



Interoffice Memorandum

January 29, 2019

TO: Mayor Jerry L, Demings
and the Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

CONTACT PERSON: **Diana M. Almodovar, P. E., Manager**
Development Engineering Division

PHONE NUMBER: (407) 836-7974

SUBJ: **Farmland Reserve Grapefruit Borrow Pit**
Excavation Permit #18-E4-0086

Mr. K. Erik Jacobson of Farmland Reserve, Inc. has applied for Excavation Permit #18-E4-0086 to construct a borrow pit in east Orange County.

This permit would allow for the export of approximately 3,703,000 cubic yards of clean fill material to be utilized for various approved construction projects in Orange, Seminole, Osceola and Brevard Counties over a five-year period.

The agriculturally zoned property is located south of S. R. 528 and west of Dallas Boulevard. The Parcel ID Number is a portion of 10-24-32-0000-00-004.

Staff recommends approval of the Farmland Reserve Grapefruit Borrow Pit subject to General Law and the following additional requirements:

1. The approved haul route will be from the borrow pit to S. R. 528 east and west to approved project sites.
2. Operating and hauling from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
3. Notify Development Engineering Inspection at (407) 836-7920 24 hours prior to commencement of operations.
4. All construction activities shall stay at least 100 feet away and the access road shall be at least 50 feet away from any wetlands or surface waters until an approved Conservation Area Impact (CAI) permit is issued authorizing any direct or indirect impacts to natural resources.
5. Approval of this permit does not constitute either a land-use classification change to Orange County's Comprehensive Plan or a rezoning of any type. Furthermore, solid waste disposal, solid waste management, and the disposal of materials from the construction or demolition of a road or other transportation facility, as contemplated by Section 163.3194 of Florida Statutes, is not in any way a purpose of this permit.

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6. No work authorized under this approval shall begin without compliance with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action by the Board.
7. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of a state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
8. By accepting this permit, the permittee understands and agrees that the permittee will, at all times, (1) comply with all terms and conditions of the permit and any ordinances and regulations relating to the permit; (2) assume all the risk associated with the exercise or attempted exercise of its rights and privileges under this permit; and (3) indemnify, defend, and save harmless Orange County from and against all losses, damages, costs, and expenses arising in any manner on account of the exercise or attempted exercise of the permittee's rights and privileges under this permit, including, but not limited to, any actions or disputes based on claims of negligence, trespass, quiet title, inverse condemnation, and any actions for injunctive or declaratory relief. Accordingly, the permittee shall pay and reimburse Orange County for all damages, attorney fees, and costs that Orange County may incur as a result of any threatened litigation, actual litigation, trials, appeals arising in any manner from the issuance of this permit, and the permittee's exercise or attempted exercise of its rights and privileges under the permit.

Action Requested: Approval of Farmland Reserve Grapefruit Borrow Pit and authorization to issue Excavation Permit #18-E4-0086 to Farmland Reserve, Inc. District 4.

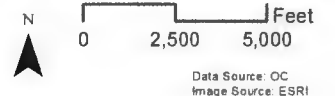
MVM/DMA/mjt
Attachment



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**Farmland Reserve
Grapefruit Borrow Pit**
Orange County, Florida
Aerial Location Exhibit



BCC Mtg. Date: February 26, 2019

ORANGE COUNTY PERMIT APPLICATION for
EXCAVATION - FILL - MASS GRADING
(Submit typewritten or legibly printed in triplicate)

INITIAL SUBMISSION

RENEWAL NUMBER _____

CHECK APPROPRIATE BLOCK	OFFICE USE ONLY		
Annual Permit <input checked="" type="checkbox"/>		Processing	
30 Day Permit <input type="checkbox"/>		Fee \$ <u>898.¹⁰</u>	District No. <u>4</u>
Excavation <input checked="" type="checkbox"/>	Permit No. <u>18-E4-0086</u>	Permit	Receipt No. <u>87940</u>
Mass Grading <input type="checkbox"/>	Permit No. _____	Fee \$ <u>2783.¹⁰</u>	
Fill <input type="checkbox"/>	Permit No. _____		

Applicants Company Name Farmland Reserve, Inc.
 Applicants Name K. Erik Jacobsen Phone No. 407-892-3672
 Address P.O. Box 511196, Salt Lake City, Utah 84151-1196
 Firm designated to do work: S&L Materials Phone No. 407-870-0066
 Name of contact individual Craig Harris
 Address 210 South Hoagland Blvd, Kissimmee, FL 34741
 Reason for excavation, fill and/or mass grading New Grapefruit Road borrow pit for suitable fill.

Has previous work area been completed per Code yes no If No explain _____

Description of area to be worked this permit year New Grapefruit Road Borrow Pit for suitable fill

(Excavation/Fill) Amount of material 3,708.000 cu. yds. - (Fill/Mass Grading) Acreage ~140 Acres
 Legal description of property to be worked 17122 Wewahootee Road - Parcel ID 10-24-32-0000-00-004

Zoning? A-2
 Section 10, Township 24 South, Range 32 East
 Owner of record of property described above and contact individual.
 Name Farmland Reserve Inc., c/o K. Erik Jacobsen Phone No. 407-892-3672
 Address 13754 Deseret Lane, St. Cloud, FL 34773
 Where is the material going to or coming from To be used for construction projects yet to be determined

Zoning? Unknown at this time
 Section _____, Township _____ South, Range _____ East
 Owner of record of property described above.
 Name _____
 Address _____
 Haul route Wewahootee Road to Dallas Blvd to SR 528 Beachline

Date 3-16-18 Applicants Signature 

SECTION II OFFICE USE ONLY

Approved on _____ subject to general law and the following additional requirements.

This permit expires on _____ Approved by _____
 For the County Engineer

Comments: _____ Date: _____
 Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT