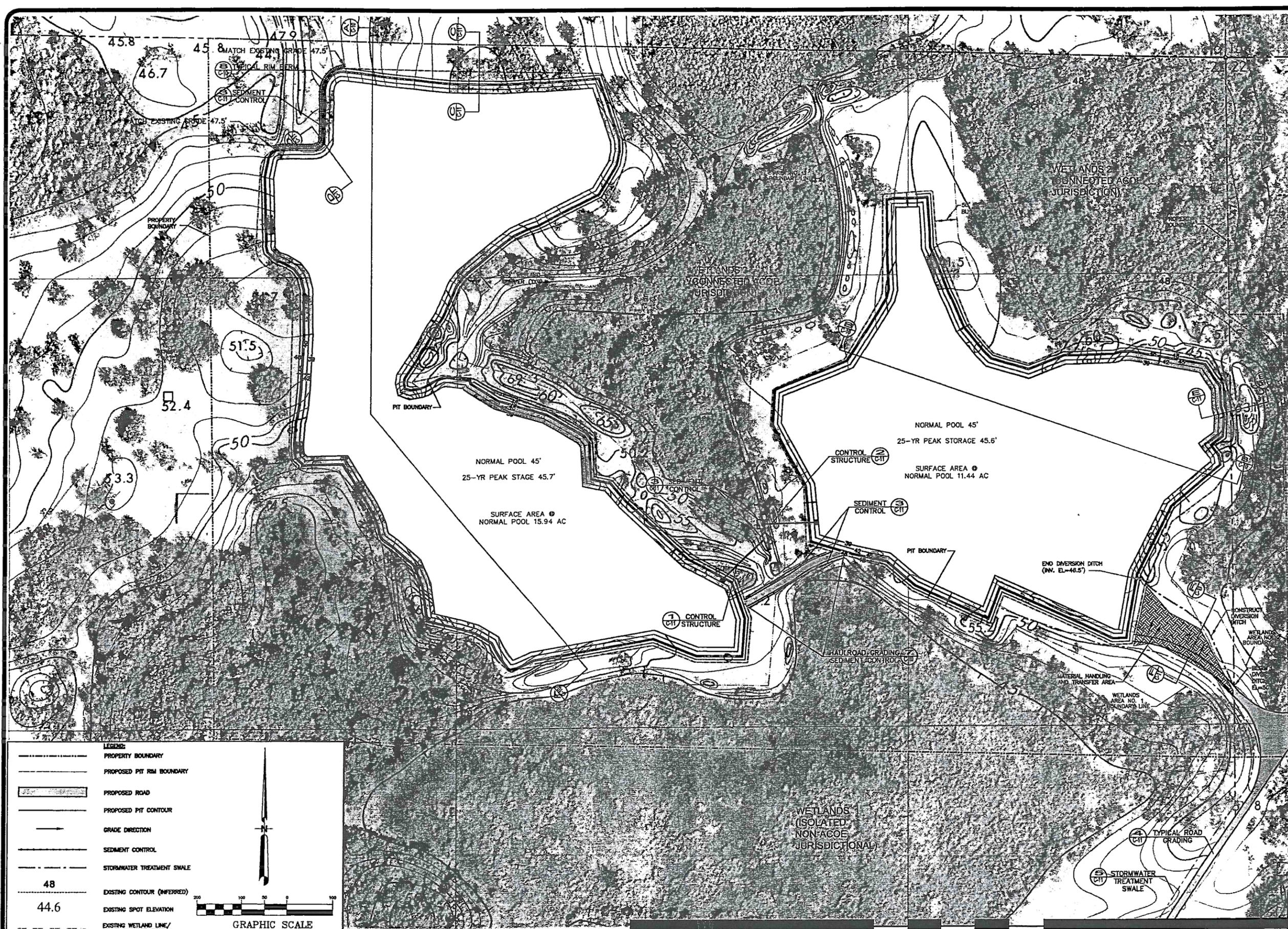
STANDARD NOTES

SUMTER COUNTY LIME ROCK MINE
FOR
ROCKING "G" INC.
ONE NORTH DALE MABRY HWY, SUITE 800
TAMPA, FLORIDA 33609

URS Corporation Southern
7850 W. Courtney Campbell Cswy.
Tampa, Florida 33607 (813) 284-1711
Engineering Business No. 00000002

Signature of Joseph M. Ruperto, Sr. and official stamp of URS Corporation Southern, dated 12/15/02.

REVISED 12/16/02 1354



LEGEND:

- PROPERTY BOUNDARY
- PROPOSED PIT RIM BOUNDARY
- PROPOSED ROAD
- PROPOSED PIT CONTOUR
- GRADE DIRECTION
- SEDIMENT CONTROL
- STORMWATER TREATMENT SWALE
- 48 EXISTING CONTOUR (INFERRED)
- 44.6 EXISTING SPOT ELEVATION
- EXISTING WETLAND LINE/ OTHER SURFACE WATER

GRAPHIC SCALE

MATCHLINE (SHEET C-08)

| NO. | BY | DATE | DESCRIPTION |
|-----|-----|----------|-------------|
| 1 | JKR | 07/18/02 | REVISED |
| 2 | JKR | 08/14/02 | REVISED |

**PROPOSED GRADING PLAN
(1 OF 2)**

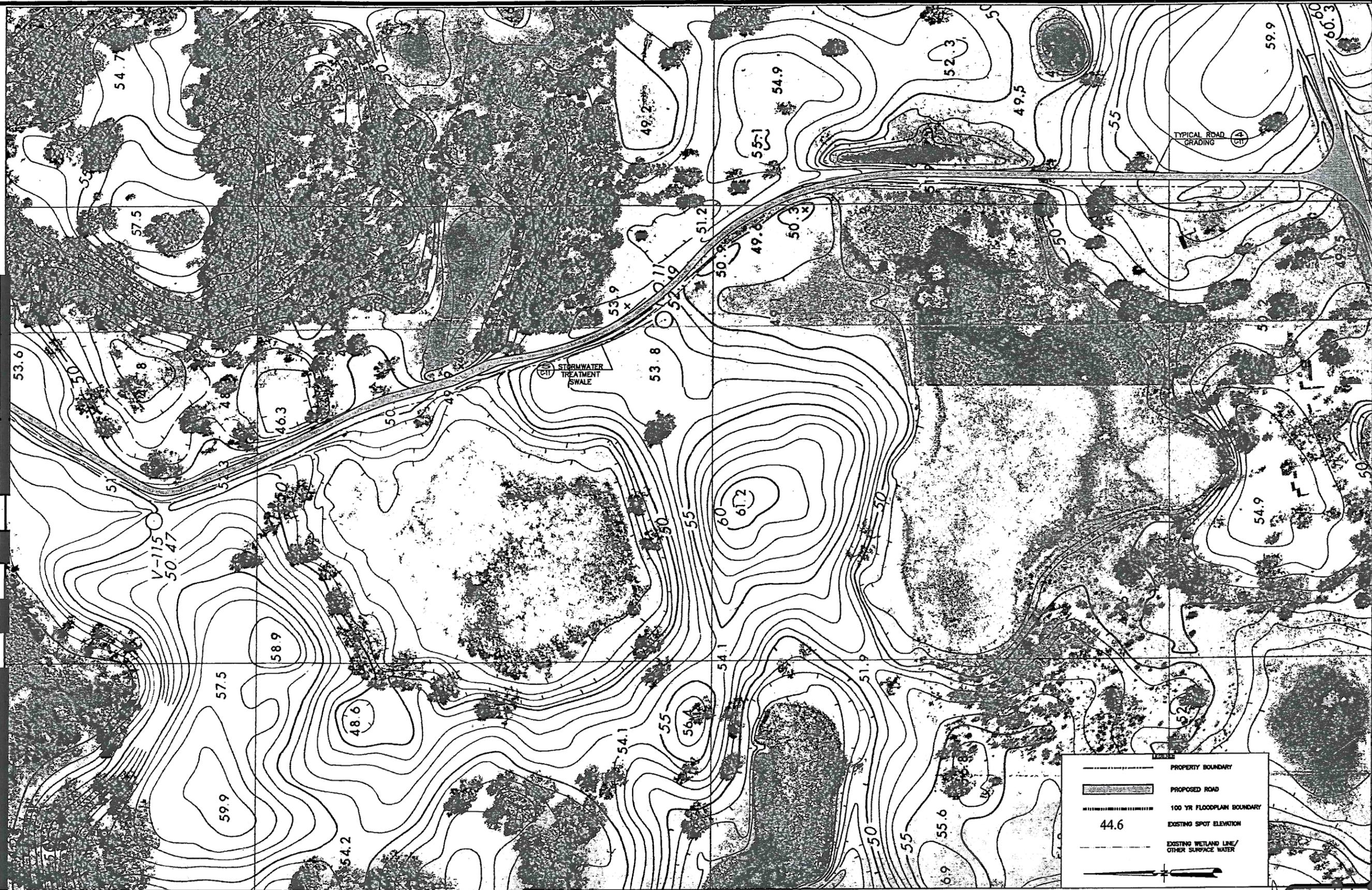
SUMTER COUNTY LIME ROCK MINE
for
ROCKING "G" INC.
ONE NORTH DALE MARRY HWY, SUITE 800
TAMPA, FLORIDA 33609

URS
URS Corporation
7650 W. Courtney Campbell Cwy.
Tampa, Florida 33607 (813) 288-1711
Engineering Business No. 00000002

C-07

Joseph M. Rupperto
JOSEPH M. RUPPERTO
Professional Engineer
No. 49862
FL Reg. No. 12118162

MATCHLINE (SHEET C-07)



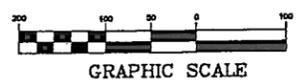
PROPERTY BOUNDARY

PROPOSED ROAD

100 YR FLOODPLAIN BOUNDARY

44.6 EXISTING SPOT ELEVATION

EXISTING WETLAND LINE/
OTHER SURFACE WATER



Joseph M. Ruperke
 JOSEPH M. RUPERKE
 Registered Professional Engineer
 No. 48693
 State of Florida
 12/16/08

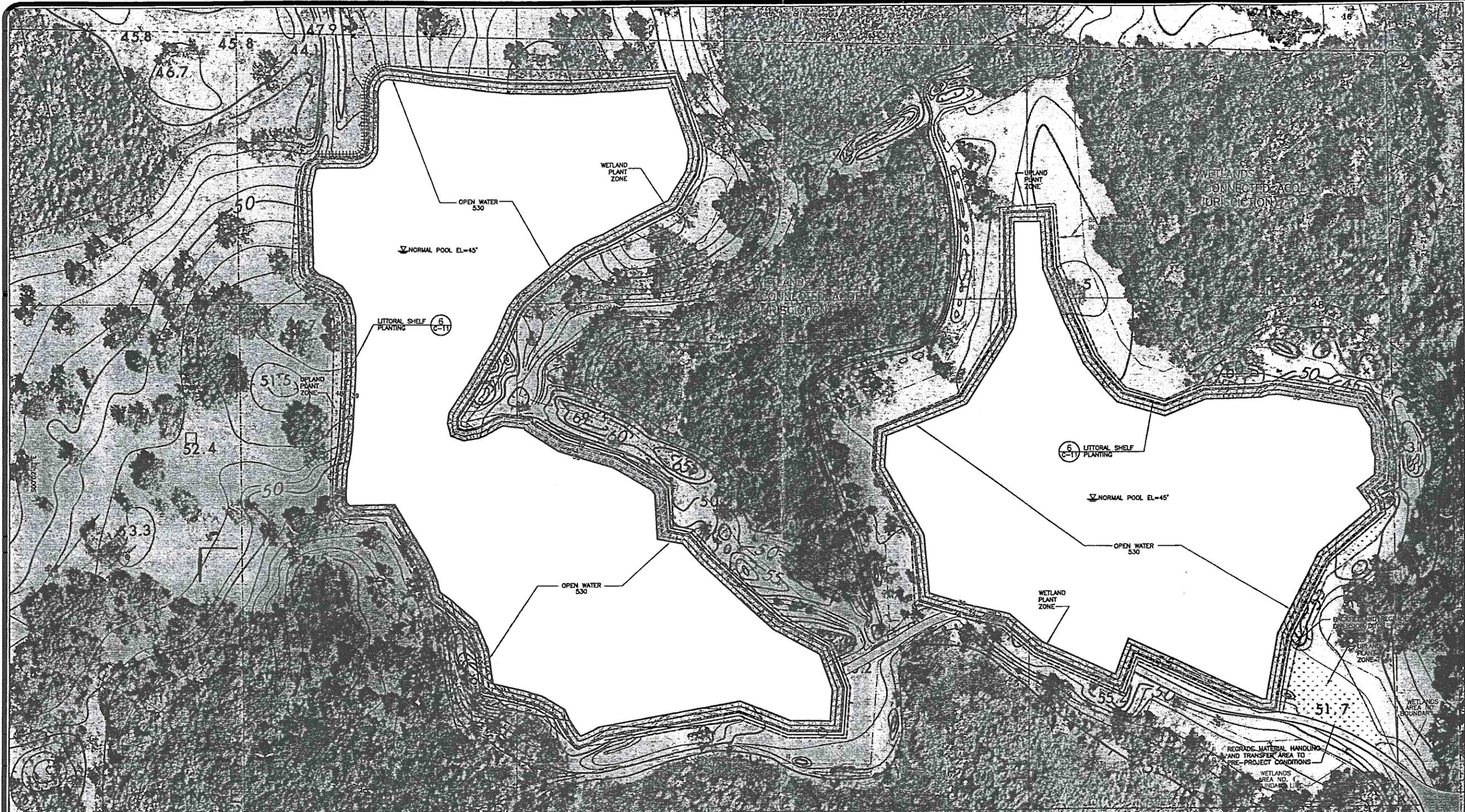
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**PROPOSED GRADING PLAN
(2 OF 2)**

SUMTER COUNTY LIME ROCK MINE
 FOR
 ROCKING "G" INC.
 ONE NORTHDALE MARY HWY, SUITE 600
 TAMPA, FLORIDA 33608

URS Corporation
 One Corporate Center
 7650 W. Ford Rd.
 Tampa, Florida 33607 (813) 288-1111
 Engineering Business No. 0000002

C-08



LEGEND

- PROPERTY BOUNDARY
- PROPOSED ROAD
- PROPOSED UPLAND PLANT ZONE 210 (90%) 420 (10%)
- PROPOSED UPLAND PLANT ZONE 640 (90%) 610 (10%)
- PROPOSED PIT RIM BOUNDARY
- 48 --- EXISTING CONTOUR (INFERRED)
- 44.6 --- EXISTING SPOT ELEVATION
- EXISTING WETLAND LINE/ OTHER SURFACE WATER

GRAPHIC SCALE

| Zone | Species | Size | Spacing |
|----------|---|-----------|---------|
| Littoral | (5) <i>Pontederia cordata</i> (Pickersweed) | 4" liners | 3 foot |
| Littoral | (6) <i>Sagittaria latifolia</i> (Arrowhead) | 4" liners | 3 foot |
| Littoral | (4) <i>Scirpus validus</i> (Pebble) | 4" liners | 3 foot |
| Littoral | (1) <i>Spartina bakeri</i> (Sail Cordgrass) | 4" liners | 3 foot |
| Forested | (7) <i>Taxodium ascendens</i> (Red cypress) | 3 gallon | 12 foot |
| Forested | (2) <i>Acer rubrum</i> (Red maple) | 3 gallon | 12 foot |
| Forested | (3) <i>Liquidambar styraciflua</i> (Sweetgum) | 3 gallon | 12 foot |
| Uplands | | | |
| GC | <i>Bahia Grass</i> (<i>Sporobolus nutans</i>) | Seed | 12 foot |
| Forested | <i>Quercus virginiana</i> (Live oak) | 3 gallon | 12 foot |
| Forested | <i>Quercus laevis</i> (Laurel oak) | 3 gallon | 12 foot |
| Forested | <i>Pinus elliotii</i> (Slash pine) | 3 gallon | 12 foot |

Wetland Planting Elevations

Pontederia cordata - .5 feet below to .5 feet above normal pool
Sagittaria latifolia - .5 feet below to .5 feet above normal pool
Scirpus validus - .5 feet below to .5 feet above normal pool
Spartina bakeri - .5 feet below to .5 feet above normal high water
Taxodium ascendens - 1 foot below to normal pool
Acer rubrum - normal pool to .5 feet above normal pool
Liquidambar styraciflua - normal pool to .5 feet above normal pool

| Proposed Land Use | Acres | % |
|-------------------------------|---------------|-------------|
| 210 - Pastureland | 3.307 | 11.82 |
| 420 - Upland Hardwood Forest | 0.486 | 1.43 |
| 530 - Marsh Pine | 26.82 (27.38) | 79.06 |
| 610 - Wetland Hardwood Forest | 1.872 | 5.52 |
| 640 - Herbaceous Wetland | 1.008 | 2.97 |
| Total | 33.49 | 100% |

* Mine pit area at normal pool equals 27.38 ac. One half of the planted littoral shelf acreage (0.56 ac) is below normal pool. Thus 27.38 ac - 0.56 ac = 26.82 ac is the reported mine pit acreage, which allows the total acreage to equal 33.92 ac.

** This land cover category includes 0.32 ac of road that will remain following reclamation. This road will be a graded 2 track.

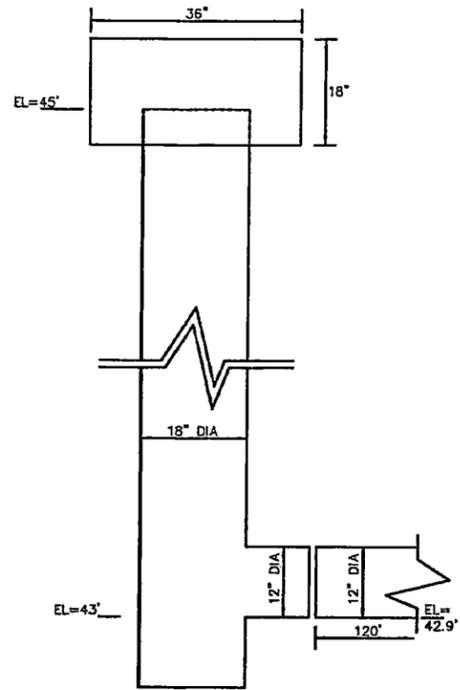
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|----------|-----|-------------|
| 2/18/03 | RAJ | 2/18/03 |
| 12/18/02 | RAJ | 12/18/02 |
| 06/14/02 | RAJ | 06/14/02 |

RECLAMATION PLAN

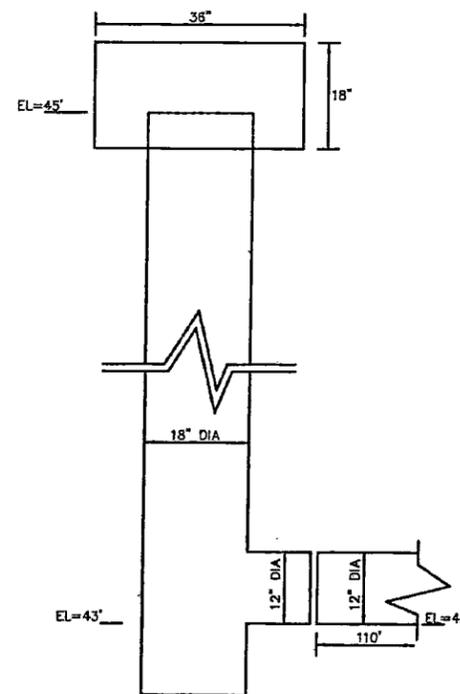
SUNTER COUNTY LIME ROCK MINE
 FOR
 ROCKING "G" INC.
 ONE NORTH DALE MARY, SUITE 800
 TAMPA, FLORIDA 33609

URS Corporation Southern
 7650 W. Courtney Campbell Cwy.
 Tampa, Florida 33607 (813) 286-1711
 Engineering Business No. 00000002

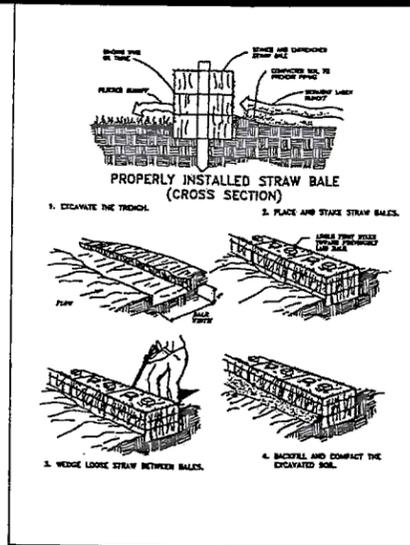
C-09
 JOSEPH M. RUPERTO
 Registered Professional
 49882
 FL Reg. No.



DISCHARGE CONTROL STRUCTURE (WEST) N.T.S.

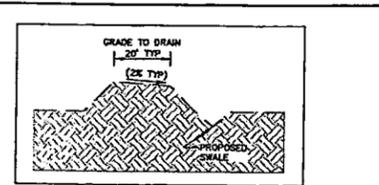


DISCHARGE CONTROL STRUCTURE (EAST) N.T.S.

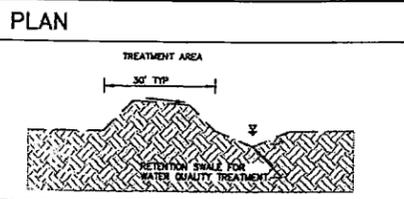
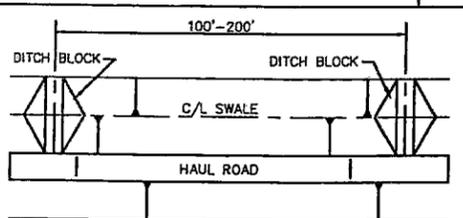


- CONSTRUCTION SPECIFICATIONS**
- Bales shall be placed in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another.
 - All bales shall be either wire-bound or string-tied. String bales shall be installed so that stringers are oriented around the bales rather than along the tops and bottoms of the bales in order to prevent deterioration of the bales.
 - The barrier shall be notched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches. After the bales are staged and damaged bales are replaced, the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the existing level. On the downhill side and shall be built up to 4 inches against the uphill side of the barrier.
 - Each bale shall be securely anchored by at least two stakes (minimum dimensions 2 inches x 2 inches x 36 inches or spacing 1" or 1 1/2" steel posts (minimum weight of 1.33 pounds per linear foot)) driven through the bale. The post ends on steel post in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or steel pickets shall be driven a minimum 18 inches deep into the ground to securely anchor the bales.
 - The gaps between bales shall be closed (filled by wedging) with straw to prevent water from seeping between the bales. Loose straw scattered over the area immediately uphill from a straw bale barrier tends to increase barrier efficiency.
 - Inspection shall be frequent and repair or replacement shall be made promptly as needed.
 - Straw bale barriers shall be removed when they have served their usefulness, but not before the upslope areas have been permanently stabilized.
- MAINTENANCE**
- Straw bale barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
 - Close attention shall be paid to the repair of damaged bales, end runs and undercutting beneath bales.
 - Necessary repairs to barriers or replacement of bales shall be accomplished promptly.
 - Sediment deposits shall be removed after each rainfall. They must be removed when the level of deposition reaches approximately one-half the height of the barrier.
 - Any sediment deposits remaining in place after the straw bale barrier is no longer required shall be dressed to conform to the existing grade, prepared and seeded.

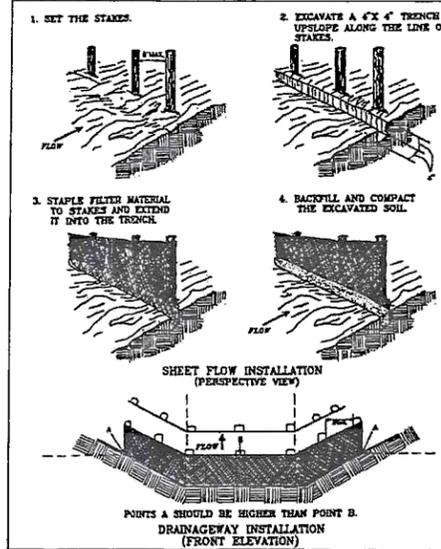
TYPICAL STRAW BALE DETAIL N.T.S.



HAULROAD GRADING (TYP) N.T.S.



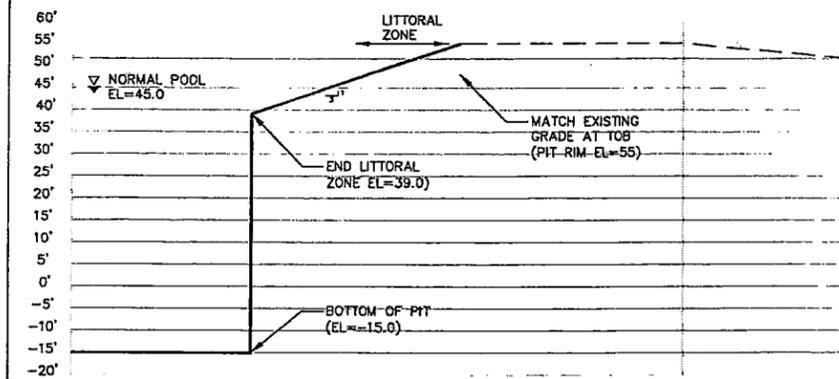
SECTION (TYP) STORMWATER TREATMENT SWALE N.T.S.



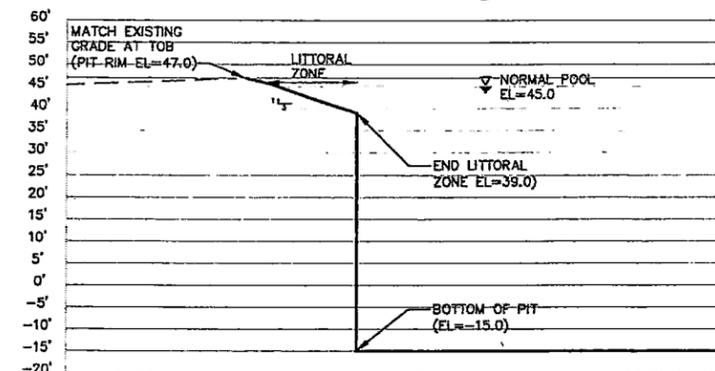
- CONSTRUCTION SPECIFICATIONS**
- NOTES**
- Synthetic filter fabric shall be a porous sheet of polypropylene, nylon, polyester or ethylene web and shall be certified by the manufacturer or supplier as conforming to the following requirements:

| MINIMUM PERCENTAGE OF FILTER FABRIC IN SET FENCE | MINIMUM PERCENTAGE OF FILTER FABRIC IN SET FENCE |
|--|--|
| PERMEABILITY | PERMEABILITY |
| TENSILE STRENGTH AT BREAK (MIN.) | TENSILE STRENGTH AT BREAK (MIN.) |
| ULTRAVIOLET RADIATION STABILITY | ULTRAVIOLET RADIATION STABILITY |
 - Synthetic filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six months of expected usable construction life at a temperature range of 0° F to 120° F.
 - If wooden stakes are utilized for silt fence construction, they must have a diameter of 2 inches when cut to length and 4 inches when pine is used. Wooden stakes must have a minimum length of 8 feet.
 - If steel stakes (extending 1" on 1" sections) are utilized for silt fence construction, they must have a minimum weight of 1.33 pounds per linear foot and shall have a minimum length of 8 feet.
- INSTALLATION**
- The height of a silt fence shall be a minimum of 18 inches above the original ground surface and shall not exceed 36 inches above existing elevation.
 - The filter fabric shall be purchased in a continuous roll, cut to the length of the barrier to avoid the use of joints. When joints are unavoidable, filter cloth shall be spliced together only at a support post, with a minimum 6-inch overlap, and securely sealed.
 - A trench shall be excavated approximately 4-inches wide and 4-inches deep on the upslope side of the proposed location of the barrier.
 - Extra-strength filter cloth shall be used. Posts for 2-in type of fabric shall be driven securely to the upslope side of the posts using one inch long (minimum) heavy-duty wire staples on the uphill and eight inches of the fabric shall be extended into the trench. The fabric shall not be sealed to existing trench.
 - If a silt fence is to be constructed across a ditch line or swale, the fence must be of sufficient length to eliminate erosion, and the plan configuration shall resemble an arc or horseshoe with the door oriented upslope.
 - The 4-inch by 4-inch trench shall be backfilled and the soil compacted over the filter fabric.
 - Silt fences shall be removed when they have served their useful purpose, but not before the upslope area has been permanently stabilized.
- MAINTENANCE**
- Silt fences shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Any necessary repairs shall be made immediately.
 - Close attention shall be paid to the repair of damaged silt fence resulting from end runs and undercutting.
 - Should the fabric on a silt fence deteriorate or become ineffective prior to the end of the expected usable life and the barrier must be necessary, the fabric shall be replaced promptly.
 - Sediment deposits shall be removed after each storm event. They must be removed when deposits reach approximately one-half the height of the barrier.
 - Any sediment deposits remaining in place after the silt fence is no longer required shall be dressed to conform with the existing grade, prepared and seeded.

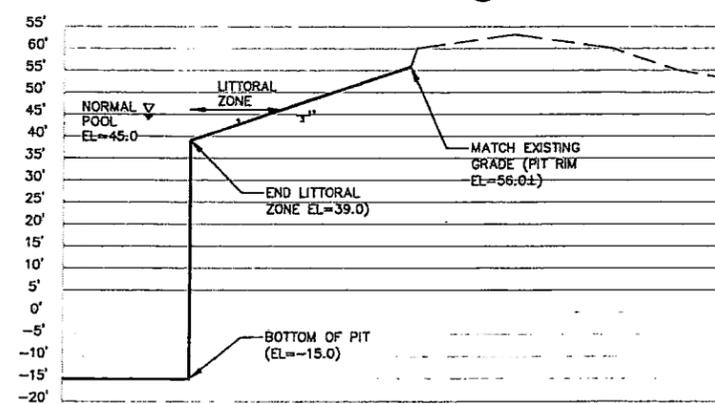
TYPICAL SILT FENCE DETAIL N.T.S.



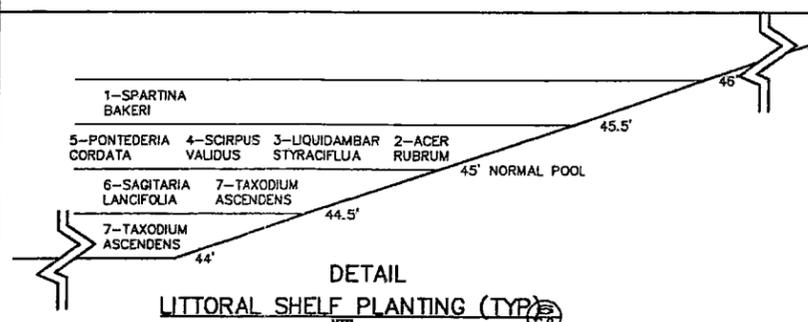
LITTORAL SHELF SECTION N.T.S.



LITTORAL SHELF SECTION N.T.S.



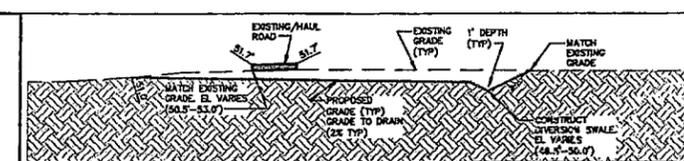
LITTORAL SHELF SECTION N.T.S.



DETAIL LITTORAL SHELF PLANTING (TYP) N.T.S.

- | | | | |
|----------------------|----------------------|---------------------------|---------------|
| 1-SPARTINA BAKERI | 4-SCIRPUS VALIDUS | 3-LIQUIDAMBAR STYRACIFLUA | 2-ACER RUBRUM |
| 5-PONTEDERIA CORDATA | 7-TAXODIUM ASCENDENS | 6-SAGITARIA LANCIFOLIA | |
| 7-TAXODIUM ASCENDENS | | | |

NOTE: REFER TO RECLAMATION PLANTINGS LIST ON SHEET C-09 FOR SIZE AND SPACING OF PLANTS.



MATERIAL HANDLING AREA (TYP) N.T.S.

SUMTER COUNTY LIME ROCK MINE FOR ROCKING "G" INC. ONE NORTH DALE HARBOR HWY. SUITE 800 TAMPA, FLORIDA 33609

URS CORPORATION Southern 7650 W. Courtney Campbell Cwy. Tampa, Florida 33607 (813) 286-1711 Engineering Business No. 00000002

CROSS SECTIONS & DETAILS

URS

C-11

wadelaw

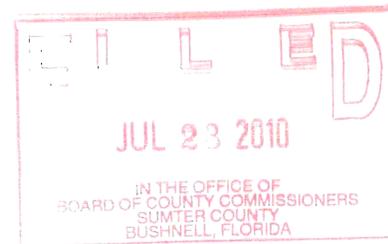
JAMES E WADE, III, P.A.

July 23, 2010

Mr Doug Gilpin, Chairman
Board of County Commissioners
Sumter County
910 N Main St., Suite 301
Bushnell, Florida 33513

Via Hand Delivery

Re: Notice of Appeal from determination by
Bradley Cornelius
regarding Rocking G, Inc.
Reclamation and Reconfiguration Project;
and Request for Variance



Dear Mr Gilpin.

Please accept this letter as my formal appeal and request for review of the decision and determinations as set forth in the letter from Bradley T Cornelius dated July 1, 2010, addressed to me regarding the above referenced matter and in response to my letter of inquiry dated June 21, 2010. I have attached a copy of both letters for your convenience. Sumter County Code Section 13-236(a)(3)b. provides that a Notice of Appeal should be filed "on a form provided by the commission", however per your staff there is no such formal form and this letter should suffice. Please advise if some other form is required.

This appeal is filed pursuant to Sumter County Code Section 13-236(a), Section 13-852(a) and Section 13.166-8 of Ordinance No. 90-12. To the extent that a strict interpretation of Ordinance 90-12 or the Sumter County Code creates a hardship upon Rocking G, Inc., I also request a variance per Section 13-166.7

There are several issues to be addressed in this appeal process, but first I point out a couple of typographical errors in the letter of July 1, 2010, just to be factually and technically accurate. My client's DEP ERP was issued May 13, 2003, not 1993 as stated in Bradley's letter Also, his letter referenced an appeal pursuant to 13-326, however I found no section 326 and presume the correct reference is 13-236.

While I respect that most of the comments and points made by Mr Cornelius are technically correct, he failed to properly recognize and apply some of the pertinent details and made erroneous decisions based upon misinterpretation and misapplication of the various provisions of Sumter County Code, ordinances, and applicable Florida State Statutes. I request the Sumter County Board of County Commissioners to review all applicable facts and issues and direct staff to recognize that the continuation of a non-conforming use and the physical existence of the two mine pits, whether or not timely registered, constitute a lawful mine for purposes of locational compliance with mining

Mr Doug Gilpin, Chairman
Board of County Commissioners
7/23/2010
Page 2

ordinance requirements such that the reclamation project can move forward through the Conditional Use and Operating Permit application process.

One significant error is that Mr Cornelius failed to properly recognize that the subject property and the existing mine pits constitute a non-conforming use of the subject property which has been continuous and which has not been abandoned since the early 1960's. A non-conforming use which predates the implementation of new laws and regulations is a vested right which must be allowed to continue, otherwise it may constitute a "taking" by governmental action and require compensation. Since the existing mine pits pre-dated the mining ordinance, they are allowed to continue as a non-conforming use both under the common law and under the terms and conditions of Sumter County's ordinance and Comprehensive Plan.

The existing mine pits meet the definition set forth in Ordinance 90-12 Section 13-166.1 G. 1 which states. "[L]awful Mine" means any mine as of the date of adoption of this ordinance that is permitted in accordance with zoning approval (zoned M-1 or M-2), or other applicable law which was in effect on the date the mine was first initiated or which constitutes a non-conforming use." Since the pits pre-date the mining ordinance, they constitute a non-conforming use. Non-conforming uses are specifically recognized and are constitutionally deemed vested under Ordinance 90-12 and Sumter County Code Section 13-802 which references 90-12 and sets forth that non-conforming uses shall be allowed to develop as approved prior to adoption of such ordinances and such non-conforming uses are statutorily vested.

Section 13-166.1 D. 1. provides: [A]ny mine which is a lawful mine as of the effective date of this ordinance, and the operator or owner of the mine complies with the registration provisions set forth in subsection (3) below, shall be permitted to continue to mine pursuant to the operating permit granted for that particular mine." Section 13-166.1 D. 2. provides: [A]uthorization to operate a mine which is lawfully in existence as of the effective date of this ordinance shall remain valid and in force. Should mining activities cease for a period of three (3) years, mining authorization shall expire unless extended.

" My client's mine is a non-conforming use which was never abandoned, and which has not ceased mining activities for three (3) years and is a "lawful mine" per above definition. Since the mine pre-dated the ordinances and there was no applicable "operating permit", Ordinance 90-12 provides authorization to continue the non-conforming use until or unless the "mining activities" cease for three (3) years, and such activity is broadly defined to include the present reclamation project.

Mr Cornelius' letter indicates that Sumter County has no record of the subject mine being "registered", but he failed to indicate any records supporting proper notification to the land owner(s) of record or notification to any holders of mineral rights

Mr Doug Gilpin, Chairman
Board of County Commissioners
7/23/2010
Page 3

on the subject property within the 90 day window after approval of Ordinance 90-12 on September 19, 1990. I submit that neither the record property owner at the time or the record holder of a mineral rights interest received proper notice sufficient to eliminate the existence of two (2) physically existing mine pits.

Additionally, the penalty for failure to register, even assuming proper notification was given, is not to abolish the existing mines and create the legal fiction that they no longer exist, but merely to change the future requirements for operations. The failure to register does not alter the factual existence of a mine. Section 13.166.1 D. 5. provides: “[A]ny mine which has not applied for registration within the time period specified in Section 13-166.1 (D) (3) of this ordinance shall lose any vested rights or grandfathering for the *operation* of such mine. In order to operate such mine, the mine shall be required to comply with all provisions of this code including obtaining an approved mining site plan, operating permit, and proper zoning.” (emphasis added) Nothing in the registration portion of the ordinance says that failure to register permanently closes an existing lawful mine, otherwise allowed to continue its non-conforming use, or requires it to move “adjacent” to existing legally permitted mine sites. This is in fact the reason for my letter of inquiry to Mr Cornelius in the first place – it seems to me that the extraction of additional rock beyond the footprint of the two (2) existing mine pits, which are continued non-conforming uses, pursuant to the ERP issued by the DEP will require compliance with obtaining an approved mining site plan, operating permit and proper zoning – which is a Conditional Use Permit.

Mr Cornelius has misinterpreted and misapplied some confusing and conflicting aspects of the Sumter County Code, Ordinances and Comprehensive Plan. The concept of “adjacent” location did not exist prior to the adoption of the Comprehensive Plan February 3, 1992, and thus is not a requirement under the 1990 Ordinance 90-12. The policy of the Comprehensive Plan Policy 7.1 11.2 specifically directs that Sumter County shall regulate mining activities to control various aspects, including reclamation of mined lands, pursuant to 90-12, which does not contain “adjacent” language. The Comprehensive Plan recently readopted as Ordinance 2009-02 did not change the reference to 90-12, however the 1996 Ordinance regarding Section 13-772 (d)(1) includes language that, “ ‘existing, legally permitted mine sites’ shall mean those properties on which all required use and operating approvals and permits are in full force and effect.”

This seems to be a more stringent definitional requirement than 90-12, but only applies to “lands approved for limerock mining activity after February 3, 1992 ” Therefore this language should not be used or relied upon for determining whether or not the subject existing mine pits are non-conforming uses which have not been abandoned. The appropriate question should be whether or not the anticipated newly mined section of the overall reclamation project is properly adjacent to the existing non-conforming mine

Mr Doug Gilpin, Chairman
Board of County Commissioners
7/23/2010
Page 4

– which clearly is the case in this matter. But for the fact of the existing mines which need to be reclaimed, then Mr Cornelius’ decision to deny the request for a new area for mining would be correct. In this case, Mr. Cornelius has erroneously denied the request simply for the alleged failure to timely register under 90-12, which is not the appropriate penalty for such failure as clearly set out in the Ordinance. It does not say you can never mine – just that you have to get new operating approvals and comply with new buffers, etc. instead of operating under a previous operating agreement. No one has suggested that my client can not continue its non-conforming use and continue to mine on a small scale and utilize rock from the existing pits and from existing stockpiles. The only issue is whether or not my client can expand the footprint and excavate new areas to the extent of the ERP DEP permit and authorization.

I look forward to discussing this issue with the BOCC and answer any questions. I will provide additional supporting documentation and related maps prior to any scheduled hearing.

Thank you for your attention and prompt response to my request.

Sincerely,

JAMES E.WADE, III, P.A.


James E. Wade, III

JEW/sd

cc: Bradley Arnold
County Administrator (w/o enclosures)

Enclosures

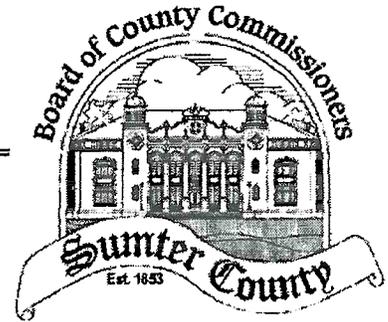
Board of County Commissioners

Division of Planning & Development

Planning Services

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274

Website: <http://sumtercountyfl.gov/planning>



July 1, 2010

James E Wade, III, P.A.
116 Bushnell Plaza
Bushnell, FL 33513

Re Rocking G, Inc. Limerock Mine Reclamation and Reconfiguration Project

Dear Mr. Wade

This letter is in response to your letter, dated June 21, 2010, regarding the proposed limerock mine reclamation and reconfiguration project on property owned by Rocking G, Inc. My response is focused on the issue on whether the proposed activity is consistent with the County's existing regulations related to limerock mining, specifically Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element, and Section 13-772(d)(1), Sumter County Land Development Code

The proposed mining activities of Rocking G, Inc. reclamation of old mine pits (pre-adoption of the County's zoning regulation and comprehensive plan) and additional extraction of limerock deposits from the old mine pits is considered mining and must be consistent with the County's regulations for mining.

The principal locational regulation for limerock mines in the County is they must be adjacent to existing legally permitted limerock mines (Section 13-772(d)(1), Sumter County Land Development Code and Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element).

An existing legally permitted limerock mine in the County is a mine that either has a valid Conditional Use Permit and Operating Permit approved by the Board of County Commissioners or registered with the County as a vested mine under the provisions of Ordinance 90-12

Based on the records within our office, the Rocking G, Inc. property does not have a

Bradley T. Cornelius, AICP
Planning Manager
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Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Richard "Dick" Hoffman, Dist 1
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Don Burgess, Dist 3
Vice Chairman
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Garry Breeden, Dist 4
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
2nd Vice Chairman
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

valid Conditional Use Permit and Operating Permit approved by the Board of County Commissioners and was not registered as a vested mine under the provisions of Ordinance 90-12

Ordinance 90-12 established a new mining ordinance for the county. One of the major provisions of the ordinance was the requirement for mines existing prior to adoption of the ordinance to register with the County to be considered as vested. The ordinance provided that mines that failed to register shall lose any vested rights and must meet the current requirements and obtain proper zoning approvals. Our office has no records indicating that the Rocking G, Inc. property registered under the provisions of Ordinance 90-12. In support of the registration process of Ordinance 90-12, the current Land Development Code Section 13-802(b)(1)(e) refers to the vesting/registration process of Ordinance 90-12 in determining if a property is subject to statutory vesting.

I acknowledge the issuance of the Florida Department of Environmental Protection's Environmental Resource Permit (ERP) No. 02021750991, dated May 13, 1993, for the subject property. However, the issuance of permit by a State Agency does not bind nor require the issuance of local zoning or development permits. In addition, the fact that the County did not object to the ERP in 1993 does not provide implicit approval of the required local zoning or development permits.

Considering these facts, the Rocking G, Inc. property is not a vested limerock mine pursuant to Section 13-802(b)(1)(e), Sumter County Land Development Code and the proposed use of the property for mining activities must be consistent with the locational requirements of Section 13-772(d)(1), Sumter County Land Development Code, and Policy 7.1.11.1(a), Sumter County Comprehensive Plan – Future Land Use Element.

The following options are available to Rocking G, Inc.:

1. Apply for a Large Scale Comprehensive Plan amendment to amend the Comprehensive Plan to allow for mining on the property and then apply for the Conditional Use Permit and Operating Permit;
2. File an appeal to my vesting determination to the Board of County Commissioners consistent with Section 13-852 and 13-326, Sumter County Land Development Code,
3. Make application to the County for a Conditional Use Permit and Operating Permit for a limerock mine on the property with the understanding that based on the current information staff would not recommend approval due to inconsistency with Section 13-772(d)(1), Sumter County Land Development Code, and Policy 7.1.11.1(a), Sumter County Comprehensive Plan;
4. Complete reclamation of the old limerock pits without "mining" (i.e. limerock removed only used on site and not sold or transferred); or
5. Abandon pursuit of a limerock mine on the property.

Do not hesitate to contact me with any questions or to set up a meeting to further discuss these issues.

Sincerely,

Aimee Webb for Brad Cornelius

Bradley T. Cornelius, AICP
Planning Manager

cc.
Bradley Arnold, County Administrator

wadelow

JAMES E WADE, III, P.A.

June 21, 2010

Mr. Brad Cornelius, AICP
Planning Manager - Sumter County
910 N Main St., Suite 301
Bushnell, Florida 33513

Re: Rocking G, Inc.
Reclamation and Reconfiguration Project

Dear Mr. Cornelius

I have the pleasure of representing Rocking G, Inc. regarding their rock mine reclamation and reconfiguration project in Sumter County, Florida. My client has successfully obtained the required Environmental Resource Permit, Permit No. 0202175-001 from the Department of Environmental Protection to proceed with the project. Sumter County was provided with required notification during the DEP application process, however a copy of the ERP is attached for your convenience. I have consulted with Tracy Bryant, Principal Consultant, with Florida Communications and Development Group, Inc. (FCDG) regarding certain aspects of this project and the potential for her assistance with this matter. I hereby request a pre-application meeting with you and your staff to discuss proceeding with this reclamation and reconfiguration.

Limerock mining on the subject property began circa 1960 and included the two (2) existing mine pits which are approximately 60 feet in depth and have some shear walls with open access, which are potentially hazardous and obviously do not meet the current reclamation requirements. Since the mining operations predated the current reclamation standards, such reclamation is not required, but my client understands that the excavation of any new areas or mining activities as part of the reclamation project will require compliance with the current standards and agrees to a total reclamation of the entire project area. The proposed project will provide for improving the current condition of the property and eliminate potential dangers as well as provide an opportunity for the utilization of the aggregate resources to defray a substantial portion of the expense associated with the reclamation process and reconfiguration of the two (2) existing mine pits.

A significant issue to be discussed when we meet is whether or not Sumter County will require a conditional use permit (CUP) and approval of an operating permit pursuant to a mining site plan (Operating Permit) regarding this reclamation effort. This project is located in an area designated as agriculture on the Future Land Use Map and is appropriate for approval of such CUP, if required. The documentation for a mining site plan and other pertinent data have all been filed and approved by DEP as part of the ERP approval process. I will be happy to provide you with any documentation you need, but understand that Sumter County was provided with copies of such in the ERP process.

Rocking G
6/21/10 - Page 2

My client is ready to pursue the reclamation activities, including the excavations between and reconfiguration of the two (2) existing mine pits on the property. I believe this project is vested and request that you determine it exempt from further local permitting, however, if additional permitting is required, this project complies with the requirements of Section 12-772(d) (1) Sumter Land Development Code and Policy 7.1.11.1 Sumter County Comprehensive Plan as to location, zoning and FLUM designation. The area of any new excavation or mining activity will be adjacent to, contiguous to and in fact physically in between the two (2) existing mine pits.

The two (2) existing mine pits squarely fit the Florida Statutory definition of existing mine. Pursuant to Florida Statute (F.S.) 378.403(4) “ ‘[E]xisting mine’ means any area upon which an operation is being conducted, or has been conducted, on October 1, 1986.” Excavation of said pits began circa 1960 so they were in existence and operation prior to Sumter County’s first zoning ordinances around 1972, and significantly prior to the adoption of County Comprehensive Plan and other regulations February 3, 1992. Presumably Sumter County will accept the recognition by the State of Florida and DEP that my client’s pits are “existing mines” by statutory definition. By contrast the two (2) existing pits clearly are not “new” mines and do not fit the statutory definition in F.S. 378.403 (11) “ ‘[N]ew mine’ means any mine that is not an existing mine” It would be illogical to conclude that the two (2) existing mine pits do not exist when they physically do exist. Thus I believe the two (2) existing mine pits are in fact legally vested mines and that the reclamation and reconfiguration project should be determined to be exempt from further local permitting.

There were no objections to the application and approval process of the ERP through DEP, and Sumter County should welcome the opportunity to allow my client to move forward with this project and create some much needed jobs in the current economic climate as well as provide needed construction aggregate material resources for the road building and construction industry of Central Florida.

Therefore, please advise when you and your staff will be available for a pre-application meeting to discuss exemptions or the need for conditional use permit and/or issuance of an operating permit to proceed with this project.

Thank you for your attention and prompt response to my request.

Sincerely,

JAMES E. WADE, III, P.A.


James E. Wade, III

Brad C.

wadelow

JAMES E. WADE, III, P.A.

August 11, 2010

Mr. Doug Gilpin, Chairman
Board of County Commissioners
Sumter County
910 N. Main St., Suite 301
Bushnell, Florida 33513

Via Hand Delivery



Re: Affidavit of R. Frank Wade
Regarding Rocking G, Inc.
Reclamation and Reconfiguration Project;

Dear Mr. Gilpin:

Enclosed herewith is the original Affidavit of R. Frank Wade Regarding Rocking G, Inc. Reclamation and Reconfiguration Project which supports the position of my client concerning the decision of Bradley Cornelius and our appeal to the Sumter County BOCC. Please file and distribute copies as needed for your records and consideration regarding this matter.

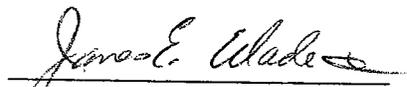
In addition to this affidavit our position is supported by the public records of Sumter County, including deeds and mineral reservations as recorded in the Official Records of the Clerk of Court and certain aerial photographs through the years in the records of the office of Property Appraiser and Road and Bridge Department. I am in the process of acquiring copies of these maps or photo's to assist in our future presentations and discussions.

I look forward to discussing this issue with the BOCC and answer any questions. I will provide additional supporting documentation and related maps prior to any scheduled hearing.

Thank you for your attention and prompt response to my request.

Sincerely,

JAMES E. WADE, III, P.A.


James E. Wade, III

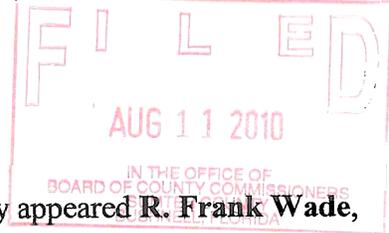
JEW/sd

cc: Bradley Arnold
County Administrator (w/ enclosure)
Enclosures

| | | |
|---------|-------|----------------------|
| Copy To | | |
| Comms | _____ | Pub Wks Div _____ |
| Co Atty | _____ | Bldg & Dev Div _____ |
| Co Fin | _____ | Admin Div _____ |
| Other | _____ | Com Svcs Div _____ |

Affidavit of R. Frank Wade
Regarding Rocking G, Inc.
Reclamation and Reconfiguration Project

STATE OF Florida
COUNTY OF Lake



BEFORE ME, the undersigned notary public, personally appeared **R. Frank Wade**, who, after being first duly sworn, deposes and says:

- (1) My name is **R. Frank Wade, a/k/a R. F. Wade, a/k/a Frank Wade, a/k/a Robert Franklin Wade** and **a/k/a Robert Franklin Wade, Trustee of the Robert Franklin Wade Family Trust** dated May 1, 1990. I am the surviving spouse of **Betty Ann Wade**, who is now deceased.
- (2) I have personal knowledge regarding the real property, limerock deposits and mining activities which are involved with the Rocking G, Inc. Reclamation and Reconfiguration Project being considered by Sumter County and located in Section 21, Township 21 South, Range 21 East, in Sumter County, Florida.
- (3) I am now retired, but was born and raised in Sumter County and spent most of my adult life being self employed in various commercial and agricultural endeavors, including land clearing and development, road building, cattle and farming operations and related trucking and heavy equipment businesses. I was also a member of the Sumter County Board of County Commissioners when zoning was first implemented in Sumter County around 1972.

- (4) I previously owned certain lands in Sumter County including the subject real property and initiated the mining activities, which resulted in the two (2) existing mine pits now on the property owned by Rocking G, Inc., in the early 1960's. I personally oversaw mining activities and mining operations and utilized various operators over the years, the first group being from Cuba and a later group from the Ocala area. Additionally I used the limerock to build and maintain roads on this parcel and other properties in and around Sumter County. In the normal course of prudent business I would ensure the excavation and storage of significant stockpiles of limerock to be utilized in between operators prior to the removal of dragline(s) and such heavy equipment.
- (5) The construction of Interstate 75 and widening of US 301 in parts of Marion, Sumter, Hernando and Pasco Counties were some of the larger projects in the area creating the need for local limerock resources. Additionally, I provided machinery, including several large bulldozers, and manpower for clearing a significant portion of the right of way for Interstate 75 in the Wildwood interchange area prior to actual construction of the roadway.
- (6) The original mining began before Sumter County had mining ordinances and was allowed to continue as a pre-existing use. I owned the subject property, together with other surrounding lands, continuously from prior to the beginning of mining operation until July 1987 when my wife and I sold the entire tract to Paul L. Urban and Joyce K. Urban, however, in said sale we

reserved 25% of the mineral rights for ten years as a part of the sales negotiations, and we held a purchase money mortgage which had a balloon payment due on or about July 1997

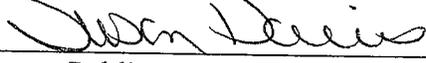
- (7) In February 1998, I reached an agreement with Mr and Mrs. Urban to release the western portion of the total tract to them in exchange for a re-conveyance to my wife and I of the eastern portion of the tract, which included the two existing mine pits. This agreement included a release of the unpaid balance due on the purchase money mortgage and a quit-claim deed releasing any claim to the 25% reserved mineral rights on the western portion of the property.
- (8) In October and November of 1998 both the western portion and the eastern portion of the former entire tract was sold and transferred to James L. Wilkes and Gail G. Wilkes, including the two existing mine pits, the limerock stockpiled and stored on the property and all mineral rights regarding the subject property. In May 2002 the parcels containing the two existing mine pits were conveyed to Rocking G, Inc., the present owner
- (9) The two existing mine pits have been continuously used for mining activities and operations from their inception in the early 1960's with no intervening or contrary uses. The mining activities and/or mining operations have not been abandoned or ceased.
- (10) I have not received any notification from Sumter County to cease mining activities or operations.

- (11) I have not received any notification from Sumter County regarding any ordinance, rule or law requiring additional permitting to continue the pre-existing mining activities or operations.
- (12) I have not received any notification from Sumter County regarding any ordinance, rule or law requiring registration to continue the pre-existing mining activities or operations.
- (13) I understand that Rocking G, Inc. has continued the mining activities and operations on the subject property in, on and around the two existing mine pits and that they have used up most of the stockpiled materials stored onsite and now intend to excavate additional limerock from the existing pits and want to expand to reconfigure the size and shape of the pits as part of the reclamation and reconfiguration project pursuant to a ERP issued by DEP

Further Affiant sayeth naught.


R. Frank Wade

SWORN TO AND SUBSCRIBED before me this 9th day of August, 2010, by R. Frank Wade who is personally known to me or _____ has produced _____, as identification.


Notary Public



wadelay

JAMES E WADE, III, P.A.

August 12, 2010

Derrill L. McAteer, Esquire
Hogan Law Firm, LLC
P.O. Box 485
Brooksville, FL 34605

VIA -Email Derrill@hoganlawfirm.com

Re: Rocking G, Inc. - Appeal

Dear Mr. McAteer,

As requested in your correspondence of July 30, 2010, attached hereto is a copy of correspondence and affidavit filed with Sumter County on August 11, 2010, supporting our position that the subject mine has been a continuous non-conforming use which has not been abandoned.

Also, in your letter you noted that Section 13-166.7 Sumter County Code no longer exists. This brings up several questions and issues.

First, it appears that Section 13-166.7 is a part of Sumter County Ordinance NO. 90-12, which is incorporated by reference in Policy 7.1.11.2.a. of the Comprehensive Plan 9J-5.006(3)(c)2 of Ordinance 2009-02, adopted February 10, 2009. Are you saying that Ordinance 90-12 is no longer valid? Or only that Section 13-166.7 of 90-12 is no longer valid? If these section(s) are not valid, then why are they incorporated and referenced in the newest adoption?

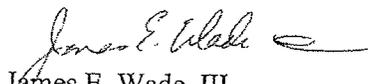
Second, if it is your position that this section is not valid, then why would you suggest that a request for variance under such section was untimely? It seems that a request under a non-existent ordinance section would perhaps be moot or void instead of untimely;

And, **third**, if the variance provisions of this section are valid, there was no reason to have previously requested a variance until the Department and Mr. Cornelius created the hardship through a strict and unreasonable interpretation causing the need for such variance – thus we included the requested variance as an alternative solution along with the formal appeal.

Please review these matters and clarify your position. Also, please advise when you expect this appeal to be presented to the BOCC so that I may calendar accordingly.

Sincerely,

JAMES E. WADE, III, P.A.


James E. Wade, III

JW/sd
Enclosures

**Sumter County
Land Development Code**

Section 13-772(d)(1)

commission, in writing, by certified mail, within thirty (30) days of such change by the new owner or excavator

(c) *Development standards.*

(1) *Buffers.*

a. Separations Unless specified otherwise in the use permit, no excavation shall occur within fifty (50) feet of adjoining property owned by others or the right-of-way of any public road or street, except no setback is required where a hill or elevation is removed to bring the level of the property into conformity with the natural elevations of the surrounding area

b. Screening. As specified in the use approval, the authority may impose appropriate screening requirements

(2) *Side slopes.* The area being lowered shall be sloped at a rate of not more than one (1) foot vertically to three (3) feet horizontally

(3) *Reclamation* Upon completion, each excavation shall be reclaimed so as to permit use of the land in conformity with the existing land use zone and usage of the surrounding area.

a. At a minimum, excavation activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any applicable FDEP Reclamation Plan

b. Additional reclamation requirements may be specified by the authority in the use approval

(d) *Notification of change* The commission is to be promptly notified of any significant change in any excavation operation which has received special use approval

(e) *Improper activity*

(1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the excavation limit requirements of this chapter is specifically prohibited.

(2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-144(e) and 13-174(d)(7)

(3) *Blasting.* Blasting is considered a mining activity and is expressly prohibited as an excavation activity.

(4) *Pumping.* Lowering the groundwater levels by pumping is considered a mining activity and is expressly prohibited as an excavation activity

(Ord No 96-23, § 9, 12-16-96, Ord No 2000-19, § 3, 7-25-00)

Sec. 13-772. Mining.

(a) *Purpose and intent.* Mining is permissible as a special or conditional use where indicated by Use 6 200 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community

(b) *Permittee* Special and conditional use mining permits are issued jointly to the property owner and mine operator designated therein. A change in owner or mine operator shall be reported to Sumter County, in writing, by certified mail, within 30 days of such change by the

new owner or mine operator. A change in owner or operator of a mining permit may require a new operating permit, as determined by the commission.

(c) *Development standards.*

(1) *Buffers.*

a Separations. Unless specified otherwise in the approval, the following shall apply:

1 Except for monitoring wells and wildlife relocation activities, all mining activities shall maintain an activity separation as follows.

a) For limerock mining one-hundred (100) feet from any public right-of-way or public or private easement for drainage, utility or road purposes, two-hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses, and one-hundred (100) feet from all other property lines.

b) For other materials one-hundred (100) feet from any public right-of-way, or public or private easement for drainage, utility or road purposes, two-hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses; and fifty (50) feet from all other property lines.

2 Separations established by the approved development plan shall be marked in a manner acceptable to the county prior to initiation of any active phase of mining. Such markers shall remain until mining activities are concluded.

3. Where two (2) or more mines are contiguous, separation requirements may be waived provided that a reciprocal agreement between the affected property owners is executed, and the waiver of activity separation requirements are not contrary to the public health, safety and welfare. The agreement shall be reviewed and approved by the county attorney and recorded in the official records of Sumter County.

b Screening.

1. Mining activities conducted within one-thousand (1,000) feet of a public road shall be screened from view from that road by an earth berm or other suitable device, installed by the mine operator, sufficient to provide one hundred (100) percent opacity to a minimum height of ten (10) feet.

2. When earth berms are used, the toe of slope nearest the public road shall be at least twenty-five (25) feet from said road right-of-way, or fifty (50) feet from the road C/L, whichever is greater.

3. Earth berms within three-hundred (300) feet of a public road shall be constructed with slopes gentle enough to permanently support ground cover without any noticeable erosion. Promptly after construction, berms shall be permanently vegetated to present an attractive appearance and prevent soil erosion. Berms will be maintained in such condition for the duration of the mining activity.

(2) *Aquifer drawdown.* When dewatering is proposed, unless specified otherwise in the approval, the following aquifer protective measures shall be required for mining operations:

a Drawdown in the Upper Floridan Aquifer at property lines common with non-

mine property shall be limited to not more than ten (10) feet below the normal (baseline) seasonal water levels.

1 During the review process and prior to issuance of the special use or operating permit, the applicant will be required to demonstrate that sufficient quantities of water will be reintroduced into the aquifer to accomplish this

2 To monitor the drawdown, the following is required:

a) Monitoring wells and reports to adequately determine pre-mining and current mining ground water levels for the life of the mine

1) These wells shall be installed into the Upper Floridan Aquifer and monitored at least six (6) months prior to any dewatering to obtain the baseline seasonal water levels. Generally, they shall be located between the active pit and the closest property boundaries and at other locations as directed by the county hydrogeologist. They shall be completed to depths capable of intercepting the affected aquifer for the purpose of monitoring drawdown at the mine's boundary

2) Simultaneous with the submission of a water use permit application for dewatering to SWFWMD, the number, location, size, depth (not less than the lowest drawdown levels), construction details and reporting requirements of proposed monitoring wells in the application shall be submitted to the county hydrogeologist for approval

3) The top of casing and/or measuring point of each well will be surveyed to the nearest 0.01 foot elevation, referenced to National Geodetic Vertical Datum (NGVD).

4) After installation and prior to dewatering, water levels in the monitor wells shall be recorded at least monthly. After dewatering commences, water levels shall be recorded no less than twice per month, unless specified otherwise in the approval. Automated recorders will be acceptable. All monitor well readings shall be reported to the nearest 0.1 foot on NGVD.

b) A staff gauge shall be installed in each active pit, referenced to NGVD, and read weekly to nearest 0.1 foot

c) A totalizing, non-resettable flow meter shall be installed at each dewatering discharge point and read on the last working day of each month

d) Water levels in monitoring wells and active pits, and flow meter readings, shall be reported to the commission on a monthly basis, within ten (10) days of the end of each month

b Off-site wells shall be protected as follows

1 Prior to commencing dewatering in any pit, all existing wells within 1/2 mile of the proposed perimeter of such pit shall be inventoried and cataloged, utilizing SWFWMD records and other means. Inventory shall be in accordance with SWFWMD regulations and furnished to the

commission prior to dewatering. An inspection report shall also be furnished, by certified mail, to the respective property owner with instructions to report any disagreement with the report to the county.

2. All complaints regarding mining impacts to off-site wells within one-half (1/2) mile of the property shall be investigated by the operator within five (5) days of notice and the results reported to the commission within five (5) days of investigation.

3. In the event that the drawdown exceeds ten feet at the property boundaries, and upon the commission's determination of mining impact to an off-site well attributed to the increased drawdown, the operator shall immediately take corrective action to eliminate the cause of the mining impact and also shall restore the affected well to the pre-mining impact condition or better, at his expense. Such restoration shall be within twenty (20) days of the commission's determination.

(3) *Surface water management.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. All dewatering operations shall be conducted to maximize recharge to the aquifer via on-site methods, and in compliance with SWFWMD regulations. For this purpose, on-site means property described in the operating permit, or other contiguous property owned or controlled by the operator, where such discharge is permissible.

b. A minimum fifty (50) foot undisturbed buffer shall be maintained around all jurisdictional wetlands requiring protection or mitigation, in which no mining activities may occur, except where said wetlands are mitigated in compliance with all permitting agencies' requirements.

c. Mining operations shall not result in any significant off-site increase/decrease in surface water levels. Impacts to off site wetlands will be limited to that approved by permitting agencies.

(4) *Blasting.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. *Vibration.* All mining activities shall be subject to the vibration standards established in section 13-661.

b. *Recording.* All blasting will be recorded by an operator supplied seismometer generally located at the nearest off-site residence (when allowed by property owner), and/or at other locations determined by the commission.

c. *Reports.* All persons discharging or detonating any explosive device in connection with any mining operation in the county shall file a written report with the commission for each calendar month in which such activity occurs. Such report shall be on a form supplied by the commission and must be filed not later than 5:00 p.m. on the fifteenth day of the following calendar month. The report shall show the results of all blasts conducted during the previous month, including but not necessarily limited to:

1. Date of blast
2. Time of blast
3. Location of blast.
4. Number of holes
5. Charge per hole

6. Peak particle velocity in inches per second.
7. Frequency in cps, if available
8. Level of effect.
9. Name and address of licensed blaster

The report shall include an ampligraph for each blast which shall show the results in peak particle velocity in inches per second. These reports shall be certified and bear the seal of an engineer in the mining discipline or of a seismologist.

(5) *Traffic Circulation* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

- a. Adequate ingress and egress areas shall be provided on-site so that loading operations, etc. do not require standing or stopping on public road right-of-ways.
- b. Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.
- c. Interior devices or procedures shall be used to reduce the accumulation of limerock material and water on public roads, to the satisfaction of the applicable governing agency. Whenever, upon notice from the applicable governing agency, an accumulation of material or water from the mining operation renders the condition of a public road unacceptable, the operator shall promptly correct such condition, at his expense, in a manner acceptable to the applicable governing agency.
- d. In addition to sub-section c., whenever, upon notice from the county's public works director (director), an accumulation of material, water, equipment, debris and other matter associated with the mining operation renders the condition of any portion of a county road within one-quarter (1/4) mile of a mine's access point unacceptable because of safety or nuisance concerns, the mine operator shall, within forty-eight (48) hours, or within the time limit set by the director, correct such condition at the operator's expense. In the event conditions are classified as an emergency situation by the director, then such corrections shall take place immediately, or within the time limits set by the director. Corrective actions shall be to the satisfaction of the director. Requirements of the director may be appealed to the commission.

(6) *Air pollution.* Mining equipment shall be properly maintained and operated, and mining operations shall be conducted, to minimize air pollution.

(7) *Days/hours of operation* The approving authority may restrict the days and/or hours of mining activity as necessary to achieve compatibility with surrounding land uses.

(8) *Mine safety and security* Unless specified otherwise in the special use or operating permit, excavated areas shall be secured from the public on all sides by adequate fencing or other means.

(9) *Reclamation* Mined and other disturbed areas shall be reclaimed pursuant to the plan and schedule specified in the use and operating permits.

- a. At a minimum, mining activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any applicable FDEP reclamation plan.
- b. Additional reclamation requirements may be specified by the commission in the conditional use and operating permit approvals.

c. Reclamation shall be deemed completed after the commission's determination that the disturbed areas have been reclaimed in accordance with its approvals.

(d) *Limerock mining location and allocation.*

(1) *Location.* All lands approved for limerock mining activity after February 3, 1992 shall be adjacent to existing, legally permitted mine sites with no intervening non-compatible uses. For purposes of this section, "existing, legally permitted mine sites" shall mean those properties on which all required use and operating approvals and permits are in full force and effect. For purposes of this section, adjacent shall mean:

- a. Parcels sharing a common boundary point or line, or
- b. Parcels separated only by the width of an existing or former public or private transportation or utility rights-of-way or corridors. Said rights-of-way or corridors, or other such strips of land, shall not otherwise be used to qualify parcels as adjacent.

(2) *Allocation.* Land for limerock mining activities not included in valid operating permits on February 3, 1992, or otherwise vested, shall be allocated as follows.

- a. Comprehensive plan allocation. Between February 3, 1992 and February 2, 2002, not more than one thousand (1,000) acres of land shall be granted operating permits for new limerock mining activity. The one thousand (1,000) acres shall include actual mined areas plus ancillary uses such as processing plants, overburden piles, roads, offices and other buildings and structures necessary for the mining operation. Areas allocated for wetlands, buffers and other lands required to insure compatibility with adjacent land uses or protection of resources shall not be included in the one thousand-acre limit.
- b. Conditional use approval. For each mining company or entity, the acreage conditionally approved for new mining activity shall not exceed the operating permit acreage that company or entity is eligible to receive during the current comprehensive plan planning period. The use of subsidiaries or other means to obtain conditional use approval on more than the intended acreage is prohibited.
- c. Operating permit allocation. To ensure that an equitable balance among applicants is maintained in allocation of mining land, the following criteria shall apply:
 1. No mining operation shall be allowed to mine more than ten (10) percent of the total ten year allocation permitted by the comprehensive plan in any one-year period.
 2. Within any five year period, no individual mining operation shall receive an operating permit for more than twenty-five (25) of the total ten year allocation permitted by the comprehensive plan.

(e) *Improper activity*

- (1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the mining thresholds of this chapter is specifically prohibited.
- (2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation or mine not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-144 or 13-174.

(Ord No 96-23, § 9, 12-16-96)

Secs 13-773--13-780 Reserved

DIVISION 7. RESERVED

Secs. 13-781--13-800 Reserved

**Sumter County
Land Development Code**

Section 13-802(b)(1)e

may be revoked or modified upon a showing by the county, based upon substantial competent, evidence, of a peril to the public health, safety or general welfare of the residents of Sumter County unknown or undisclosed at the time of approval

(Ord No 96-23, § 9, 12-16-96)

Sec. 13-802. Statutory vesting.

(a) *Existing uses and structures.* Where a use, or structure on which construction has been completed and certificate of occupancy issued, was lawfully existing on the effective date of this chapter, and is made nonconforming by the adoption of the comprehensive plan and/or this chapter, that use or structure shall be statutorily vested and may continue and expand as provided in this section.

(b) *Completion of nonconforming projects where final local development order or permit has been issued.* Development projects for which development permits were issued prior to adoption of the comprehensive plan or this chapter, that are made nonconforming by such adoption, shall be recognized as statutorily vested

(1) The following types of projects shall be allowed to develop as approved prior to such adoption

a. Development orders relating to a development of regional impact (DRI) or a Florida Quality Development (FQD) issued pursuant to Chapter 380, Florida Statutes or any successor statute to said Chapter approved prior to the effective date of this chapter

1 Land uses and development standards specified in the Application For development approval and approved development order shall be statutorily vested, provided the development order has not expired at the time this chapter or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this chapter or amendment thereto

2 Land uses and development standards not specified in the application for development approval and approved development order shall occur only in conformance with the requirements of this chapter or amendment thereto

b. DRI scale developments existing prior to February 3, 1992, pursuant to Chapter 380.06, Florida Statutes, provided a valid, unexpired binding letter pursuant to Chapter 380, Florida Statutes, or any successor statute to said Chapter exists.

c. Projects for which the right to develop or to continue the development of the property is demonstrated by a valid and unexpired final local development order issued by Sumter County prior to the effective date of this chapter

1 Development must have commenced prior to the effective date of this chapter, or any amendment thereto, and is continuing in good faith, or development will be commenced after the effective date but within six (6) months of issuance of the permit

2 Once commenced, the development activity must continue without

interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this chapter or amendment thereto.

d. Subdivision projects holding a valid, unexpired development plan approval shall have a period of two years after the effective date of this chapter in which to obtain a local development order. If the project is phased, a development order obtained within the two year period will vest the following phases only if development has commenced and is continuing in good faith.

e. Property vested pursuant to Sumter County Mining Ordinance No. 90-12.

(2) Nothing in this subsection shall be construed to authorize development that is inconsistent with the comprehensive plan.

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-803. Presumptive vested rights.

(a) Nonconforming parcels

(1) *Undersize parcels.* When a nonconforming parcel can be used in conformity with all of the regulations applicable to the permissible use, except that the parcel is smaller than the required minimums set forth in this chapter, then the parcel may be used as proposed, subject to the other requirements of this chapter. Presumptive vested rights determinations made under this subsection do not have an expiration date. Specifically, the following nonconforming parcels are presumptively vested and may be used just as if they were conforming:

a. Any legally created parcel existing prior to the effective date of this chapter. This is to include parcels created by rezoning, in contrast to those created by deed, upon which a single family residence legally existed on the effective date of this chapter.

b. All lots in subdivisions recorded and platted after February 7, 1973 shall be recognized as individual lots.

c. Lots in platted and unplatted subdivisions recorded or created prior to February 7, 1973, and which were "grandfathered in" when Sumter County adopted its initial development code in 1973, shall be recognized as individual lots as follows:

1. Any individually owned, legally created lot existing prior to February 4, 1992, provided there are no contiguous lots of the same ownership.

2. Contiguous lots of the same ownership shall collectively constitute one parcel up to the density levels of the comprehensive plan and this Code, except:

a) All lots that front on a road in the county system of maintained roads shall be recognized as individual lots, and

b) All lots in platted or unplatted subdivisions of nineteen (19) lots or less shall be recognized as individual lots, and

c) All lots in platted or unplatted subdivisions of twenty (20) lots or more where at least twenty-five (25) percent of the total lots in the subdivision are owned by separate individuals, and in which there has been at least one (1) conveyance of an individual lot

**Sumter County
Comprehensive Plan
Future Land Use Element**

Policy 7.1.11.1(a)

Utilities

- (3)(b)9 **Objective 7.1.9. Sumter County shall utilize Policies 7.1.8.1 through 7.1.8.3. to ensure adequate land is available for utilities necessary to support proposed development. These policies shall be implemented through the County's Land Development Regulations.**
- (3)(c)3 Policy 7.1.9.1. Public utilities needed to provide essential services to existing land uses and such future land uses as are authorized by other plan elements of the Sumter County Comprehensive Plan or to such future land uses as may be lawfully authorized by the County shall be provided for in all of the land use classifications when such use conforms to County codes and ordinances.
- (5)(j)6 Policy 7.1.9.2. The County shall require developers to assess their needs regarding essential services (electric, gas, etc.) and the developer shall seek confirmation of future availability from appropriate utility suppliers. Confirmation shall be provided by the utility to the County Division of Planning and Development during the planning stages of development but no later than the issuance of a development permit.
- Policy 7.1.9.3. The Sumter County Division of Planning and Development shall maintain close contact with public utilities that provide essential services to assure continuity and availability of service.

Natural Resources

- (3)(b)4 **Objective 7.1.10 Sumter County shall preserve and conserve unique and environmentally sensitive lands and resources from development or developmental impacts. The County shall maintain land development regulations to implement preservation and conservation during the land development process.**
- (3)(c)1 Policy 7.1.10.1 Adherence to the objectives and policies in Element 3, Conservation concerning
(3)(c)6 development near the Withlacoochee River, Lake Panasoffkee, and other areas of environmental concern shall be observed in land development practices and procedures.
- (3)(c)4 Policy 7.1.10.2. The developer/owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.
- (3)(c)6 Policy The County shall require that all developments of more than 20 dwelling units or 15,000 square feet of non-residential space shall identify and protect habitats of protected wildlife and vegetative species. Sumter County shall require appropriate mitigation for protected species which shall use guidelines and protocols prepared by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

Mining

- (3)(b)4 **Objective 7.1.11. Sumter County shall insure compatibility of mining activities with adjacent land uses and protect natural and historic resources from mining impacts.**
- (3)(c)1 **Policy 7.1.11.1. Mining uses shall be provided for in areas designated as agriculture on the Future Land Use Map and shall be permitted upon approval of a conditional use permit and approval of an operating permit pursuant to a mining site plan as provided for in the Land Development Regulations. The following guidelines shall be used to control land allocation for mining:**
- a. All mining lands permitted pursuant to these policies must be adjacent to existing legally permitted mine sites with no intervening non-compatible uses. Lands proposed for mining that are not adjacent to an existing permitted mine site shall require a plan amendment prior to approval of zoning and the mining plan.
- a. Allocation of mining land use shall be based on a projected average need of 100 acres per year or a total of 1,000 acres during the ten year time period of the Plan and may be permitted

pursuant to the goals, objectives and policies of the Plan as needed up to 1,000 acres. Allocation of mining land use above this projected need shall require a Plan amendment.

- b. For purposes of determining the amount of mining land permitted, the Board of County Commissioners shall issue a finding with each operating permit that clearly delineates the amount of land dedicated to the actual mined area plus ancillary uses such as processing plants, overburden piles, roads, administrative offices and other buildings necessary for the actual mining of land. Areas allocated for wetlands, buffers and other lands required in the application to insure compatibility with adjacent land uses or protection of resources shall not be counted toward the ten-year allocation of land for mining purposes.
- c. To ensure that an equitable balance among applicants is maintained in allocation of mining land, the following criteria shall apply:
 - 1. Within each calendar year, no individual mining operation shall receive more than 10% of the ten year allocation;
 - 2. No individual mining operation shall receive more than 25% of the ten year allocation within any five year period;
 - 3. Any land allocation requirement for mining purposes larger than those indicated in 1-2 above shall require a plan amendment.

(3)(c)2 Policy 7.1.11.2. Sumter County shall insure compatibility of mining uses with adjacent land uses and preservation of natural resources through the following requirements:

- a. Sumter County shall regulate mining activities to control buffer areas, maintenance of the mining area, groundwater withdrawals, unpermitted deposition of materials, soil stabilization, disturbance of wetlands, noise, vibration, air quality, security and reclamation of mined lands pursuant to Sumter County Ordinance 90-12 (1990).
- b. Blasting shall be regulated pursuant to regulation of the State of Florida.
- c. Enforcement of mining regulations shall be funded through operating permit fees levied against mining operators.

(3)(c)8 Policy 7.1.11.3. Prior to issuing mining plan approval, archeological and historical sites shall be identified and preserved in accordance with the procedures established by the State Division of Archives, History and Records Management pursuant to Chapter 267 F.S.

Policy 7.1.11.4. Proposed mining operations shall identify and protect habitats of protected wildlife and vegetative species occurring on the tract of land that contains the mining operation. The County shall require that mitigation for protected species shall be carried out using guidelines and protocols prepared by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

Historic Resources

(3)(b)4 **Objective 7.1.12. Sumter County shall preserve and protect the historic resources of the County.**

(3)(c)8 Policy 7.1.12.1. Prior to issuing a development permit, Sumter County shall determine if the development site or structure is listed on the Florida Master Site File, List of Sumter County Historic Resources. If the development contains any resource(s) listed on the Master Site File, a clearance letter is required from the Division of Historic Resources prior to any development proceeding on the site

(3)(c)8 Policy 7.1.12.2 The County shall maintain files of identified historic and archaeological resources as they become known.

(3)(c)8 Policy 7.1.12.3 Residential subdivisions of land involving more than twenty (20) lots and nonresidential development projects of 15,000 square feet or larger must request a letter of clearance from the Division of Historical Resources to determine the possibility of paleolithic and other historic sites and the need for additional surveys. Those developments that are determined to potentially contain archaeological or historic sites must perform site surveys to determine if actual resources exist and the potential impact to these resources. Regional resources must be protected

**Sumter County
Ordinance 90-12
And
Public Notice for
Ordinance 90-12**

SUMTER COUNTY ORDINANCE NO. 90- 12

AN ORDINANCE OF THE COUNTY OF SUMTER AMENDING THE CODIFICATION OF SUMTER COUNTY; PROVIDING FOR THE ADOPTION OF THE SUMTER COUNTY MINING ORDINANCE; PROVIDING FOR THE CREATION OF SECTION 13-166.1 ENTITLED GENERAL PROVISIONS AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.2 ENTITLED ZONING AND MINING SITE PLAN AND OPERATING PERMIT APPLICATIONS, REVIEW AND APPROVAL PROCESS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.3 ENTITLED STANDARDS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.4 ENTITLED ANNUAL PROGRESS REPORT CERTIFICATION, RECLAMATION APPROVAL, FEES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.5 ENTITLED INSPECTIONS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.6 ENTITLED FEES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.7 ENTITLED VARIANCES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.8 ENTITLED APPEALS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.9 ENTITLED VIOLATIONS PENALTIES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Sumter County, Florida, has found that construction within Sumter County and surrounding counties requires a supply of land excavation material; and

WHEREAS, the Board of County Commissioners of Sumter County also recognizes that suitable land extraction material exists in certain locations within the unincorporated area of Sumter County, Florida; and

WHEREAS, the Board of County Commissioners of Sumter County acknowledges the desire of individuals to establish land excavation areas for the purpose of removal of suitable land excavation materials;

NOW, THEREFORE, the Sumter County Board of County Commissioners hereby makes the following legislative findings:

A. The natural environment of Sumter County is a unique and valuable resource enjoyed by residents and visitors alike.

B. The unique economy of the County is dependent upon maintaining and ensuring a high degree of environmental quality.

C. Conservation of the natural environment has been adopted by the Board as a goal of the County in the Comprehensive Plan.

D. Mining and its related activities, are unique land uses which require specialized regulation.

E. Mining and excavation, properly regulated, limited, and conducted in accordance with a predetermined plan, lend themselves

to reclamation of the lands and need not significantly impact the natural environment and adjoining properties.

F. Mining and excavation, and their related industries, contribute substantially to the economic stability of the County.

G. The regulations hereinafter set forth are reasonable and necessary to protect the natural environment and the public health, safety, and general welfare of the citizens of Sumter County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA:

Section 1. Sections 13-166.1-.9 of the Sumter County Code are created to read as follows:

13-166.1 GENERAL PROVISIONS:

A. Short Title.

This ordinance shall be known as the "Sumter County Mining Ordinance."

B. Purpose and Intent.

The purpose and intent of this Ordinance is to protect the public health, safety and general welfare of the citizens of Sumter County; to ensure that the development of mineral resources, as well as other naturally occurring organic materials, shall be compatible with the overall economic and environmental objectives of the County; to protect and conserve natural resources and the environment for present and future generations; to minimize the adverse impact of mining; and maximize the positive benefits of mining; and to ensure that mining activities will not preclude future uses of mined-out lands; and to implement the Sumter County Comprehensive Plan.

C. Scope of Application.

The regulations herein set forth shall apply to the extraction, mining, harvesting, or removal of sand, rock, ore, or other extractable materials within all unincorporated areas of Sumter County. No person shall operate a mine or conduct mining activities in the unincorporated area of Sumter County, Florida, without a mining site plan approved by the Board of County Commissioners and an operating permit, unless otherwise exempted by the provisions of Section 13-166.1 E. or upon issuance of a variance under Section 13-166.7.

D. Existing Mines.

1. Vested Rights.

Any mine which is a lawful mine as of the effective date of this ordinance, and the operator or owner of the mine complies with the registration provisions set forth in subsection

(3) below, shall be permitted to continue to mine pursuant to the operating permit granted for that particular mine.

2. Term of Vested Rights.

Authorization to operate a mine which is lawfully in existence as of the effective date of this ordinance shall remain valid and in force. Should mining activities cease for a period of three (3) years, mining authorization shall expire unless extended. The extension of the mining authorization shall be requested in writing by the applicant or operator, and subject to Board of County Commissioners approval, may be extended for a period of up to three (3) years.

3. Registration.

All existing mines shall register with the County within ninety (90) days of the effective date of this Ordinance. Registration shall be accomplished by filing an application with the County which shall consist of the following:

a. Name, address, telephone number, and Federal Employer Identification Number of current owner and operator;

b. Survey or sketch of property with legal description of entire mining site.

c. Aerial map of entire mining site delineating areas previously mined and reclaimed, areas of active mining, and areas of future mining, with the map to set forth the corresponding dates of lands previously mined and reclaimed, dates active mining began on areas so delineated and projected dates mining will begin on lands designated for future mining.

d. Copies of all other permits for the mine, including site plans, operation plans and reclamation plans associated with the permits issued, if applicable, by the Florida Department of Natural Resources, Southwest Florida Water Management District, U. S. Army Corps of Engineers, and U. S. Environmental Protection Agency.

4. Approval or Denial of Vested Rights.

Within ninety (90) days of the filing of an application for registration of an existing mine, the County shall determine whether the mine qualifies for vested rights. The County shall notify the applicant in writing of its decision and:

a. If the application is approved, shall specifically state therein the legal description of the areas which have been determined to be lawful mines and an operating permit shall be issued for such lawful mine;

b. If the application is determined not to be sufficient to ascertain whether the mine qualifies for vested rights, shall specify the nature of the application's deficiencies

and request the provision, within a specified period of time, of such additional information as necessary to render a decision, which request shall toll the 90 day period referred to above, or

c. If the application is denied, a final order shall be issued specifically stating therein findings of fact and conclusions of law with the reasons for such denial.

d. It is the intent of this ordinance to extend vested rights to those properties which are already committed to and actually being utilized for a mining activity as determined under the terms of this ordinance notwithstanding the fact that such property may not be zoned M-2. It is further the intent of this ordinance that those properties which are contiguous to existing mines and which are suitable for mining, be developed as a new mine under this ordinance and the Sumter County Comprehensive Land Use Plan at the time such lands become needed for mine expansion.

5. Failure to Register.

Any mine which has not applied for registration within the time period specified in Section 13-166.1(D)(3) of this ordinance shall lose any vested rights or grandfathering for the operation of such mine. In order to operate such mine, the mine shall be required to comply with all provisions of this code including obtaining an approved mining site plan, operating permit, and proper zoning.

E. Exemptions.

The following activities shall not be subject to the mining site plan and mining operation permit requirements set forth herein:

1. Installation of utilities, provided a valid underground utility permit or right-of-way utilization permit has been issued and construction of properly permitted roads and highways.

2. Excavation in conjunction with bonafide commercial, industrial, or subdivision construction, provided a construction approval or permit has been obtained from the County.

3. Excavation for foundations and building pads for any building or structure, provided that the excavation or fill will be confined to the permitted property and that a valid building permit has been issued by the County.

4. Minor landscaping projects provided they do not change the natural drainage pattern of the ground surface at the property line.

5. Swimming pool construction, provided a building permit has been issued by the County for construction of the pool.

6. Excavation of agricultural use ponds, provided the boundaries of excavation are wholly within one owner's property, the excavated material remains onsite, and offsite drainage is not affected.

7. Excavations of a maximum of 2,000 cubic yards of material to be removed from any one parcel, provided such excavation is not in jurisdictional wetlands, does not extend into the ground water, does not affect offsite drainage, and does not include the removal of limerock. Excavations exempted hereunder shall be subject to the excavation permit requirements of Section 13-215, Sumter County Code.

8. Peat mining.

F. Administration of Ordinance.

Except as hereinafter provided, this ordinance shall be administered, implemented, and enforced by the Director who shall coordinate the activities of all appropriate County agencies concerning the processing, review, monitoring and inspection of all activities covered by this ordinance within the unincorporated area of the County. This section shall not limit the authority of the Board of County Commissioners or any County agency to enforce or monitor compliance with other applicable statutes, ordinances, resolutions, regulations, or permit conditions.

G. Definitions.

For the purpose of this ordinance, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

1. "Lawful Mine" means any mine as of the date of adoption of this ordinance that is permitted in accordance with zoning approval (zoned M-1 or M-2), or other applicable law which was in effect on the date the mine was first initiated or which constitutes a non-conforming use.

2. "Annual Progress Report" means a report submitted annually by an operator which is reviewed to determine whether the operator has followed its approved mining site plan and operating permit for the preceding year and whether the operator's plans for the coming year vary from those approved in the mining site plan and operating permit.

3. "Applicant" means the person(s) submitting an application to engage in mining activity and includes the term "operator."

4. "Beneficiation" means the process whereby earthen materials are washed or sized to separate the mineral(s) with which it is naturally combined, and specifically to separate the waste materials in which a natural mineral exists in a natural state.

5. "Best Management Practices" are those established

practices or techniques for mining operations in the State as recommended by the Sumter County Department of Public Services.

6. "Board" means the Board of County Commissioners of Sumter County, Florida.

7. "Confining Unit" means any lithologic zone that lies between and retards the exchange of water between the overlying surficial aquifer and the underlying Floridan aquifer. For the purpose of this ordinance, the first confining unit shall be defined as the first contiguous lower impermeable unit existing below the proposed excavation area.

8. "County" means the County of Sumter, a political subdivision of the State of Florida.

9. "Designated Species" means the wildlife and vegetation species as identified in Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and Sections 581.185(5)(a) and 581.185(5)(b), Florida Statutes.

10. "Development Review Committee" means a committee appointed by the Board of County Commissioners of Sumter County.

11. "Director" means the Director of Public Services for Sumter County or his designees.

12. "Disturbed Lands" means the surface area of the land that is mined and all other land area in which the natural land surface has been disturbed as a result of or incidental to mining activities.

13. "Floridan Aquifer" means the thick sequence of limestone formations of Eocene, Oligocene, and Miocene Age which act more or less as a single hydrologic unit including those permeable parts of the Hawthorn Formation which are in direct hydrologic contact with the rest of the aquifer.

14. "Sumter County Code" means the Code of Ordinances adopted by Sumter County in 1989, and as updated and amended.

15. "Mine" means an area of land on which mining activities have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

16. "Mining Site Plan" means the general plan describing the overall scope of the mining activities for the life of the mine, including, but not limited to, the general nature of the operations, geographic characteristics, impacts, monitoring, and reclamation.

17. "Mining Activities" means the extraction of minerals, ore, or other naturally occurring materials from the earth by whatever method, including the removal of overburden for the purpose of extracting and removing from site such underlying deposits and all associated clearing, grading, construction,

processing, transportation, and reclamation on the mine property, and includes the term "pre-mining activities," but shall not be deemed to include activities associated with site surveying, environmental monitoring, mineral exploration, or the sinking or operation of test wells and similar activities.

18. "Operating Permit" means a permit to mine or excavate in accordance with general conditions established in this ordinance and specific conditions established by the Development Review Committee, the Planning and Zoning Commission, and the Board of County Commissioners.

19. "Ore" means sand, clay, limerock, topsoil, and other natural resources that may be extracted from the earth that have economic potential.

20. "Operator" means a person who engages in authorized mining activities in accordance with the requirements of this ordinance and include sinking or operation of test wells and similar activities.

21. "Overburden" means all earth and other materials overlying an ore deposit. This does not include tailings or screenings generated by the processing of the resource.

22. "Person" means any individual, partnership, corporation, association, firm, trust, or other entity, including any officer or governing or managing body thereof.

23. "Pre-mining Activity" means construction of all structures, equipment, and facilities required for the extraction, processing, and transportation of ore mineral, including construction of access roads, pipelines, recirculating water systems, beneficiation facilities, power lines, dredges, and drag lines, and site preparation such as clearing of vegetation and grading.

24. "Processing" means the washing, sizing, flotation, storage, drying and grinding of ore minerals and all activities reasonably related thereto except chemical processing or manufacturing of materials from the ore.

25. "Reclamation" means the restructuring, reshaping, and revegetation of disturbed lands to a form in which the lands may be beneficially used.

26. "Surficial Aquifer" means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits.

27. "Tailings" means waste products of beneficiation operations that may consist of solid particles including clay and sand fines, including colloidal or waste clays.

28. "Topsoil" means the organic or inorganic matter naturally present on the surface of the earth which has been

subject to and influenced by environmental factors of parent material, climate, macro-organisms, micro-organisms, and topography, and that is sometimes necessary for the growth and regeneration of vegetation of the surface.

29. "Water Recirculation Facilities" means those structures used for storing, routing, and treating of mine and process waters; including, but not limited to, reservoirs, clay settling areas, canals, ditches, and their associated dams and dikes.

30. "Waters of the County" means, for the purpose of this ordinance, all waters located in Sumter County both ground and surface.

31. "Waters of the State" means those waters identified in Chapter 403.031(12), Fla. Stat. Such waters include, but are not limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person, other than the state, are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

32. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Classification and identification of wetlands shall be in accordance with applicable County ordinances regulating land alteration in wetlands, and rules of DER, DNR, and SWFWMD.

H. Change of Ownership or Operation of the Mining Activity.

If a change in the ownership or operator of the mine takes place at any time, the new owner or operator shall be required to notify the County, in writing, of the current name, address, telephone number, and federal employer identification number of the owner and operator of the mine. Notification shall take place within sixty (60) days of the change of ownership or operator.

13.166.2 ZONING AND MINING SITE PLAN AND OPERATING PERMIT APPLICATION, REVIEW AND APPROVAL PROCESS.

A. Zoning and Mining Site Plan Approval and Operating Permit Requirements.

Prior to beginning a new mine, or expanding a vested lawful mine, the applicant shall:

1. Apply for zoning classification of "M-2" and obtain approval of a mining site plan for the new proposed mining area.

2. Apply for and obtain an operating permit for the new proposed mining area.

B. Zoning Application With Mining Site Plan.

In conjunction with the filing of any application for "M-2" zoning classification for the specific purpose of mining, and as a requirement before consideration for approval of said zoning, applicant shall file a mining site plan together with the application for zoning. Said application and site plan shall be prepared in accordance with an application form provided by the County and sealed by a professional engineer or professional geologist, where applicable, registered in the State of Florida. Said application shall contain all information required under Section 13-142 of the Sumter County Code together with the following information:

1. The name, address, and telephone number of the owner of the land on which the mining activities are to be conducted. Evidence of ownership shall be provided, as well as written consent of all landowners. Copies of said consent shall be attached to the application.

2. The name, address, telephone number, and federal employer identification number of the mine operator and the applicant, if the applicant is not the landowner, person, or corporation that will physically alter the land.

3. The proposed date that mining activities will commence and the projected date of completion.

4. The legal description and street address, if any, of the specific parcel(s)/tract(s) on which mining activities are to be conducted.

5. Ownership of all property contiguous to and within three hundred and fifty (350) feet of the property on which mining activities are to be conducted.

6. Dimensions and location of all existing and proposed buildings, signs, driveways, off-street parking areas, loading and unloading areas, and exterior walls and fences. Specifications for paving of street, parking areas and walks, provision for parallel service roads, and exterior walls and fences.

7. Traffic generation plan.

8. Plans or reports showing proposed treatment and disposal of sewage and waste; handling of hazardous gases, liquids and other materials.

9. A list of all permit applications which applicant may be required to submit to all state, federal, regional, and local permitting agencies.

