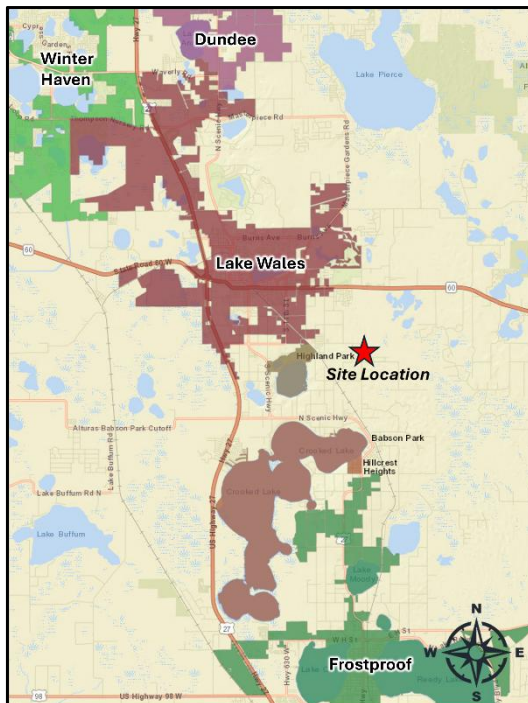


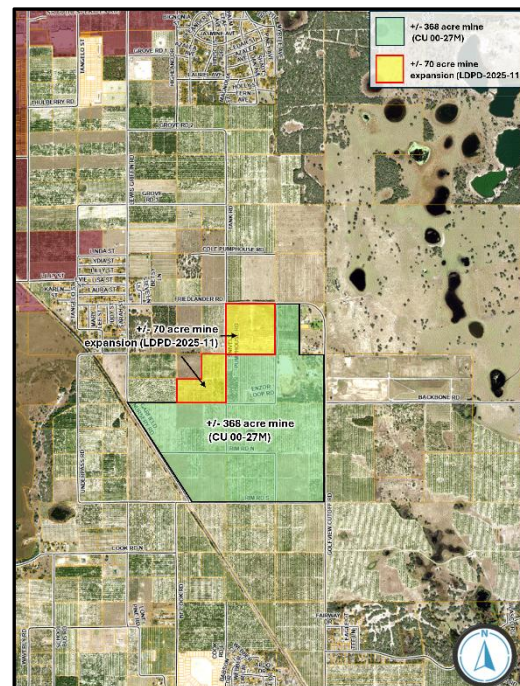
# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	October 30, 2025	<b>Level of Review:</b>	Level 3 Review
<b>PC Date:</b>	January 7, 2026	<b>Type:</b>	Conditional Use Approval
<b>BoCC Date:</b>	N/A	<b>Case Numbers:</b>	LDCU-2025-33
<b>Applicant:</b>	Matt Mouncey	<b>Case Name:</b>	CU-00-27M Modification
		<b>Case Planner:</b>	Kyle Rogus, Planner II
<b>Request:</b>	The applicant is requesting a Major Modification to existing Conditional Use (CU) 00-27M for a $\pm 70.00$ acre expansion of non-phosphate mining. The expansion is to allow an increase in depth of mining activity and mining method (hydraulic dredging) in a portion of the approved mine and add a sand processing plant with ancillary infrastructure on site.		
<b>Location:</b>	The subject site is located north of Scenic Highway, south of State Road 60, east of US Highway 27, west of Walk in Water Road in Section 17, Township 30, Range 28.		
<b>Property Owner:</b>	Highland Sand LLC		
<b>Parcel Number (Size):</b>	$\pm 70.00$ acres Parcel IDs (#283017-000000-023000 and 283017-000000-021020)		
<b>Future Land Use:</b>	Agricultural/Residential Rural-X (A/RRX)		
<b>Development Area:</b>	Rural Development Area (RDA)		
<b>Selected Area Plan:</b>	Southeast Polk Selected Area Plan (SAP)		
<b>Nearest Municipality:</b>	Lake Wales ( $\pm 0.75$ miles northwest)		
<b>DRC Recommendation:</b>	Conditional Approval		
<b>Planning Commission Vote:</b>	Pending Public Hearing		

**Location Map**



**2025 Satellite Photo (Context)**



## Summary of Analysis:

The applicant is requesting approval for an expansion of an existing non-phosphate mine (Highland Sand Mine) on approximately  $\pm 70$  acres with approximately 342 acres already approved for excavation. This can be valuable as the material can be utilized in a variety of construction projects. This area has long been used for mining activity. The original sand mine was approved for  $\pm 40.00$  acres in February 6, 2000 and later underwent a modification (CU 00-27M) to add an additional  $\pm 322$  acres in April 8, 2008 after it received approval from the Planning Commission. With Planning Commission Approval, the sand mine will total approximately 432 acres.

A portion of the mining process will be a “wet mine” to the north of the site consisting of one mine lake area where the excavated materials or “slurry” will be dredged pumped internally to an onsite processing plant to be washed, sized, and stockpiled. The sand will subsequently be removed for construction activities elsewhere. Hauling activities are planned for the hours of 5 a.m. to 6 p.m. Monday through Saturday, with mining operations on a continual basis. Employee and delivery traffic will only enter and exit the facility through access on Golfview Cutoff Road. The mining area is in an Agricultural/Residential Rural (A/RR) land use district. Per Policy 2.125-A2 of the Comprehensive Plan, the specialized use of non-phosphate mining is authorized in all land use locations. The total life of the mine is anticipated to last until 2035 with County approval with the reclamation process occurring after.

LDC Section 303 states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit and platted residential subdivision. The nearest homes are about 102 feet to the north and 20 feet to the west (Exhibit 4) from the previous approved expansion in April of 2008. A 200-foot setback, as shown on the mine plan, is required. An additional perimeter berm is proposed, spanning approximately 50 feet wide at the base and 10 feet wide at its 6-foot peak.

The applicant has submitted the requisite documents for approval, including an operation mine plan, reclamation plan, and post-closure plan. The decision to permit the mining activity is based on an evaluation of the compatibility of the use with surrounding land uses and the ability to mitigate adverse impacts, including noise, visual, airborne, and waterborne pollutants, and traffic impacts. The applicant has demonstrated a plan to address these standards to satisfaction. The proposed use has little need for urban services other than fire rescue and transportation access, both of which are available to the subject site. The roadway system is adequate for the traffic, and the project site is close to State Road 17 (SR 17). According to the submitted application, there will be one (1) access point directly from Golfview Cutoff Road (Exhibit 5). Trucks would then proceed south to SR 17. The traffic circulation plan estimates 90% of the truck traffic will head west on SR 17 where 60% will travel north along US 27 and the remaining 30% will travel south. It is estimated that there will be a maximum output of 536 trucks per day entering and exiting the site. This is equivalent to approximately one (1) truck every two (2) minutes taking loading time into consideration. During the AM peak hours between 7 AM and 9 AM, an estimated 38 trucks will enter, and 28 trucks will exit the facility. It is assumed all 10 employees will enter during the AM peak hour. During the PM peak hours between 4 PM and 6 PM, an estimated one (1) truck will enter, six (6) trucks and 10 employees will exit the facility. The site operations and maximum operating capacity will produce 76 AM peak hour trips and 17 PM peak hour trips. Staff has recommended conditions on roadway maintenance. The applicant’s Impact Assessment Statement (IAS) indicates there are no wetlands or floodplains within the mine area.

Further environmental studies, access management, final engineering, landscaping and buffering will be reviewed during the Level 2 Review process. After reviewing all the relevant facts, staff

recommends approval. The request is compatible with surrounding uses and with the objectives and policies of the LDC and Comprehensive Plan.

### **Findings of Fact**

- *LDCU-2024-33 is a Conditional Use (CU) approval for Non-Phosphate Mining on approximately ±70 acres within the Agricultural Residential Rural-X (A/RRX) land use district, the Southeast Polk Selected Area Plan (SAP), and the County’s Rural Development Area (RDA).*
- *Per Chapter 4, Table 401.08.01 of the Land Development Code (LDC), “Mining, Non-Phosphate” in A/RR requires a Level 3, Conditional Use (CU) approval from the Planning Commission.*
- *Per Chapter 2, Section 204.A of the LDC, the purpose of the Agricultural/ Residential Rural (A/RR) district is to “provide lands for the continuation of productive agricultural uses and to provide for very low-density residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, multi-family dwelling units, farm labor housing, group living facilities, and community facilities.”*
- *LDC Chapter 10 defines Mining, Non-Phosphate as “extraction of limerock, sand, peat, clay, and soil from the earth for commercial purposes. The term also includes the reclamation of previously mined land; accessory transporting, washing, storage, drying, grinding, and shipping of mined materials; and all other accessory activities reasonably related to the mining process, but not chemical processing.”*
- *According to POLICY 2.108-A1 of the Polk County Comprehensive Plan, the Rural Development Area (RDA) is an area “characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.”*
- *The Planning Commission voted in 2008 to approve a conditional use modification for an approximate 322-acre expansion of the existing 40-acre Highland Sand Mine operation (CU 00-27M). The following were the conditions of that approval:*
  - i. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to access points, mine depth or acreage shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission.*
  - ii. All vehicle trips to the west shall travel south on Golfview Cutoff Road to Scenic Highway. There shall be no truck traffic accessing Lily Street or any street within the Highland Park Manor subdivision with exception of Lewis Griffin Road.*
  - iii. A sufficient application for Level 2 Review shall be submitted no later than the end of business on April 9, 2011 (three years); otherwise this conditional use approval shall be deemed null and void.*
  - iv. the hours of operation shall be no more than Monday thru Saturday, 6:00 am to 6:00 pm.*

v. Mining may continue until April 9, 2038. However, all mining including reclamation shall conclude by end of business on April 9, 2038.

- Per POLICY 2.108-A3.c of the Comprehensive Plan, Phosphate Mining shall be permitted within Rural-Development Areas. POLICY 2.125-A2 specifically outlines non-phosphate mining may be permitted in all land use locations.
- Per POLICY 2.114-B1: DEVELOPMENT CRITERIA FOR PHOSPHATE MINING - Development within these districts shall conform to the following criteria:
  - a. All activities within lands designated as PM shall be conducted in a manner that will minimize adverse effects upon water quality, fish and wildlife, and adjacent land uses.
  - b. All mining activities shall require approval through the County's development review procedures. **This review will require the approval of a "Conceptual Mine Plan," which shall include, at a minimum:**
    - 1. a **"Mine-Area Map"** to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features (e.g. topography, watersheds, and any endangered wildlife habitats);
    - 2. a **"Mine-Area Layout"** to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;
    - 3. a **"Reclamation Plan"** to include, at a minimum, all information required by applicable state regulations; and
    - 4. an **"Operations Plan"** to include, at a minimum:
      - (a) phasing plans,
      - (b) an Impact Mitigation Plan, and
      - (c) a **Traffic Circulation Plan** showing major access routes to the mine site.
  - c. Once extraction activities are completed, the site shall be reclaimed (where reclamation is required by Chapter 16C-16, FAC) in accordance with the approved Reclamation Plan. Lands mined prior to reclamation requirements may be developed (reclaimed) without having to file a "reclamation plan."
- Per POLICY 2.125-G1 of the Comprehensive Plan, Non- Phosphate Mining permitted uses:

"Mining of the following minerals shall be permitted throughout the County in all land use classifications, subject to County approval:

  - a. lime rock
  - b. sand
  - c. peat
  - d. clay
  - e. soil"
- Comprehensive Plan POLICY 2.125-G2: NON-PHOSPHATE MINING ACTIVITY DEVELOPMENT CRITERIA states Non-Phosphate Mining shall be subject to the following criteria:
  - a. Mineral extraction activities shall be conducted in a manner which will minimize adverse effects to water quality, fish and wildlife, and adjacent land uses. Non-phosphate mining shall be permitted only where compatible with existing land uses and Future Land Use designation.

- b. *All mining activities shall require Board approval through the County's development review procedures. This review will require the approval of a "Mine Plan" which shall include, at a minimum:*
1. *a "Mine-Area Map" to include, at a minimum, the locations of the mine boundaries, public rights-of-way, existing structures, and environmental features to include topography, watersheds, and any endangered wildlife habitats;*
  2. *a "Mine-Area Layout" to include, at a minimum, planned locations for beneficiation operations, waste-storage areas, and any proposed permanent structures and/or roads;*
  3. *a "Reclamation Plan" to include, at a minimum, all information required by applicable state regulations; and*
  4. *an "Operations Plan" to include, at a minimum, any phasing plans, an Impact Mitigation Plan, and a Traffic Circulation Plan showing major access routes to the mine site.*
- c. *The decision to permit the mining activity shall be based on an evaluation of the **compatibility of the use with surrounding land uses**; and the ability to **mitigate adverse impacts, including noise, visual, airborne and waterborne pollutants, and traffic impacts**.*
- d. *Mineral extraction activities shall not be conducted so as to make the property impractical or impossible for other future uses. Once extraction activities are completed, the site shall be reclaimed in accordance with the approved Reclamation Plan.*
- *Chapter 3, Section 303 of the LDC details the standards that need to be achieved for conditional approval of "Mining, Non-Phosphate" uses. **These include the requirements for the Mine Plan, Reclamation Plan, and Post-Closure Plan.***
  - *Chapter 3, Section 303 of the LDC states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit or residentially designated plat. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission, upon the certification by a professional engineer that no structural degradation will occur to the right-of-way as a result of the mining activity and a 30-foot minimum setback from the edge of pavement or travel land, in the case of unpaved roads, is maintained. A reduction up to 75 feet of the setback from property lines may be granted by the Planning Commission where the affected parcel is located within the Rural Development Area (RDA), the affected parcel does not include a residence, and meets at least one of the following:*
    - (1) *The parcel is vacant,*
    - (2) *The parcel is 10 acres or larger in size, or*
    - (3) *The parcel is recognized by the Property Appraiser as agricultural with a "greenbelt" tax exemption.*
  - *Chapter 3, Section 303 of the LDC states that an Annual Progress Report shall be required ... "by February 15 of each calendar year, describing the progress of mining and reclamation for each mine site during the past year (If a mine does not operate for a full year, the operator shall still be required to file an Annual Progress Report stating that fact). The report shall be signed by the authorized mine operator. The Annual Progress Report shall be submitted using a report form obtained from Polk County Land Development Division. This report shall include at least the following:*

- a. A map on an aerial photograph of scale 1" = 400' on most recent County aerial photograph, showing the areas previously mined during the life of the mine, the areas mined in the past year, and the areas reclaimed in the past year, showing acreage for all these areas;
- b. A map showing the areas intended to be mined on the mine site during the upcoming year and showing the areas intended to be reclaimed during the upcoming year, giving acreage for those areas;
- c. Total cumulative acreage mined and total reclaimed over the life of the mine, to date; and
- d. Copies of environmental violations (by federal, state and regional regulatory authorities) and any subsequent inspection reports shall be attached.

*Failure to file the Annual Progress Report may be grounds for revocation of the Operating Permit. An extension of time for filing the Annual Progress Report may be granted by the DRC for reasonable cause. However, when an extension is granted, the submittal of the Annual Progress Report shall occur no later than April 16."*

- *The property is zoned for Ben Hill Griffin Jr. Elementary, McLaughlin Middle, and Frostproof Senior High.*
- *According to the Polk County Public Schools Data Viewer, the nearest measured school is Dale R. Fair Babson Park Elementary located approximately 1.73 miles south of the site and 0.83 miles from the nearest point of the designated hauling route.*
- *Fire and ambulance response is from Polk County Fire Rescue Station 26, located at 2902 FL-60 East, Lake Wales. The estimated response time is seven (7) to nine (9) minutes.*
- *Sheriff's response to the site is served by the Southeast District, located at 4011 Sgt Mary Campbell Way in Lake Wales. The response times for October 2025 were: Priority 1 – 14:17 minutes, Priority 2 – 34:37 minutes.*
- *The site is not located within the Polk County Utility Service Area.*
- *Based on the Mine Plan, there is one (1) access point identified along the frontage of Golfview Cutoff Road (Road No. 082917), a County-maintained Rural Minor Collector Roadway with a surface width of 24 feet. Golfview Cutoff Road is tracked for concurrency Polk County's Transportation Planning Organization (Link 8434 N/S).*
- *Wetlands and Flood Zones "A" and "AE" are present on the subject site. Per Chapter 6, Section 620.C of the LDC, wetland impacts, where unavoidable and where properly mitigated as determined by agencies having jurisdiction, shall be permitted for mining uses which meet State and Federal regulations.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is located within an area of documented endangered plant species sighting. The federal status of this plant species is listed as "threatened."*
- *The subject property is not located within an Airport Impact Zone or a Wellhead-Protection Area.*

- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*
- *This request has been reviewed for consistency with Chapter 4, Table 401.08.01, and Sections 303, and 906 of the LDC.*

**Development Review Committee Recommendation:** Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCU-2025-33.**

### **CONDITIONS OF APPROVAL**

Based upon the findings of fact, the DRC recommends **APPROVAL of LDCU-2025-33** with the following conditions:

1. Approval of LDCU-2025-33 shall be for the expansion of CU 00-27M "Mining, Non-Phosphate" to include the subject parcels for an additional 70 acres as demonstrated on the site plan. The site plan included herein together with the conditions of approval shall be considered the "Binding Site Plan." Any modifications to LDCU-2025-33, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]
2. The applicant shall be responsible to inspect adjacent roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation. [PLG]
3. The stacking of vehicles shall not be permitted within any public right-of-way. [PLG]
4. This approval shall be valid until materials have been removed to the elevations specified in the General Mining Notes of the Operations Site Plan. [PLG]
5. Prior to the commencement of mining activities, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state, and local law. [PLG]
6. Prior to Level 2 Review approval, the applicant shall provide a surety in an amount to guarantee the cost of repairing any damage to the driveway as a result of the mining operation. The surety shall include costs for milling, paving, and signing and marking at the mining driveway. This surety shall remain in place for the entire life of the mine. [ENG]
7. Traffic generated by this mine shall only access the property at the point of direct ingress/egress on Golfview Cutoff Road as shown on the site plan. [PLG]

8. The material haul routes shall originate from the processing plant and proceed south on Golfview Cutoff Road, which provides direct access onto SR 17 as designated on the Traffic Circulation Plan. No material traveling offsite shall be hauled northbound. [PLG]
9. Timelines and hours of operation set forth by this application are non-binding. [PLG]
10. Directional signage for truck traffic shall be placed along Golfview Cutoff Road directing truck traffic southbound. [PLG]

## **GENERAL NOTES**

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

*NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

*NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

*NOTE: Issuance of a 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 state or federal law.*

## **Surrounding Land Use Designations and Current Land Use Activity**

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

**Table 1**

<b>Northwest</b> Agricultural/Residential Rural-X (A/RRX) Timber ±39.2 acres	<b>North</b> Agricultural/Residential Rural-X (A/RRX) Citrus ±38.7 acres	<b>Northeast</b> Agricultural/Residential Rural-X (A/RRX) Citrus ±40 acres
<b>West</b> Agricultural/Residential Rural-X (A/RRX) Citrus w/ Misc. Imp (cell tower) ±20 acres	<b>Subject Site</b> Agricultural/Residential Rural-X (A/RRX) Project Area ±70-acres Vacant land	<b>East</b> Agricultural/Residential Rural-X (A/RRX) Previous mine expansion (CU 00-27M) Citrus w/farmland ±368 acres
<b>Southwest</b> Agricultural/Residential Rural-X (A/RRX) Project Area ±70-acres Vacant land	<b>South</b> Agricultural/Residential Rural-X (A/RRX) Previous mine expansion (CU 00-27M) Citrus w/farmland ±368 acres	<b>Southeast</b> Agricultural/Residential Rural-X (A/RRX) Highland Sand Mine Non-phosphate mining ±40 acres

The immediate land use districts in the vicinity of the proposed request include A/RR and INST-2. The subject site is approximately 70 acres of citrus-grove farmland. The site is to expand upon the previously approved Highland Sand Mine totaling approximately 362 acres. According to historical aerials, the entire site has been used in the past for agricultural purposes for citrus production. To the

east of the existing sand mine, bifurcated by Golfview Cutoff Road is the County's Southeastern Land Fill. The existing mine directly abuts the southern and western most portions of the subject site. Highland Park Manor is located over a quarter mile to the northwest. There are two residences that abut the site on the northeast corner of the mine approved in April 2008.

### Compatibility with the Surrounding Land Uses and Infrastructure

The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion."

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

Overall, the request is compatible with the surrounding area as the residential density in this area is very sparse and the intensity of the non-phosphate mine is not anticipated to adversely affect the citizens of the immediate surrounding area. This area has long been used for mining activity. The original sand mine was approved for  $\pm 40.00$  acres in February 6, 2000, and later underwent a modification (CU 00-27M) to add an additional  $\pm 322$  acres in April 8, 2008, after it received approval from the Planning Commission.

#### A. Land Uses:

The applicant is requesting conditional use modification for an expansion of a non-phosphate mine (sand mine currently known as the Highland Sand Mine) to provide sand for filling material, construction aggregates, and other infrastructure projects. Of the approximately 362-acre site, about 320 acres are currently being mined. The

**The LDC defines compatibility as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."**

The proposed modification will add an additional 70 acres for excavation. If approved, of the approximately 432-acre site, about 390 acres are proposed for excavation. This includes  $\pm 166$  acres of wet mining via hydraulic dredging located to the north, and  $\pm 172$  acres of previously approved dry mining to the south. According to the applicant, the sand will be mined using a hydraulic dredge at a rate of 5 to 20 acres per year, with an anticipated closure around 2080. Mining, processing and maintenance will occur 24 hours a day, 365 days per year. Meanwhile truck operations will take place from 4:00 a.m. to 5:00 p.m., Monday through Saturday. The hauling trucks have a 24-ton capacity, resulting in an estimated 268 trucks entering and exiting the facility each day (536 daily truck trips) at maximum operations. Additionally, an estimated 20 trips per day will result from an estimated 10 facility employees (10 in, 10 out). At maximum operating capacity, the proposed mine site is expected to produce 556 daily trips (536 trucks, 20 passenger vehicles). This equates to approximately one (1) truck every two (2) minutes taking loading time into consideration. During the AM peak hours between 7 AM and 9 AM, an estimated 38 trucks will enter, and 28 trucks will exit the facility. It is assumed all 10 employees will enter during the AM peak hour. During the PM peak hours between 4 PM and 6 PM, an estimated one (1) truck will enter, six (6) trucks and 10 employees will exit the facility. The site operations and maximum operating capacity will produce 76 AM peak hour trips and 17 PM peak hour trips. Section 708 of the LDC requires 1 parking space

per employee, plus 5 visitor spaces. The proposed sand mine will average 7 to 10 employees, therefore the total number of parking spaces required will be fifteen (15). These spaces are designated on the mine plan adjacent to the office (*Exhibit 5*). Traffic, discussed later in this report, will have minimal impacts on the surrounding roadways, much less so than if material had to be hauled to the property from offsite.

According to the site plan, a processing and wash plant will be located near the center of the site taking access off of Gulfview Cutoff Road. After removal and stockpiling of vegetative cover, and topsoil, the sand will be pumped to the processing plant by dredge to be washed, sorted, and conveyed into stockpiles various desired product size ranges. Per Section 303, setbacks for mining stockpiles shall be increased by one foot for each additional foot of height over 25 feet. Truck traffic will head south to SR 17 when transporting material. According to the Post-Closure Plan, the end result of this mining activity will include open space/conservation and reservoirs.

LDC Section 303 states mining activity must be setback 100 feet from property lines and road right-of-way lines. All mining activity and facilities shall also be prohibited within 200 feet from any residential dwelling unit and platted residential subdivision. A reduction up to 75 feet of the setback from road rights-of-way may be granted by the Planning Commission. However, no reductions are requested. The most significant issue of potential incompatibility is the truck traffic entering and exiting the area of the mine through Highland Park Manor Community. This community was built at a relatively urban scale on a local road design. At one time there was some truck traffic from citrus harvesting, the County's Landfill, and the existing mine. The citrus traffic is limited to harvesting times and the County has since reduced the operations at the Southeastern Landfill. According to the traffic study submitted, 10 percent of the anticipated trip distribution is expected to travel north to SR 60 via Lewis Griffin Road. Through discussions with the applicant, additional mitigation measures such as directional signage is required as a condition to alleviate truck traffic through Highland Park Manor Community. The remaining 90 percent of trip distribution is directed south to SR 17, providing direct access to US Highway 27 further to the west.

Once the final material is ready to be transported and utilized, trucks will head south to SR 17. It is estimated that 90% of the project trips will travel west on SR 17 towards US Highway 27. Once on US Highway 27, approximately 60% will head north towards Lake Wales, while 30% will head south towards Frostproof. The access points to the mine site meet the requirements of Chapter 7 and will meet closure requirements. Given the proposed driveway location, mining traffic is anticipated to pass residential homes within the Connecticut Estates Subdivision and three (3) additional single-family residences fronting Gulfview Cutoff Road in order to reach SR 17. The nearest homes are about 102 feet to the north and 20 feet to the west (*Exhibit 4*).

Residential and citrus groves line SR 17 corridor. The request aligns with the historical use on the surrounding area. The submitted documents include an operation plan, traffic circulation, reclamation plan, and post-closure plan as required by LDC Section 303.

#### B. Infrastructure:

The proposed parcels are located in the Rural Development Area (RDA) where the construction of sidewalks is not required. Water and wastewater is provided. The RDA does not support dense residential or non-residential development. There is adequate traffic capacity on surrounding roadways to support a Non-Phosphate Mining use at this location and emergency services are within a reasonable distance. The proposed mine will not have impacts on public infrastructure, including utilities, schools, and parks.

The most impact will be on the roadways. The surrounding roadway network has adequately serviced the existing, non-phosphate mining facilities. Staff has added conditions for roadway maintenance. Prior to Level 2 Review approval, the applicant shall provide a surety in an amount to guarantee the cost of repairing any damage to the driveway as a result of the mining operation. The surety shall include costs for milling, paving, and signing and marking at the mining driveway. This surety shall remain in place for the entire life of the mine. The applicant shall be responsible to inspect adjacent roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation. Additional signage for directing truck traffic away from the Highland Park Manor Community is conditioned.

### **Nearest and Zoned Elementary, Middle, and High School**

The property is currently zoned for Frostproof Ben Hill Griffin Jr. Elementary, ( $\pm 6.7$  miles); McLaughlin Middle ( $\pm 3.4$  miles); and Frostproof Senior High ( $\pm 7$  miles). The upcoming 2025-2026 school year will change the high school zoning to McLaughlin Academy of Excellence ( $\pm 3.4$  miles). This is a non-residential use, and the request will not have an impact on school capacity. According to the Polk County Public Schools Data Viewer, the nearest measured school is Dale R. Fair Babson Park Elementary located approximately 1.73 miles south of the site and 0.83 miles from the nearest point of the designated hauling route. Webber International University is located off Scenic Highway (SR 17) approximately 1.20 miles south of the site and 0.15 miles from the nearest point of the designated hauling route.

### **Nearest Sheriff, Fire, and EMS Station**

Fire/EMS response is primarily from Polk County Fire Rescue Station 26, located at 2902 FL-60 East, Lake Wales. The travel distance is 3.8 miles, and the travel time is estimated to be seven (7) to nine (9) minutes. Planning is underway for a new station to combine the Nalcrest Fire Station and the Nalcrest Ambulance Station. The new station will be adjacent to the Southeast Polk Wellfield Cretaceous Injection Well IW-1 on Boy Scout Camp Road and is not set to begin construction until after the completion of the well site facility.

This property is served by Polk County Sheriff's Office's Southeast (SE) District, located at 4011 Sgt Mary Campbell Way in Lake Wales. The response times for the SE District for October 2025 were: P1– 14:17 minutes; P2 – 34:37 minutes. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered. Sheriff response times are not as much a function of the distance to the nearest sheriff's substation rather more a function of the overall number of patrol officers within the County.

Table 2, to follow, provides a breakdown of response times and travel distances for emergency services.

**Table 2**

	<b>Name of Station</b>	<b>Distance</b>	<b>Response Time*</b>
Sheriff	Southeast District (4011 Sgt. Mary Campbell Way, Lake Wales)	$\pm 10.6$ miles	P1: 14:17 minutes P2: 34:37 minutes
Fire/ EMS	Polk County Fire Rescue Station 26 (2902 FL-60 E, Lake Wales)	$\pm 3.8$ miles	7-9 minutes

*Source: Polk County Sheriff's Office and Public Safety \*Response times are based on when the station receives the call and not from when the call is made to 911.*

## **Water and Wastewater Demand and Capacity:**

### **A. Estimated Demand and Service Provider:**

This request is within the County's RDA. There are no municipality water or wastewater lines directly available to the site. Non-Phosphate Mining can consume a lot of land but generate very little demand for water and wastewater services. The applicant's reclamation and post closure plans identify no buildings will remain.

The site currently has existing wells from previous agricultural uses, with a total permitted daily capacity of over 1,000,000 gallons per day (GPD). As mining progresses, the existing wells will be permanently abandoned. While water is recycled through a closed-loop system, there is anticipated moisture loss due to the mined product being hauled off site. According to the applicant, each ton of product contains 80 pounds, or about 10 gallons of water (4% moisture content by weight). This loss will be replenished with the surficial Floridian aquifer to the mine lake. The withdrawal estimated to replenish the mine lake is about 30,000 GPD assuming that 1,000,000 tons of product is hauled off site per year, according to the applicant's Impact Assessment Statement (IAS).

### **B. Available Capacity:**

There are no public water or wastewater services offered in the immediate area, and there are no intentions of expanding services in this area.

### **C. Planned Improvements:**

There are no planned improvements by the County in the vicinity of the parcel.

## **Roadways/ Transportation Network**

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The data identifies both daily and peak hour traffic volumes. The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

### **A. Estimated Demand:**

Due to the nature of the market in which non-phosphate mining takes place, there are no accurate means to estimate the trip counts that may occur as their specialized industry is driven completely by a customer demand bias. Each of the two (2) "Mining Areas" will utilize the existing access point onto Golfview Cutoff Road, a County-maintained roadway. The central processing plant, office and ancillary activities area is located off of Golfview Cutoff Road.

According to the applicant, proposed trucking operation hours are 4:00 a.m. to 5:00 p.m., assuming full operation at six days per week (Monday through Saturday). The applicant submitted a Minor Traffic Study with this request that anticipates 556 Annual Average Daily Trips (AADT) and seventeen (17) Peak PM Hour Trips, assuming a maximum of 10 employees at peak operation. Access from the main plant will be taken directly off Golfview Cutoff Road, a Rural Minor Collector Roadway (RNC), is in close proximity, about 1.87 mile driving distance south, to SR 17, a Principal Arterial Roadway. Approximately 10% of truck traffic will turn left and head north on Lewis Griffin

Road. It is estimated that 90% of the project trips will travel west on SR 17 and 60% will head north towards Lake Wales and 40% south towards Frostproof.

The surrounding roadway network has adequately served mining facilities since February 2000 and will continue to do so without causing a failure in service. It is important to note that truck traffic that is generated from this project will utilize collector roadways and local commercial roadways avoiding residential development to the maximum extent possible.

#### B. Available Capacity:

Although the request will have limited impact on the transportation system, it is still pertinent to be aware of available capacity when making land use decisions. Roadways have the capacity to assimilate the project's traffic at this peak as described in the section above. Table 3, below, shows the available capacity of the most-affected links.

**Table 3**

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
8434N	Golfview Cutoff Road/Friedlander/Lweis Griffin Rd From: SR 17 To: SR 60	B	2,485	B
8434S	Golfview Cutoff Road/Friedlander/Lweis Griffin Rd From: SR 17 To: SR 60	B	2,481	B
5203N	SR 17 (Scenic Highway) From: Seminole Ave To: Passion Play Rd	B	6,949	B
5203S	SR 17 (Scenic Highway) From: Seminole Ave To: Passion Play Rd	B	6,938	B
5101N	US 27 From: CR 630 To: CR 640	C	18,128	C
5101S	US 27 From: CR 630 To: CR 640	C	18,162	C
5102N	US 27 From: CR 640 To: SR 60	C	21,944	C
5102S	US 27 From: CR 640 To: SR 60	C	21,986	C

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database January 2025*

Appendix C of the LDC requires all developments generating more than 50 average daily trips to conduct a minor traffic study. Mammoth Grove Road (Link #8434) has the capacity to support 900 peak hour trips and the capacity to assimilate 1,870 trips before the LOS is degraded. Meanwhile US 27 has ample capacity to assimilate new trips.

#### C. Roadway Conditions:

Link # 8434 is a County-maintained Rural Minor Collector Roadway (RNC) with a paved surface width of 24 feet. Golfview Cutoff Road (Road No. 082917) is a RNC with a paved surface width of 24 feet. Friedlander Road (Road No. 081802) is a RNC with a paved surface width of 22 feet. Lewis Griffin Road (Road No. 081813) is a RNC with a paved surface width of 21 feet. Blue Lake Road (CR 640, Road No. 072604) is a Rural Major Collector Roadway (RMC) with a width of 24 feet. Due to 556 daily trips anticipated, a Type 1 turn lane improvement may be triggered at the entrance. This improvement would alleviate potential stacking of vehicles in the right-of-way the proposed use can generate, having adverse impacts on the conditions of the roadway.

D. Planned Improvements:

There are no roadway improvements planned in the next five years for this area of the County.

E. Mass Transit:

There is no transit within a reasonable distance of the site; however, the nature of this request does not demand the need for mass transit.

F. Sidewalks:

There are no sidewalks along the parcel. Since this project is in the Rural Development Area (RDA), the construction of sidewalks is not required.

**Park Facilities and Environmental Lands:**

The closest environmental land is Tiger Creek Preserve which is ±1.51 miles to the east. The Mary Norma Campbell Youth Center is located in the Highland Park Manor Subdivision at the corner Friedlander and Tangelo. This facility has a children's playground that is open dawn until dusk. An increase in truck traffic through this intersection will have an adverse impact on this community center as well as cause some concern of the residents with regard to the safety of their children. Highland Park Manor is a very walkable community with a significant population of families that utilize this center. Increasing the truck traffic through the intersection will raise the potential conflict with pedestrians and youth of the community.

A. Location:

Tiger Creek Nature Preserve is located at 674 Pfundstein Road in Babson Park. Lake Wales Ridge State Forest is located at 851 County Road 630 East in Frostproof.

B. Services:

Tiger Creek Preserve offers hiking through guided trails. Lake Wales Ridge State Forest located further to the east provides primitive camping, fishing, hunting, hiking and biking trails, picnic shelters and equestrian trails.

C. Multi-use Trails:

Over ten miles of multi-use hiking and horseback trails can be found at Tiger Creek Preserve.

D. Environmental Lands:

The subject site, at its eastern property boundary, is about 1.5 miles west of Tiger Creek Preserve. Tiger Creek is home to two high-quality, seepage blackwater streams including Patrick Creek. A seepage stream gets its water from the surrounding uplands; the blackwater comes from the leaching of tannins from falling vegetation. Only two or three such streams with an intact hardwood floodplain exist in Florida.

E. Planned Improvements:

Staff has not identified any planned improvements to the County parks near the subject site.

## Environmental Conditions

This is part of a larger citrus grove system that has over time been revitalized as a phosphate mining site due to the rich soil types located onsite and the gradual decline in the citrus industry. The originally approved sand mine uplands have been mined for decades since 2000. The site has a high point (elevation 186') on the northern portion that drains towards the north and south of the parcel (elevation 136'). Most of the site exists from the Planning Commission Hearing Level 3 Review of CU 00-27M approved on April 8, 2008. Similar to CU 0027M, the site will be excavated for filling material, and according to the Post-Closure Plan, the end result of this mining activity will include open space/conservation and reservoirs. There are no current water features on site. The post-closure plan indicates that there will be a lake/reservoir spanning approximately 88 acres over the entirety of the mine. Currently, the hydrological characteristics of the parcel allow for the applicant's intent of conducting non-phosphate mining in the area.

### A. Surface Water:

There are no surface waters located on site, however there are two water bodies in close proximity to the site. The nearest water body is Lake Easy located approximately 0.64 miles to the west. Crooked Lake is located further south approximately 1.31 miles away. There does not appear that this facility will pose any adverse impacts upon the lake.

### B. Wetlands/Floodplains:

There are no wetlands or floodplains located on the approximate 70-acre proposed expansion. There is a small wetland onsite located within the center of the previously approved 322-acre expansion. The wetland equates to approximately 1.5 acres in total. It is not connected to any nearby system based on the appearance on aerial photos. It appears to have been caused by a subsurface collapse many years ago. Data Viewers show the collapse dates to as early as 1941 as the citrus groves meander around the depression. LDC Section 620 permits mining activity within jurisdictional wetlands upon mitigation with the Agency Having Jurisdiction (AHJ). Wetlands generally do not have the desired soils when sand mining.

### C. Soils:

Soils in the upland areas of the site are primarily Candler sand (55.7%). The site has varying degrees of slopes, with the highest portion of the site reaching an elevation of 186 feet to the north, just south of Friedlander Road where the elevation reaches 154 feet. Table 4, below, lists the soils associated with the subject site.

**Table 4**

Soil Name	Septic Tank Absorption Field Limitations	Limitations to Small Commercial Buildings	% of Site (approximate)
Astatula sand, 0 to 5 percent slopes	Slight	Moderate: slope	44.3%
Candler sand, 0 to 5 percent slopes	Slight	Moderate: slope	29.2%
Candler sand, 5 to 8 percent slopes	Slight	Moderate: slope	26.5%
Water	N/A	N/A	0%

*Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service*

The soil is all sandy. Any future development of the site will be subject to Section 2.303: "Soils" of the County's Comprehensive Plan (in conjunction with the Land Development Code) which requires all development to implement Best Management Practices based on the Department of Environmental Protection's (DEP) Florida Development Manual.

#### D. Protected Species

According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within an area of documented endangered animal species sighting. Although the property has been well cultivated, many groves have been found to be prime habitat for Gopher Tortoises and Sand Skinks. A condition from the previously approved expansion ensures that proper analysis and mitigation of protected species is conducted.

#### E. Archeological Resources:

According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.

#### F. Wells (Public/Private)

This site is not within any of the County's Wellhead Protection Districts.

#### G. Airports:

This property is not within a Height Notification Zone or In-Flight Visual/Electronic Interference Zone.

### **Economic Factors**

Sand mines are not nearly as intense as phosphate mining and are critical in growth areas like Central Florida. Raw material to help construct new developments must be excavated from elsewhere. Sand mines operate in a few different manners. One is a facility that excavates the sand and processes it into concrete and other construction materials. These typically maintain processing facilities or batch plants onsite. The sand is extracted, processed to be washed and sized, and then shipped elsewhere to be processed or utilized as fill for home or road construction, in addition to other uses.

### **Consistency with the Comprehensive Plan**

Non-phosphate mining is listed as one of the limited uses allowed in A/RR and IND land use districts. The key to evaluating the proper location of a mine is the criteria listed in POLICY 2.125-G3 of the Comprehensive Plan. These require the Planning Commission to consider the following:

- a. *Does the mining activity minimize adverse impact on environmentally sensitive lands;*

Yes, there are no wetlands or surface waters within the previously approved site or within the proposed expansion.

- b. *Does the mine plan maximize the ability to restore or mitigate environmentally sensitive lands;*

According to the reclamation plan, the site will reshape mining features and revegetate disturbed areas to minimize aesthetic and biological impacts; and restore property to original pasture condition.

- c. *Does the operation plan minimize the adverse impacts of truck and heavy machinery traffic on residential streets; and*

Yes, ingress/egress for the proposed project is along County-maintained Collector roadways. Maximum truck traffic is anticipated at a rate of 536 trips per day, or equivalent to one (1) truck every two (2) minutes. Truck hauling route is conditioned to be directed southbound to SR 17 avoiding Highland Park Manor.

- d. *Does the operation plan minimize the extent of adverse external impacts, such as noise, dust, and visual impacts on non-industrial areas?*

Yes, the site plan shows adherence to LDC rules for setbacks of mining activity from residential uses. The applicant has also provided plans to handle dust and run-off in their operations plan.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the Land Development Code.

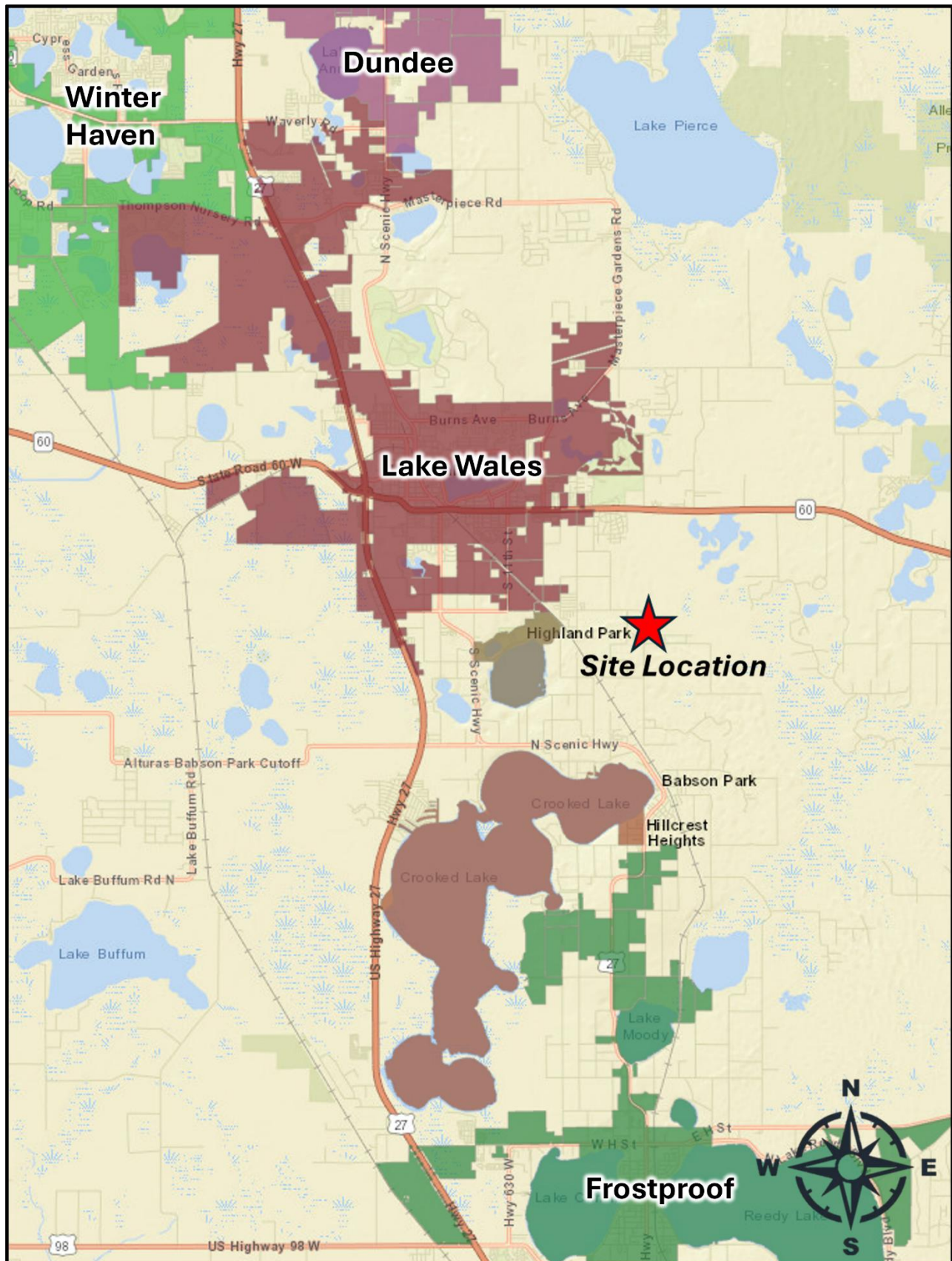
**Table 5**

<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<b>Whether the proposed development is consistent with all relevant requirements of this Code;</b>	<i>Yes, this request is consistent with the LDC, specifically Section 303 which permits this use upon completion of a Level 3 Review. Many of the conditions required in Section 303 will be enforced after a Level 3 Review. These can be found in the Findings of Fact on Pages 3 - 7 of the staff report.</i>
<b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b>	<i>Yes, this development is consistent with the Comprehensive Plan as reviewed above.</i>
<b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b>	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 8 and 11 of this staff report for data and analysis on surrounding uses and compatibility.</i>
<b>How the concurrency requirements will be met if the development were built.</b>	<i>This request will not require concurrency determinations from the School Board or TPO. Impacts on public services can be found in the analysis found on Pages 11-16 of the staff report.</i>