10. A map or series of maps prepared at a scale of 1" =

200' or 1" = 400' which depicts the following information (such maps shall be at a scale that is consistent with the scale of the aerial photographs required in item 11.d. below):

- a. Date, North arrow, and scale.
- b. Size, shape, and geographic location of the proposed mining operation and location of nearest major highways.
- c. Existing topography of the proposed mining site and its relationship to the existing watershed; contour lines shall be drawn at five-foot (5) intervals, or one-foot (1) intervals if it serves a specified need, of actual ground contours (unless the County specifies a need for the contour lines to be drawn at lesser intervals).
- d. Aerial photograph(s) of the proposed mining site and surrounding property at a scale of one inch equals two hundred feet (1" = 200') or one inch equals four hundred feet (1" = 400') (photographs of flight most recently available through Sumter County office of public works, Department of Transportation, or other agency will be accepted). Aerial photographs shall be at same scale as all other maps submitted with the application.
- e. Existing natural and man-made features (both on site and within three hundred (300) feet of the proposed mine), including, but not limited to:
 - (1) water courses
 - (2) soils
 - (3) wetlands
 - (4) designated vegetative and wildlife communities
 - (5) roads
 - (6) railroads
 - (7) utility lines (above and below ground on site only and above ground off site)
 - (8) right-of-way lines and easement lines (on site only)
 - (9) existing buildings and structures
 - (10) wells
 - (11) chemical and fuel storage tanks (surface and subsurface on site, and surface only off site)
 - (12) hazardous materials storage (on site only)
 - (13) dikes, canals, pumps, and other water handling devices and systems
- f. Proposed features including, but not limited to: permanent and semi-permanent facilities/structures (such as washers, scales, offices), lakes, wells, dikes, canals, ponds, pumps, waste storage areas and other water handling/storm water management devises and systems (include conceptual design demonstrating storm water management system's capability to meet county storm water regulations); mining pit(s); permanent internal access roads; ingress/egress roads; railroads; utility lines;

right-of-way/easement lines; septic tanks and drain fields; chemical/fuel storage tanks; hazardous materials storage; wetland mitigation areas; setbacks from right-of-way, easement and property lines; fences, walls, or vegetative buffers (identify materials); air emission sources; sewage treatment facilities; potable water facilities; and other similar features.

g. A map depicting all federal, state, and county highways that will access the site.

11. Estimates or computations of the total acreage within the proposed mine, acreage required for waste storage, acreage of actual mining pits, acreage in existing and anticipated water bodies. A schedule showing the proposed sequence of mining activities is required and can be reviewed and revised on a yearly basis.

12. A cross-sectional drawing referring to mean sea level datum showing the proposed depth of the excavation area and the slope of the site and depth of the water, if any, in the mining area at the time of completion of the mining activity. This information may be marked "PROPRIETARY" by the applicant and the County will restrict access to it and not release this information without prior written approval of the applicant, to the extent allowable by law.

13. A hydrogeologic report on surface and groundwater conditions and the hydrogeologic impact of the proposed activity which meets the requirements contained in the rules of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District for new mine water discharge permits, water use permits, and surface water management and such other hydrogeologic information that may be reasonably requested.

14. An environmental report that identifies the location and extent of designated wildlife and vegetation species as identified in Rules 39-27.003, 39-27.004, and 39-27.005, F.A.C., and sections 581.185(5)(a) and (b), Fla. Stat. .

15. Conceptual plans which shall include provisions for the stabilization of soils disturbed during construction to prevent soil losses by water or wind. When the mine operation is in public view, conceptual plans shall include provisions for landscaping and buffering.

16. A reclamation program and plan which meets the requirements of Florida Department of Natural Resources under Rule 16C-36 F. A. C., which program and plan shall be adopted by Sumter County as a locally enforceable plan, PROVIDED, HOWEVER, that any variance from established DNR rules shall not be effective within Sumter County unless approved by the Development Review Committee.

17. Any other information the applicant deems appropriate for review of the zoning application and mining site plan.

C. Zoning Application and Mining Site Plan Review and

Approval Process, Reapplication, Term, Amendment.

The procedure for obtaining approval of a zoning application and mining site plan for a new mine or to expand a lawful mine on to non-vested lands shall be as follows:

1. Submission of Application.

The applicant shall submit six (6) copies of the completed zoning application and mining site plan to the County.

2. Application Fee.

The applicant shall submit with the zoning application and mining site plan, the appropriate fees charged by each of the County's reviewing departments or divisions. The fee is non-refundable whether the application is ultimately approved or denied.

3. Development Review Committee.

Upon submission of the zoning application and mining site plan and appropriate application fees, the project shall be scheduled for review by the County Development Review Committee within forty-five (45) days after submission. The review shall be conducted in terms of the following considerations:

a. Consistency with the general purpose, goals, objectives, and standards of Sumter County's Zoning Code and/or Comprehensive Zoning Plan.

b. Effect on Adjacent Properties - potential impact upon adjacent property in general terms of neighborhood character, public nuisances, and other matters affecting the public health, safety, and welfare.

c. Environmental Impact - potential impact upon air quality, surface and groundwater quality and quantity, drainage, ambient sound levels, vegetation and wildlife resources.

d. Transportation System Impact - potential impact on public roads.

e. Adequacy of Reclamation Plan - adequacy of reclamation plan in properly reclaiming the mining site relative to the environment.

Public notice of the Development Review Committee meeting shall be published at least one time prior to the meeting.

Upon its review of the zoning application and mining site plan, the Development Review Committee shall issue a written recommendation to the Sumter County Planning and Zoning Commission. A copy of the Development Review Committee's recommendation shall be sent to the applicant within fourteen (14) days after the Development Review Committee meeting.

4. Planning and Zoning Commission Review.

Upon receipt of the Development Review Committee's recommendation, the Planning and Zoning commission shall hold a public hearing (in accordance with Section 13-142 of the Sumter County Code) to review the zoning application and mining site plan. The Planning and Zoning Commission's review of the application will be conducted in substantial conformance with the review considerations specified for the Development Review Committee and the standard and usual considerations for rezoning in Sumter County. The Planning and Zoning Commission shall submit its recommendation (which may include approval, approval with conditions, or denial) to the Board of County Commissioners for its official action.

5. Board of County Commissioners Review.

The Sumter County Board of County Commissioners shall review the Planning and Zoning Commission's recommendation and determine whether the zoning application and mining site plan shall receive approval, approval with conditions or denial.

6. Mining Site Plan Term.

If the mining activities commence within three (3) years of the date that the Board grants zoning and mining site plan approval, the mining site plan shall remain valid and in force as long as the operator shall abide by the approved mining site plan, the operating permit, and the requirements of this ordinance. Should mining activities not commence within the specified three (3) year period, the mining site plan approval shall expire unless extended. Extension of approval of the mining site plan shall be requested in writing by the applicant prior to the expiration of the mining site plan approval, and subject to Board approval, may be extended for a period of up to three years.

After commencement of mining activities, should mining activities cease for a period of three (3) years or greater, mining site plan approval shall expire unless extended. The extension should be requested in writing by the applicant prior to the expiration of the mining site plan approval and shall be subject to Board approval. Any request for extension shall be placed on the Board agenda and shall be heard by the Board no later than forty-five (45) days after the date the request is submitted.

7. Mining Site Plan Amendment.

The mining site plan submitted with the zoning application may be amended as required for reasonable cause and as approved by the County. In order to amend the mining site plan, an application shall be made to the Development Review Committee for such amendment. The Development Review Committee shall determine whether the proposed amendment is substantial or nonsubstantial. The following general criteria will be used to identify a substantial amendment (these criteria are established for illustrative purposes and may be expanded upon where deemed

necessary to protect the public health, safety, or welfare):

a. a change in acreage or location to be mined outside the approved area for mining;

b. a change which would require an amendment of the conditions of approval for the mining site plan;

c. a change in phasing of the mining operation which would propose mining in advance of infrastructure improvements necessary to support such operation.

Amendments to the mining site plan which are determined to be substantial shall be submitted with plans and supporting data (in the same manner as required for the submittal of the original mining site plan application) for review by the Planning and Zoning Commission and the Board of County Commissioners for final action.

All nonsubstantial amendments (including plans and support data) shall be approved by the Development Review Committee. The review of the application for amendment shall be conducted in substantial conformity with those procedures used to review the original Mining Site Plan.

D. Operating Permit Review and Approval Process, Reapplication, Term, Amendment.

The procedure for obtaining an operating permit for a lawful mine vested under Section 13-166.1 D. shall be as set forth in that Section and shall contain as a general condition that the operation of the vested mine shall not constitute a hazard or threat to the health, safety, or general welfare of the public. The operating permit shall contain as a special condition that the vested mine shall remain in compliance with all permits, authorizations, and conditions applicable to that mine under State Statute, Rules as set forth in the Florida Administrative Code, and the Sumter County Code, other than the provisions of this Ordinance as to new mines or expansions of lawful mines on to non-vested lands.

The procedure for obtaining an operating permit for a new mine or for an expansion of a lawful mine on to non-vested lands shall be as follows:

1. Submission of Application and Fees.

The applicant shall submit to the Development Review Committee six (6) copies of the operating permit application and appropriate fees charged by each of the reviewing departments or divisions. The application shall contain the engineering and construction plans for the project. Where required by State or County regulations, such plans shall be signed and sealed by a professional engineer, professional geologist or architect, where applicable, registered in the State of Florida and shall include, but not necessarily be limited to, architectural and engineering

construction details, plans and specifications for:

- a. All proposed buildings, signs, exterior walls and fences, driveways, roads, off-street parking areas, loading and unloading areas, walks.
- b. Conceptual excavation areas.
- c. Solid waste management facilities.
- d. Water supply and wastewater treatment facilities.
- e. storm water management facilities (including calculations).
- f. Other pollutant management devices or facilities.
- g. Erosion and sedimentation control.
- h. Hazardous material storage and management facilities.
- i. Landscaping and beautification.
- j. Fire control devices, facilities.
- k. Site reclamation.
- l. Wetlands mitigation.
- m. Other information which may be beneficial to the review and approval of the operating permit application.

2. Operating Permit Application Review.

The operating permit application review will be conducted by the Development Review Committee within forty-five (45) days of the receipt of the application, in substantial accordance with its standard operating procedures. The application shall be reviewed in accordance with its conformance to all applicable State, Federal, and local regulations and the approved mining site plan. The Development Review Committee shall either approve, approve with conditions, or deny the application. If the application is approved or approved with conditions, the conditions being so stated in writing, the applicant shall be issued an operating permit. If the application is denied, the reasons for denial shall be stated in writing and forwarded to the applicant.

Public notice of the Development Review Committee meeting shall be published at least one time prior to the meeting.

3. Reapplication.

The applicant may reapply for an operating permit after denial, upon addressing the reasons for denial.

4. Operating Permit Term.

Unless stated otherwise, the operating permit shall remain valid and in force throughout the life of the approved mining site plan as long as the operator shall abide by the mining site plan, the requirements of this ordinance and the conditions of the operating permit, subject to mandatory amendments if required by any subsequent amendment to this ordinance.

5. Operating Permit Amendment.

The process followed for operating permit amendments shall be the same as the procedure required for the approval of the original operating permit.

6. Time for Filing. An application for an operating permit may be filed with and reviewed by the Development Review Committee simultaneously with the filing and review of a zoning or a Mine Site Plan approval application, provided, however, if the dual filing causes an administrative problem to the County, the appropriate county committee or review agency may hold the application for the operating permit pending zoning approval.

13.166.3 STANDARDS:

All mining activities involving new mines or expansion of lawful mines on to non-vested lands shall, at a minimum, be conducted in accordance with the following standards. Additional standards may be required in the approved mining site plan or the operating permit.

A. General Standards.

1. Comprehensive Plan.

All mining activities shall be consistent with the Sumter County Comprehensive Plan.

2. Best Management Practices.

All mining activities shall employ best management practices.

3. Zoning.

All mining activities shall be in conformance with the Sumter County Zoning Ordinance. In the event the proposed mining activity is not consistent with zoning district classifications, rezoning shall occur concurrently with the mining site plan approval.

4. Compliance with Other Law.

All mining activities shall be conducted in accordance with all applicable Federal, State, and local laws and regulations.

B. Environmental Protection Standards.

1. Groundwater.

All mining in Sumter County shall be in compliance with all state statutes, rules and regulations pertaining to water management, specifically including, but not limited to, rules of SWFWMD and DER. Variances from any such rule or regulation shall not be effective within Sumter County until approved by the Development Review Committee. Violation of any such state statute, rule or regulation shall constitute a violation of this Ordinance.

All mining in Sumter County shall be in compliance with the following general rules concerning water management.

a. Floridan Aquifer Withdrawals.

Groundwater withdrawals shall not significantly, adversely impact, due to lowering of potentiometric levels, the Floridan Aquifer or surface water bodies beyond the boundaries of the mine. Changes in flow of water courses leaving property owned or controlled by the mine shall not adversely affect downstream property owners or the environment.

b. Surficial Aquifer Withdrawals.

Mining activities shall not significantly, adversely impact the level of the surficial aquifer or surface water bodies beyond the boundaries of the mine. Changes in flow of water courses leaving property owned or controlled by the mine shall not adversely affect downstream property owners or the environment.

c. Monitoring, .

In order to establish baseline conditions and to evaluate potential impacts, the monitoring of groundwater systems, surficial and Floridan, will be evaluated on a case-by-case basis and the need for onsite sampling or observation wells shall be specified by the County. Wells established for potable water supply or as part of the mining operation will be constructed to enable sampling of the aquifer from which the water is drawn.

2. Surface Water.

a. Withdrawals

Water shall not be drawn from surface water bodies not totally within the property unless specifically approved in the operating permit. Such use shall only be permitted after a thorough analysis of stream flow and surface water conditions, and shall be limited to quantities not detrimental to downstream property owners or the environment.

b. Stream Relocations.

Natural existing stream channels shall not be relocated unless otherwise approved in the operating permit.

c. Discharges.

Increases in flow of water courses leaving the mine property shall not adversely affect downstream property owners or the environment either by flooding or otherwise.

d. Monitoring.

In order to establish baseline conditions and to evaluate potential impacts, the monitoring of surface water systems will be evaluated on a case-by-case basis, and the need for onsite monitoring shall be specified. Once it is determined by the County that the need for monitoring has been satisfied, the monitoring will cease, except that further monitoring can be required if deemed necessary.

3. Wetlands

Wetlands shall not be altered or disturbed by mining operations except in accordance with provisions of applicable Sumter County rules, regulations, and ordinances.

4. Archaeological and Historical Resources.

Archaeological and historical sites, cemeteries, and burial grounds shall be preserved in accordance with applicable federal, state and local laws and regulations. The State Division of Archives, History and Records Management can be consulted to determine what resources may be located on the mining site.

5. Wildlife Resources.

Maximum practicable efforts shall be made to protect habitats of designated species of wildlife and vegetation.

6. Drainage Facilities

All drainage facilities shall comply with SWFWMD Rule 40d-45.

7. Solid Waste.

No operator shall dump, pile, or permit the dumping, piling, or otherwise placing of any earth, overburden, rocks, ore, debris, or other solid waste upon or into any public roadways or other public property, or water bodies, or upon any adjacent property except as specifically approved in the operating permit. No operator shall place such materials in such way that normal erosion or slides brought about by natural physical causes will permit such materials to go upon or into public roadways or other public property, or water bodies, or upon any adjacent property

except as specifically approved in the operating permit.

8. Noise.

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 in excess of that allowed by the regulations of any local, state, or federal agency.

9. Blasting.

All blasting shall be pursuant to and regulated by Sumter County Ordinance No. 81-11, hereafter referred to as the Sumter County Blasting Ordinance.

10. Vibrations.

All mining activities shall be performed in a manner that will prevent vibrations of the soil from reaching a magnitude sufficient to cause damage to persons or property outside the operator's property. Should the County receive complaints from adjacent residents or landowners, the County may require measurement by a blast monitoring device and a report of the findings to the County demonstrating that the blast has not and will not cause damage to persons or property outside the operator's property.

11. Air Quality.

The mining activity shall be conducted so as to control the generation and offsite migration of fugitive dusts and particles. All areas in which such dust or particles may be generated shall be kept wet, treated with chemical dust deterrents, or controlled in another manner to reduce the potential for their offsite migration. Atmospheric discharges from processing and drying equipment shall comply with all applicable state, federal, and local rules and regulations.

12. Erosion and Sedimentation.

Soils exposed during site alteration shall be stabilized and runoff and siltation directed to areas approved in the mining site plan or operating permit in such a manner as to prevent offsite impacts.

13. Dewatering.

Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the groundwater table outside the actual mining site. Should the County receive complaints that the dewatering operation has resulted in detrimental offsite impacts, the County may require the operator to demonstrate that such impacts have not occurred as a result of the dewatering operation. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent water bodies, wetland

areas or water supply wells shall be terminated until such time as a satisfactory plan is developed and implemented to maintain water levels in such areas.

C. Mining Operation Standards.

1. Setbacks.

Setback areas shall remain undisturbed except for approved access points, vegetation buffers or fencing. The following minimum setbacks shall be observed unless specifically modified by the Board of County Commissioners:

a. All mining operations shall maintain a setback of one hundred (100) feet from any public right-of-way or public or private easement for drainage, utility or road purposes; two hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses, and one hundred (100) feet from all other property lines.

b. Setbacks can be increased or decreased in special situations and can be addressed in the mining site plan.

c. Setbacks established by the approved mining site plan shall be marked in a manner acceptable by the County prior to the initiation of any active phase of mining. Such markers shall remain until mining activities are terminated.

d. Where two or more mines are contiguous, setback requirements may be waived provided that a reciprocal excavation agreement between the affected property owners is executed, and the waiver of the setback requirements are not contrary to the public health, safety, and welfare. The agreement shall be reviewed and approved by the County Attorney and recorded in the Official Records Books of Sumter County.

2. External Vehicle Area.

External vehicle access ways shall be located so as to minimize danger to traffic and nuisance to surrounding properties. All external vehicle access ways shall be clearly marked in accordance with all applicable County, State and Federal requirements.

3. Material Piles.

Spoil piles, stock piles of processed ore, or any other excavated materials shall be stockpiled at a stable slope. Such piles shall be stabilized in a manner that prevents migration of either materials or particulate matter from such piles to areas beyond the perimeter of the mine. No spoil or other excavated materials shall be placed within the setbacks specified, unless approved in the mining site plan or unless such use is necessary for a mine for which vested rights have been properly established in accordance with this ordinance.

4. Security.

Before any mining activity is initiated, the following requirements shall be satisfied:

a. The mine shall be enclosed with a security fence and gate or other barrier including overburden as specified in the approved mining site plan or the operating permit. Such fencing/gates shall remain in place and in good repair until site reclamation has been completed and approved by the County.

b. Warning signs of at least six (6) square feet shall be posted permanently ten (10) feet within the perimeter fence lines of the mine. Such signs shall be placed at each corner of the fence line and also not more than one hundred (100) yards apart along any fence line accessible to the public. On the sign shall be printed in letters of not less than five (5) inches in height, the words "NO TRESPASSING" or other approved appropriate warning and the name of the owner, lessee, or operator of said land. The signs shall be positioned as to be clearly visible from outside the fence line.

c. Barricades or a caution light shall be erected where necessary to protect pedestrians and vehicles during periods of operation.

5. Dams, Spillways, and Related Structures.

Dams, spillways, and related structures including settling ponds, thickening ponds, tailings ponds, slime retention ponds, including storm water management facilities and the like, shall be designated and constructed in accordance with sound engineering practices and all applicable state, federal, and local standards, rules or regulations. All such structures shall be inspected quarterly by an individual working under the supervision of a professional engineer, or someone who has been instructed by a professional engineer, specializing in the field of soil mechanics or earth dam design and construction, and a complete file of quarterly inspection reports signed by the inspector shall be maintained at all times on the site of the mining operation.

6. Phasing.

Mining activities shall be conducted in phases in accordance with the mining activity phasing schedule in the approved mining site plan.

D. Reclamation Standards.

1. Reclamation shall be conducted pursuant to the reclamation program and plan filed pursuant to Florida Department of Natural Resources requirements under Rule 16C-36 F. A. C. Violation of said rule shall constitute a violation of this Ordinance.

2. The mine owner or operator shall file with the

Director a copy of the conceptual reclamation plan, annual reports, and plan changes as well as any copies of any other documents or reports required under DNR rules. No plan amendment approved by DNR shall be effective in Sumter County until approved by the Development Review Committee.

13.166-4 Annual Progress Report, Certification, Reclamation Approval, Fees.

A. Annual Progress Report.

The operator of every mine shall file annually with the County within forty-five (45) days after each anniversary date of mining site plan approval, or registration approval for vested, lawful mines, a written report to include the following, if applicable:

1. Identification of lands mined during the preceding year and lands expected to be mined during the current year.

2. Discussion of the reclamation progress for each area where reclamation has been completed in the last year, or where reclamation is in progress, and a discussion of reclamation planned for the current year.

3. Aerial photographs at a scale of one inch equals two hundred feet (1" = 200'), or one inch equals four hundred feet (1" = 400'), (photos of flight most recently available through Sumter County office of public works, Department of Transportation, or other agency will be accepted), showing the extent of land disturbance and reclamation during the last year.

4. A summary of results of the previous year's environmental monitoring program, if required in the operating permit.

5. The operator shall also furnish copies of all related inspection reports not previously furnished which are required by state or federal regulatory agencies.

B. Certification.

A Florida registered professional engineer, professional geologist, mine operator, or his authorized representative familiar with the operator's mining activities, shall certify in the Annual Progress Report that the project is being developed and operated in strict accordance with the conditions set forth in the approved mining site plan, operating permit, and any applicable Development of Regional Impact Development Order.

C. Failure to File.

Failure to file the required Annual Progress Report shall be grounds for suspension of the operating permit. An extension of time for filing may be granted by the County upon request and for

good cause shown.

D. Reclamation Approval.

If necessary, approval of reclaimed areas shall be required in the Annual Progress Report by identifying the specific reclamation areas for which approval is sought. Reclamation of disturbed lands shall be deemed completed after showing that the reclamation areas have been reclaimed in accordance with the approved mining site plan and operating permit.

E. Fees.

Submission of the Annual Progress Report shall be accompanied by the appropriate fee as established by the Board.

13-166.5 Inspections.

Inspections of all new and existing mining activities shall be conducted on a routine, periodic basis, and as deemed appropriate by the County, or as complaints arise concerning the mining activity. By seeking and obtaining a permit under this ordinance, the operator and owner shall be deemed to have consented to inspections by the County and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections upon reasonable notice.

13-166.6 Fees.

Payment of administrative, review, processing, permitting, and inspection fees associated with the cost of implementing the requirements of this ordinance shall be in accordance with a fee schedule established by resolution of the Sumter County Board of County Commissioners.

13-166.7 VARIANCES.

A. When an applicant can show that, due to no fault of his own, but because of strict interpretation of the "Sumter County Mining and Excavation Ordinance" a hardship has been created, the Sumter County Board of County Commissioners may grant a variance to any of the requirements of the "Sumter County Mining and Excavation Ordinance" in accordance with the following:

1. Application.

The applicant shall file with the County an application stating clearly and definitively the reason for a request of variance.

2. Public Hearing.

The Board of County Commissioners shall hold an advertised public hearing pursuant to Section 13-142 of the Sumter County Code, and, at such hearing, shall determine the following

facts:

a. A hardship exists that is the result of the natural features of the land and not the fault of the developer or any of his predecessors in title; and

b. Unique circumstances or special conditions exist which are peculiar to this parcel of land; and

c. The variance will not adversely affect the adjacent property nor will it be detrimental to the general public's interest.

B. No variance may be granted which would conflict with a specific provision of a mining site plan approval granted by the Board of County Commissioners.

C. The Board of County Commissioners may make the granting of a variance conditional upon such alternate and additional restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purpose of this Ordinance.

13.166-8 APPEALS

The Board of County Commissioners shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the Director or the Development Review Committee in the administration of this Chapter of the Sumter County Code, to determine whether the administrative determination appealed from was correct or not, and if not, to make the proper determination.

13.166-9 VIOLATIONS, PENALTIES.

A. Revocation of Mining Site Plan Approval and Operating Permit.

A substantial, or repeated violation of the terms and conditions of the approved mining site plan or the operating permit, or the disobedience of a lawful order issued by a County official of this ordinance or any other ordinance, regulation, or law including any DNR, SWFWMD, or DER rule or regulation shall be cause for revocation or suspension of the approved mining site plan or the operating permit. When the County has reasonable cause to believe that grounds for the revocation or suspension of an approved mining site plan or operating permit exists, it shall notify the applicant or the permit holder in writing stating the grounds upon which the license is being revoked. If the applicant, landowner or operator makes no written request for a hearing to the County within fifteen (15) days from receipt of such notice, the mining site plan approval or operating permit shall be deemed revoked, and no further mining activities shall occur until a new mining site plan is approved or operating permit is issued. If a request for a hearing is made to the County in writing, a hearing shall be held within forty-five (45) days and shall be conducted by the Board of County Commissioners.

B. Enforcement.

All violations of the terms and conditions of the approved mining site plan or the operating permit, this ordinance, or any other ordinance, regulation, or law including all state statutes or rules and regulations may be enforced by enforcement action of the Sumter County Department of Public Services as provided in Chapter 13-117 of the Sumter County Code.

C. Civil Enforcement.

Nothing in this ordinance shall prevent the Board of County Commissioners or any other party from seeking immediate injunctive relief or taking such other lawful action to prevent or remedy any violation of any approved mining site plan or any operating permit or any violation of the terms of this or any other County ordinance, or other law or regulation.

D. Cumulative Effect.

The penalties and methods of enforcement stated herein are cumulative. Use of one method of enforcement or imposition of one penalty or fine shall not preclude the use of other methods of enforcement for the same violation.

Section 2. SEVERABILITY

Should any section, clause, or provision of this ordinance or any rules promulgated hereunder be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of this ordinance as a whole or any part hereof rather than the part so declared to be unconstitutional or invalid.

Section 3. CODIFICATION

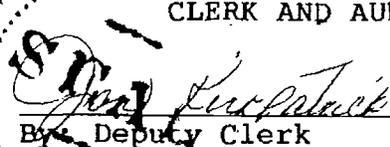
It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

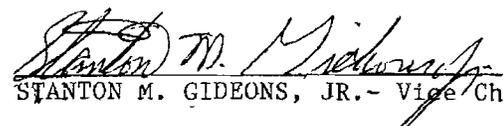
Section 4. EFFECTIVE DATE

This ordinance shall take effect on September 19, 1990.

ATTEST; BERNARD R. SHELNUTT, JR.
CLERK AND AUDITOR

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA


By: Deputy Clerk


STANTON M. GIDEONS, JR. - Vice Chairman

Proof of Publication

from the
SUMTER COUNTY TIMES
Bushnell, Sumter County, Florida
PUBLISHED WEEKLY

STATE OF FLORIDA
COUNTY OF SUMTER

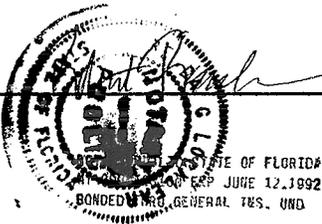
Before the undersigned authority personally appeared
EDITOR / ROBERT REICHMAN

of the Sumter County Times, a newspaper published
weekly on Thursday at Bushnell in Sumter County,
Florida; that the attached copy of advertisement being a
public notice in the matter of

NOTICE OF PUBLIC HEARING
CHANGE OF ZONING REGULATIONS
MINING ORDINANCE

Court, was published in said newspaper in the issues of
AUGUST 9, 1990 and AUGUST 23, 1990

Affiant further says that the Sumter County Times is
a newspaper published at Bushnell in said Sumter County,
Florida, and that the said newspaper has heretofore been
continuously published in Sumter County, Florida, each
week and has been entered as second class mail matter
at the post office in Bushnell in said Sumter County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and
affiant further says that he/she has neither paid nor
promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing
this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 23rd
day of August A.D. 1990

(SEAL) Notary Public Brenda D. Beckman

Sc# 703-0823

NOTICE OF PUBLIC HEARING CHANGE OF ZONING REGULATIONS MINING ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Sumter County proposes to change Chapter 13 Section 166 of the Sumter County code by adopting an ordinance entitled as follows:

AN ORDINANCE OF THE COUNTY OF SUMTER AMENDING THE CODIFICATION OF SUMTER COUNTY; PROVIDING FOR THE ADOPTION OF THE SUMTER COUNTY MINING ORDINANCE; PROVIDING FOR THE CREATION OF SECTION 13-166.1 ENTITLED GENERAL PROVISIONS AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.2 ENTITLED ZONING AND MINING SITE PLAN AND OPERATING PERMIT APPLICATIONS, REVIEW AND APPROVAL PROCESS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.3 ENTITLED STANDARDS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.4 ENTITLED ANNUAL PROGRESS REPORT CERTIFICATION, RECLAMATION APPROVAL FEES AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.5 ENTITLED INSPECTIONS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.6 ENTITLED FEES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.7 ENTITLED VARIANCES AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.8 ENTITLED APPEALS, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR THE CREATION OF SECTION 13-166.9 ENTITLED VIOLATIONS PENALTIES, AND ALL SUBSECTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The adoption of this ordinance will not rezone any land, however it will change the regulations concerning mining in Sumter County under the old M-1 district and the existing M-2 district.

Public hearings are scheduled as follows:

| Date | Time | Place |
|-----------------|-----------|--|
| August 14, 1990 | 7:00 p.m. | Wildwood Community Building |
| August 28, 1990 | 7:00 p.m. | County Commission Chambers Sumter County County Courthouse Bushnell, Florida |

This ordinance will apply to the entire unincorporated area of Sumter County, Florida. Notice is given if any person desires to appeal any action taken by the Board at the above hearings, a verbatim record of the proceedings may be necessary and is not prepared or furnished by the Board.

The public is invited to attend.

Bernard R. Sheinuff, Jr.
Clerk of Circuit Court

By: Deputy Clerk

Sumter County Aerials

1970

2006

2007

2008

2009



Sumter County BOCC - GIS

BOCC - Bushnell, FL 33513 | 352-793-0200

Parcel ID **M21=025**

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

Street NOT ON FILE

S/T/R 21/21/21 FOR POB START AT NE COR OF SEC RUN N 88 DEG 51'34"W 2260.00 FT S 00 DEG 50'30"E 2260 FT S 00 DEG50'30"E

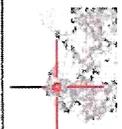
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

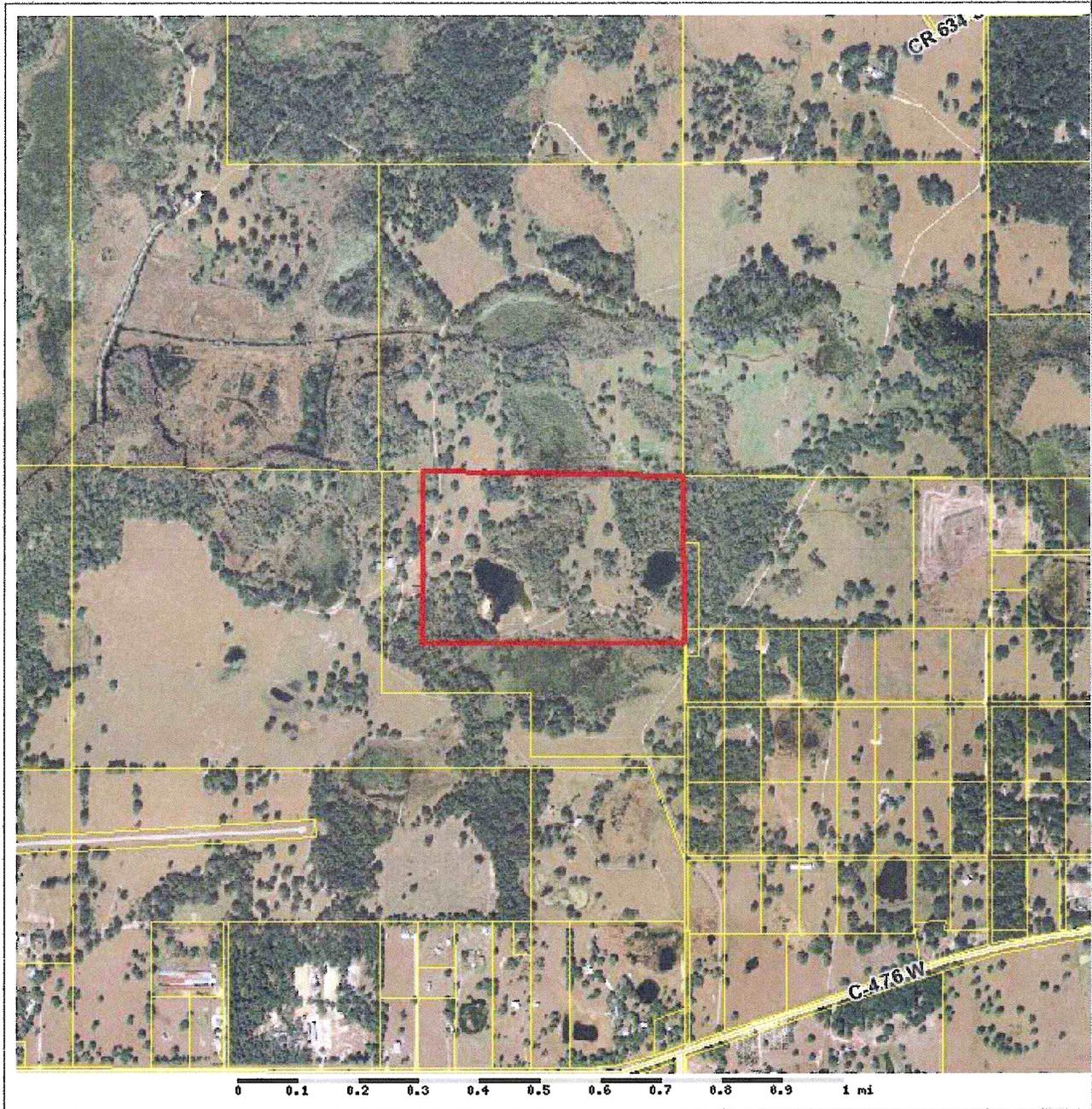
NOTES:

YEAR
1970



This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property, legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. This information was last and may not reflect the data currently on file at our office.

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GnzzlyLogic.com



Sumter County BOCC - GIS

BOCC - Bushnell, FL 33513 | 352-793-0200

Parcel ID: **M21=025**

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

Street NOT ON FILE

S/T/R 21/21/21 FOR POB START AT NE COR OF SEC RUN N 88 DEG 51'34"W 2260.00 FT S 00 DEG 50'30"E 2260 FT S 00 DEG 50'30"E

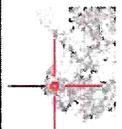
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

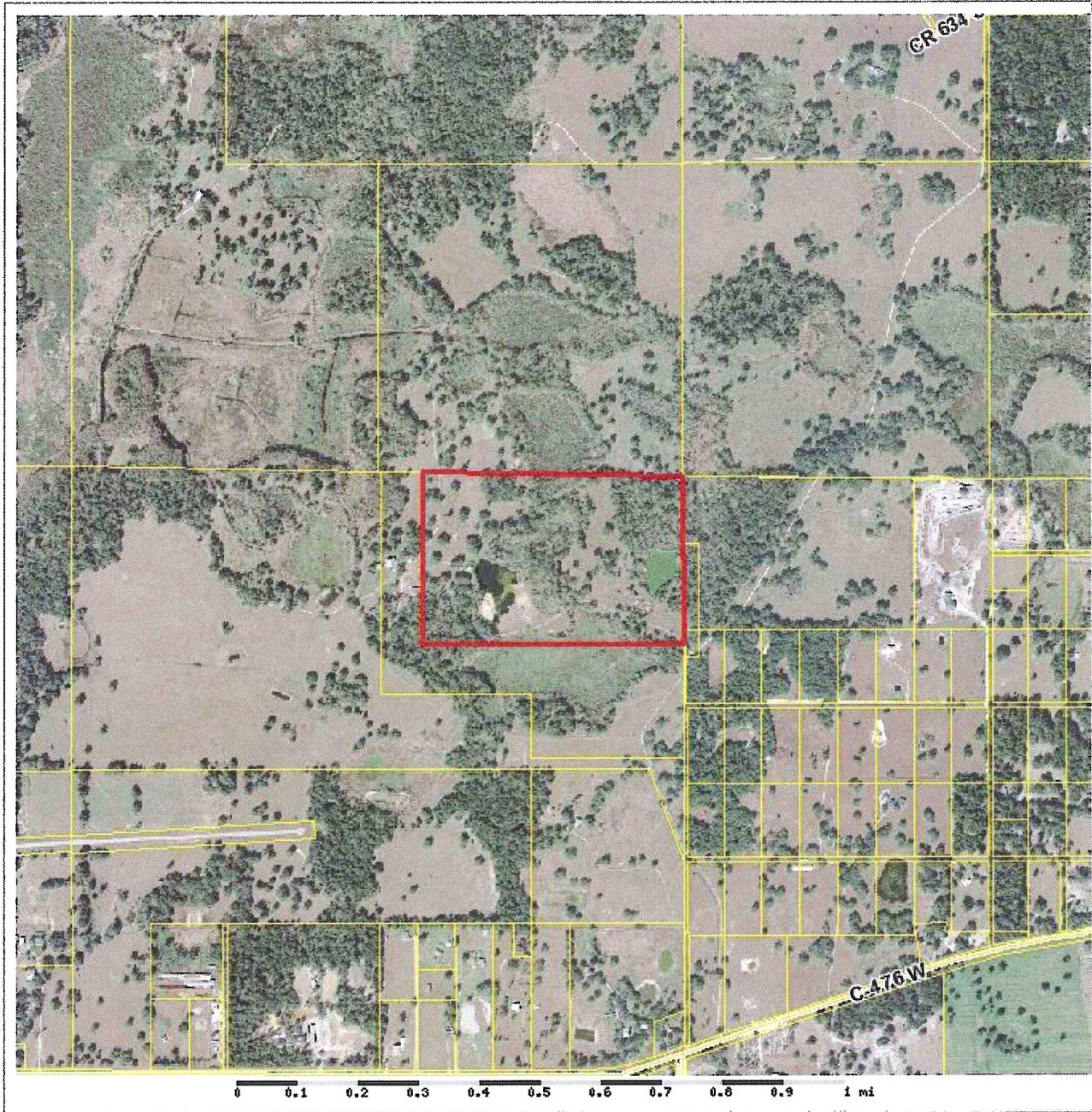
NOTES:

YEAR
2006



This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property, legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. This information was last and may not reflect the data currently on file at our office.

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Sumter County BOCC - GIS

BOCC Bushnell, FL 33513 | 352-793-0200

Parcel ID. **M21=025**

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

Street NOT ON FILE

S/T/R 21/21/21 FOR POB START AT NE COR OF SEC RUN N 88 DEG 51'34"W 2260.00 FT S 00 DEG 50'30"E 2260 FT S 00 DEG 50'30"E

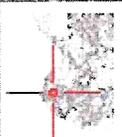
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

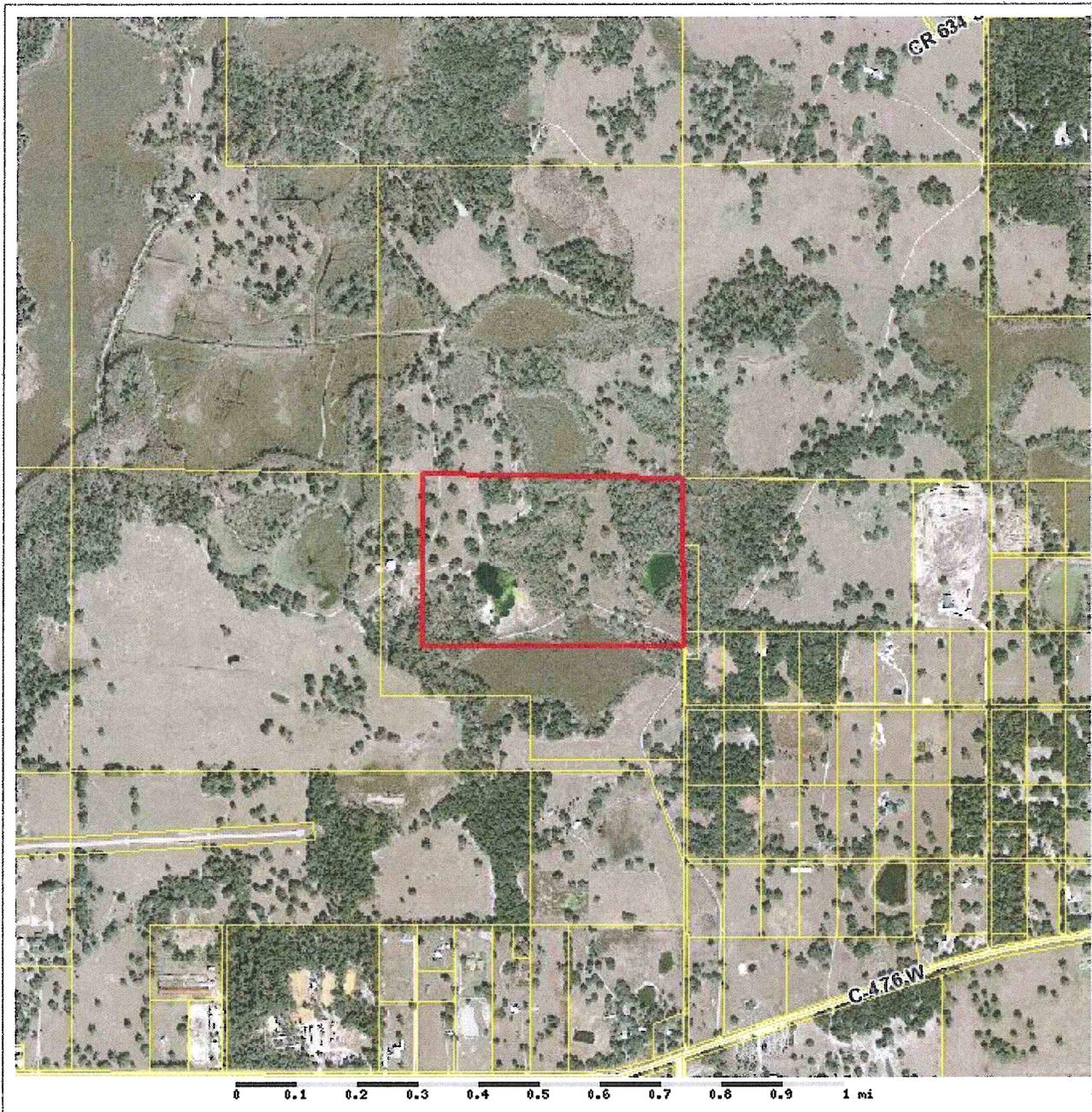
NOTES:

YEAR
2007



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Sumter County BOCC - GIS

BOCC Bushnell, FL 33513 | 352-793-0200

Parcel ID: **M21=025**

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

Street NOT ON FILE

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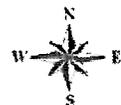
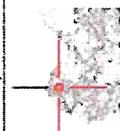
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

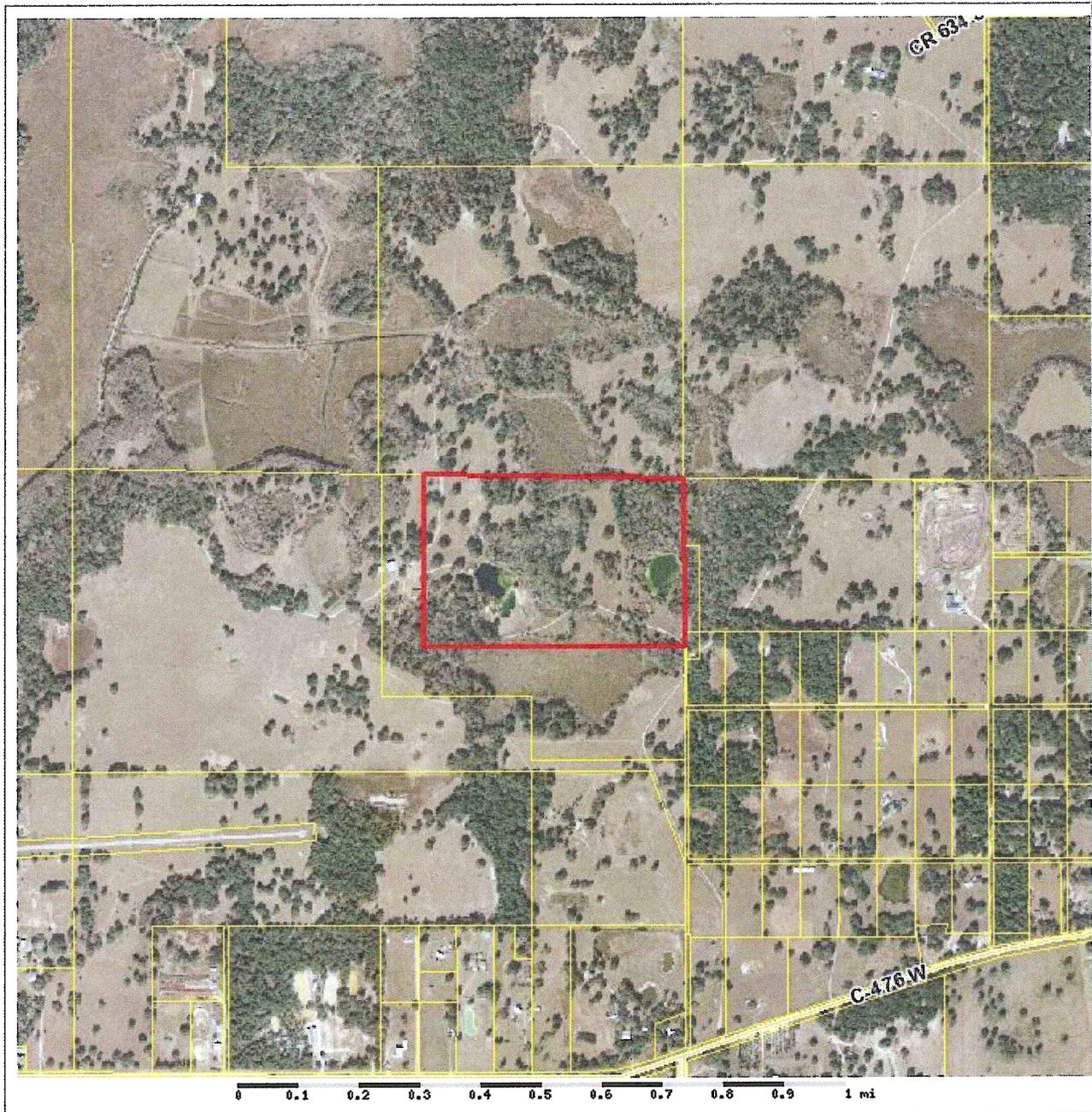
NOTES:

YEAR
2008



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Sumter County BOCC - GIS

BOCC - Bushnell, FL 33513 | 352-793-0200

Parcel ID **M21=025**

ROCKING G INC

1 N DALE MABRY HWY STE 800 S UITE 800 TAMPA, FL 33609

Street NOT ON FILE

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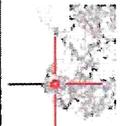
1550.00 FT S 88

Sales

| | | | |
|----------|---------|--------|----------|
| 5/1/2002 | 978/164 | Vacant | \$100.00 |
|----------|---------|--------|----------|

NOTES:

YEAR
2009



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**Sumter County
Public Notices
For
September 14, 2010
Appeal Hearing**

**NOTICE OF APPEAL
HEARING
SUMTER COUNTY BOARD OF
COUNTY COMMISSIONERS**

On September 14, 2010, at 5:00 p.m. at the Bushnell Government Offices located at 910 N Main St, Room 142, Bushnell, FL 33513, the Board of County Commissioners will hold a hearing to consider an appeal filed on behalf of Rocking G, Inc. The appeal was filed consistent with Section 13-236 and 13-852 of the Sumter County Land Development Code. The subject of the appeal is County staff's determination that property owned by Rocking G. Inc., located northwest of the intersection of C-476W and C-476B, is not a vested limerock mine. Rocking G, Inc. believes the subject property is a vested limerock mine. Contact Brad Cornelius, AICP, Planning Manager at 352-793-0270 with any questions.

Persons attending hearings of the Board are advised that if they decide to appeal any decision made by the Board with respect to any matter considered at any meeting, he or she may need a verbatim record. Arrangements for such verbatim record must be made by that person as a verbatim record is not provided by the Board.

Persons needing special assistance gaining access to the hearing or to be heard at the hearing should contact the Board at 352-793-0200, at least 48 hours prior to the hearing, to make any special arrangements.
#255296 September 8, 2010

Legal AD

Ron m

Villajos Daily Sun

9/8/10

NOTICE

THIS PROPERTY WILL BE CONSIDERED FOR OFFICIAL ACTION

- APPEAL OF STAFF DETERMINATION
- TEMPORARY USE
- SPECIAL USE
- CONDITIONAL USE
- VARIANCE
- LAND USE CHANGE

PRESENT ZONING: A5

REQUESTED ACTION: Appeal of Staff Determination that Rocking G, Inc. Property is
Not a Vested Limerock Mine.

HEARING DATE: September 14, 2010 TIME: 5:00 P.M.

HEARING PLACE: 910 N. MAIN STREET, SUITE 142, BUSHNELL, FL 33513

HEARING AUTHORITY

- BOARD OF COUNTY COMMISSIONERS
- OTHER

FOR FURTHER INFORMATION, CALL (352) 793-0270

REFER TO CASE NO. Rocking G Appeal

Sumter County Planning Department 910 N. Main St., Suite 301, Bushnell, FL 33513

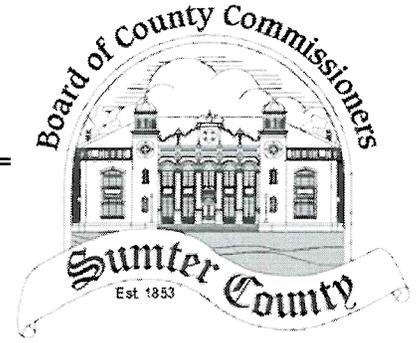
*Posted at Gate on SW 73rd Crossing &
at Gate on C-476 & C-476B on 9/3/10*

Board of County Commissioners

Division of Planning & Development

Planning Services

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274
Website: <http://sumtercountyfl.gov/planning>



NOTICE OF APPEAL HEARING

September 3, 2010

To property owners whose property boundaries are within a distance of 500 feet of the outside perimeter of property in the name **Rocking G, Inc.** The owner filed an appeal, pursuant to Section 13-236 and 13-852, Sumter County Land Development Code, to staff's determination that the operation of a limerock mine on the subject property is prohibited due to not being a vested limerock mine.

A hearing before the Sumter County Board of County Commissioners (BOCC) will be held at **Bushnell Government Offices – 910 N. Main St., Room 142, Bushnell, FL 33513 at 5:00 p.m.** The purpose of the public hearing is for the BOCC to consider the appeal and either uphold, modify, or reverse staff's determination.

Any questions you may have should be directed to Brad Cornelius, Planning Manager, at (352) 793-0270 or brad.cornelius@sumtercountyfl.gov

Sincerely,

Bradley T. Cornelius, AICP, CPM
Planning Manager

M15=010
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M16=003
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M16=004
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M21=001
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M21=023
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M21=025
ROCKING G INC
1 N DALE MABRY HWY STE 800 S
UITE 800
TAMPA, FL 33609

M22=003
WILKES GAIL G
2802 S BEACH DR
TAMPA, FL 33629

M22=026
ROCKING G INC
1 N DALE MABRY HWY STE 800 S
UITE 800
TAMPA, FL 33609

M22C002
WILKES GAIL G
2802 SOUTH BEACH DR
TAMPA, FL 33629

Deed
Transferring Ownership
from James Wilkes & Gail
Wilkes to Rocking G, Inc.
(OR Book 978 – Page 164)

Section 13-772(d)(1)

Section 13-772(d)(1)

FAN _____
Fee 2.10
TF 1.30
Doc .70
Int _____
CC _____

1120

THIS DOCUMENT PREPARED BY
AND RETURN TO:
JAMES E. WADE, III
Wilkes & McHugh, P.A.
Tampa Commons,
One North Dale Mabry Suite 800,
Tampa, Florida 33609

I hereby certify that I prepared this instrument from information given to me by the parties hereto. I have made no examination as to the marketability of the title and therefore assume no responsibility for the accuracy of description of condition of title.

TAX INFORMATION

Portion of:
M22-003
M21-023

Documentary Stamps 1.70
Intangible Tax _____
Paid 5th Day of June 2022
GLORIA R. HAYWARD, CLERK
SHERIFF/COUNTY CLERK
SUMTER COUNTY, FL
BY [Signature] D.C.

WARRANTY DEED

THIS WARRANTY DEED made this 14th day of May, 2002 by **JAMES L. WILKES, II** and **GAIL G. WILKES**, husband and wife, whose address is 2802 Beach Drive, Tampa, FL 33629, hereinafter called the Grantors, to **ROCKING G, INC.**, a Florida corporation, whose principal address is Tampa Commons, One North Dale Mabry, Suite 800, Tampa, Florida, hereinafter called the Grantee:

WITNESSETH That the Grantors, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in Sumter County, State of Florida, viz:

AS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever **AND**, the Grantors hereby covenants with said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of

[Signature]
Signature of First Witness

Joshua Raymond
Print/Type name of First Witness

[Signature]
Signature of Second Witness

Robert A. Johnson
Print/Type name of Second Witness

[Signature]
JAMES L. WILKES, II

[Signature]
GAIL G. WILKES

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 14th day of May, 2002, by **JAMES L. WILKES, II** and **GAIL G. WILKES**, who are personally known to me or who produced _____ as identification

 **Erica H. Rizzo**
Commission # GC 874641
Expires Sep. 26, 2003
Bonded Through
Atlantic Bonding Co., Inc.

[Signature]
Notary Public Signature

EXHIBIT "A"

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT

06/05/2002 #2002-9988
11:57:58AM B-978 P-164

EXHIBIT "A"

That portion of Sections 21 and 22, Township 21 South, Range 21 East, Sumter County, Florida, described as follows:

For a POINT OF BEGINNING, start at the Northeast corner of said Section 21 (Northwest corner of said Section 22), thence run N88°51'34"W along the North line of said Section 21, a distance of 2260.00 feet, thence S00°50'30"E parallel with the East line of said Section 21, a distance of 1550.00 feet, thence S88°51'34"E 2260.00 feet to the East line of said Section 21 (West line of said Section 22), thence run S89°56'03"E parallel with the North line of said Section 22, a distance of 120.00 feet, thence N00°50'30"W 980.00 feet, thence N89°56'03"W 120.00 feet to the West line of said Section 22 (East line of Section 21), thence N00°50'30"W along said line a distance of 570.00 feet to the POINT OF BEGINNING. Subject to right of way for roads, streets, alley ways, etc. and all matters shown on the plat of SUMTER GARDENS PLAT NO. 50, Plat Book 2, Page 72, Public Records of Sumter County, Florida. The described area contains 83.07 acres, more or less.

TOGETHER WITH a non-exclusive easement for ingress and egress over and across any lands owned by grantors herein lying within 25 feet each side of the centerline of that portion of that certain existing limerock road lying in Sections 21 and 22, Township 21 South, Range 21 East, Sumter County, Florida, the centerline of which is described as follows:

For a Point of Reference commence at the Southeast corner of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 21 East, Sumter County, Florida, thence run N00°50'30"W along the East line of said Southeast 1/4 of Northeast 1/4, a distance of 100.03 feet to a point on a line, said line being 100.00 feet North of (as measured perpendicularly thereto) and running parallel with the South line of said Southeast 1/4 of Northeast 1/4, thence N89°19'50"W along said parallel line, a distance of 298.06 feet to the POINT OF BEGINNING of this centerline description, from said point run thence S21°15'22"E a distance of 736.15 feet, thence S22°57'50"E a distance of 50.51 feet, thence S29°39'28"E 35.50 feet, thence S35°50'08"E 40.06 feet, thence S43°13'42"E 161.45 feet, thence S34°58'57"E 147.81 feet, thence S26°15'47"E 124.64 feet, thence S14°56'14"E a distance of 47.03 feet, thence S05°41'47"E a distance of 33.80 feet, thence S00°50'46"W a distance of 329.39 feet, thence S01°21'28"W a distance of 168.45 feet, thence S01°06'46"W a distance of 474.66 feet, thence S01°18'01" E a distance of 92.57 feet, thence S15°13'00"E a distance of 23.22 feet to a point on the Northerly right of way line of County Road No. 476 and the Southerly TERMINUS of this centerline description.

Return to the POINT OF BEGINNING of this centerline description, from said point run N21°15'22"W a distance of 260.00 feet, thence N35°00'00"E a distance of 621.06 feet to a point on a line, said line being 25.00 feet West of and running parallel with the East line of the Northeast 1/4 of said Section 21, thence run N00°50'30"W along said parallel line a distance of 211.93 feet to the Northerly TERMINUS of this centerline description.

Subject and reserving to grantors herein, a non-exclusive easement for ingress and egress over and across that existing limerock roadway, or as it may be relocated from time to time, over and across the southerly portion of the above described parcel.

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT

06/05/2002 #2002-9988
11:37:59AM B-978 P-165