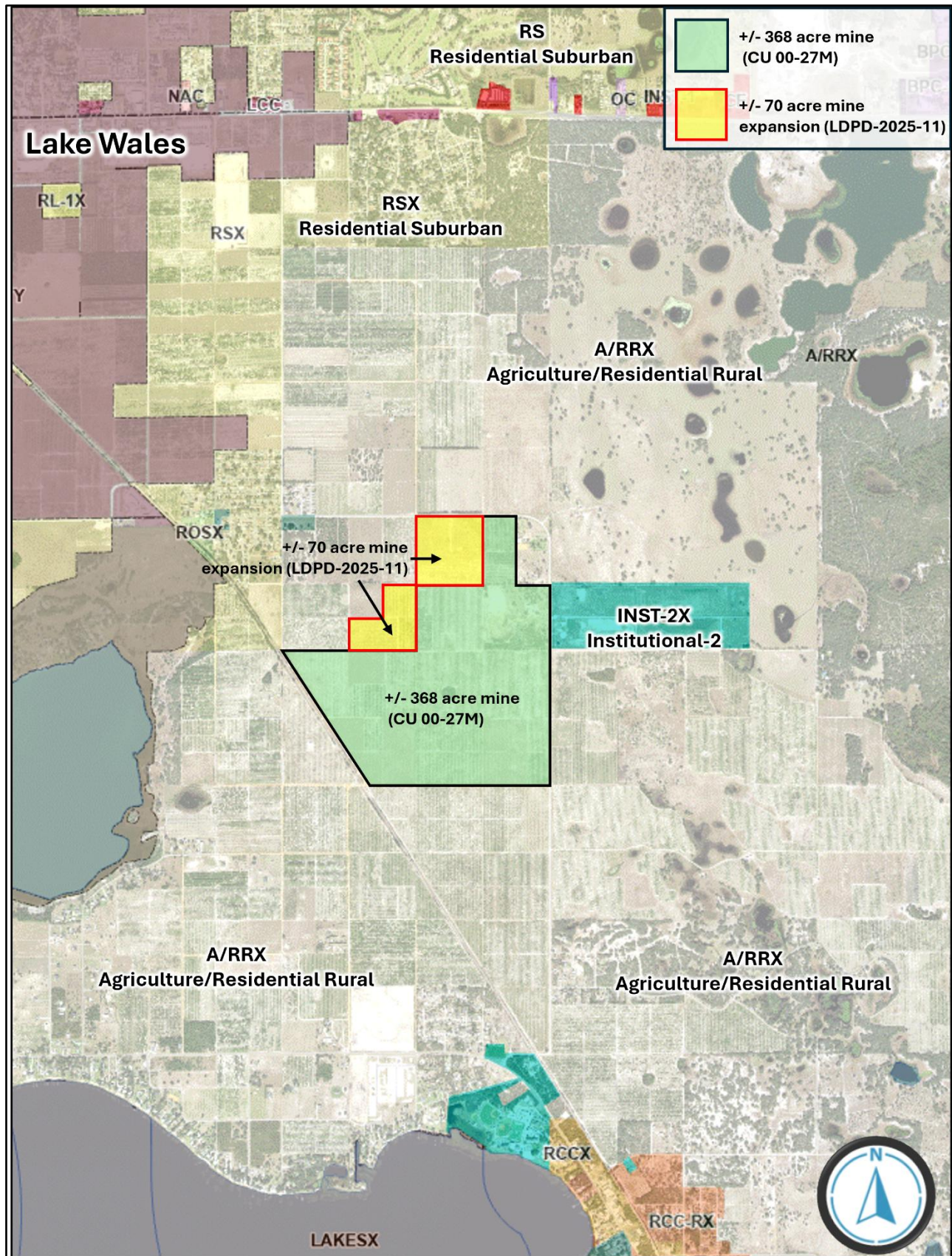
### **Comments from other Agencies:**

#### **Exhibits:**

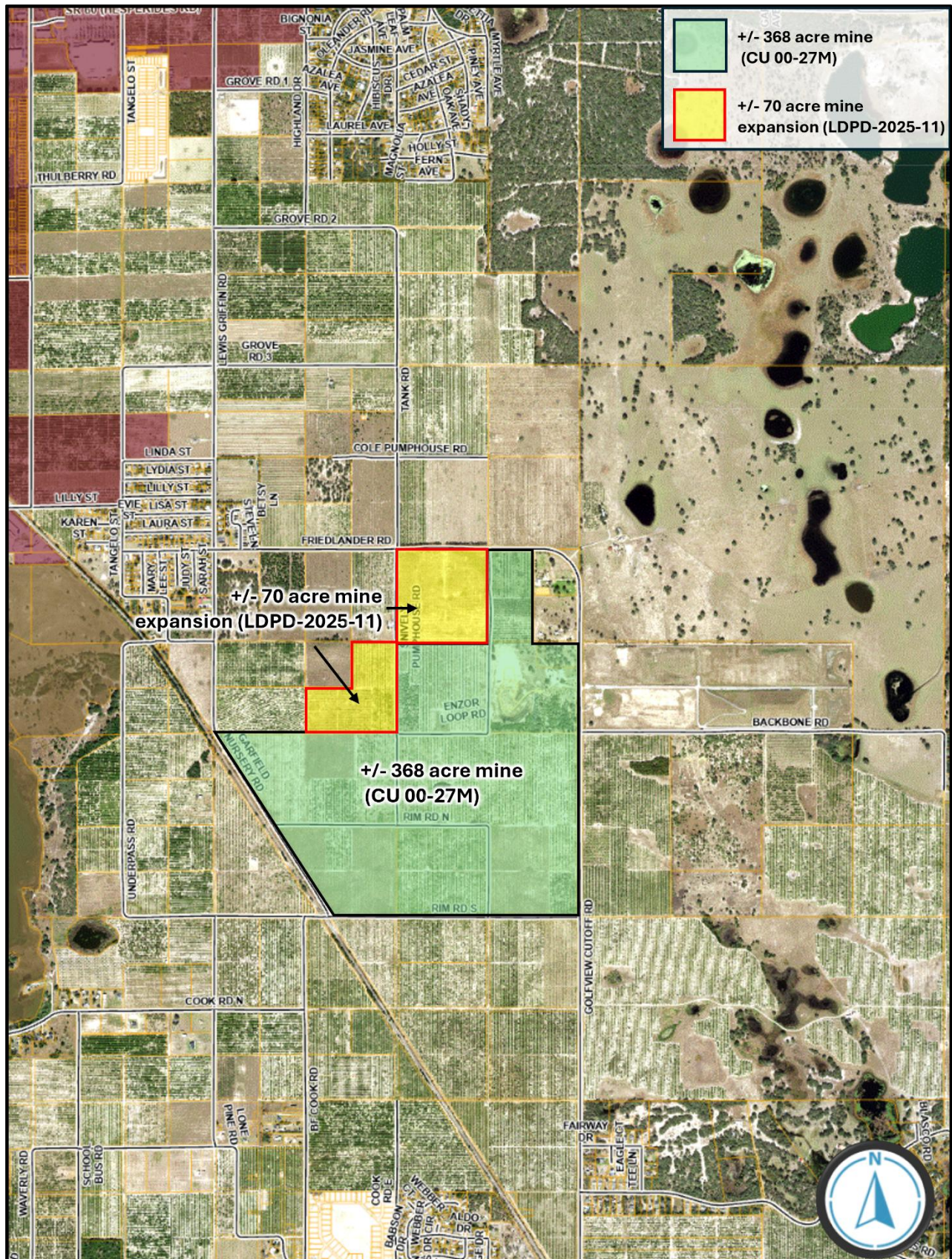
- Exhibit – 1      Location Map
- Exhibit – 2      Future Land Use Map
- Exhibit – 3      2023 Aerial Photo (Context)
- Exhibit – 4      2023 Aerial Image (Close)
- Exhibit – 5      Operations Plan
- Exhibit – 6      Traffic Circulation Plan
- Exhibit – 7      Reclamation Plan
- Exhibit – 8      Reclamation Plan (Notes)
- Exhibit – 9      Post-Closure Plan



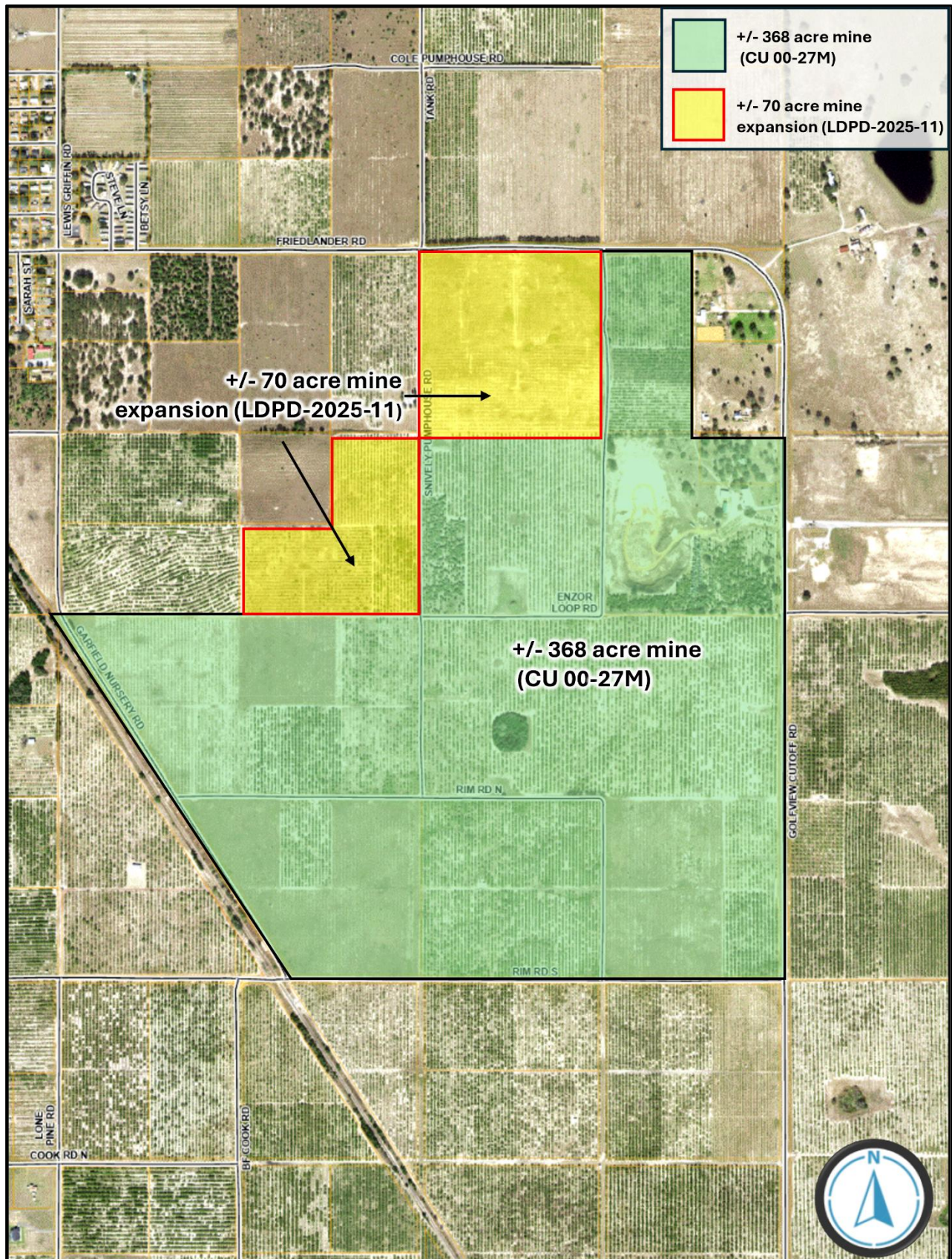
Location Map



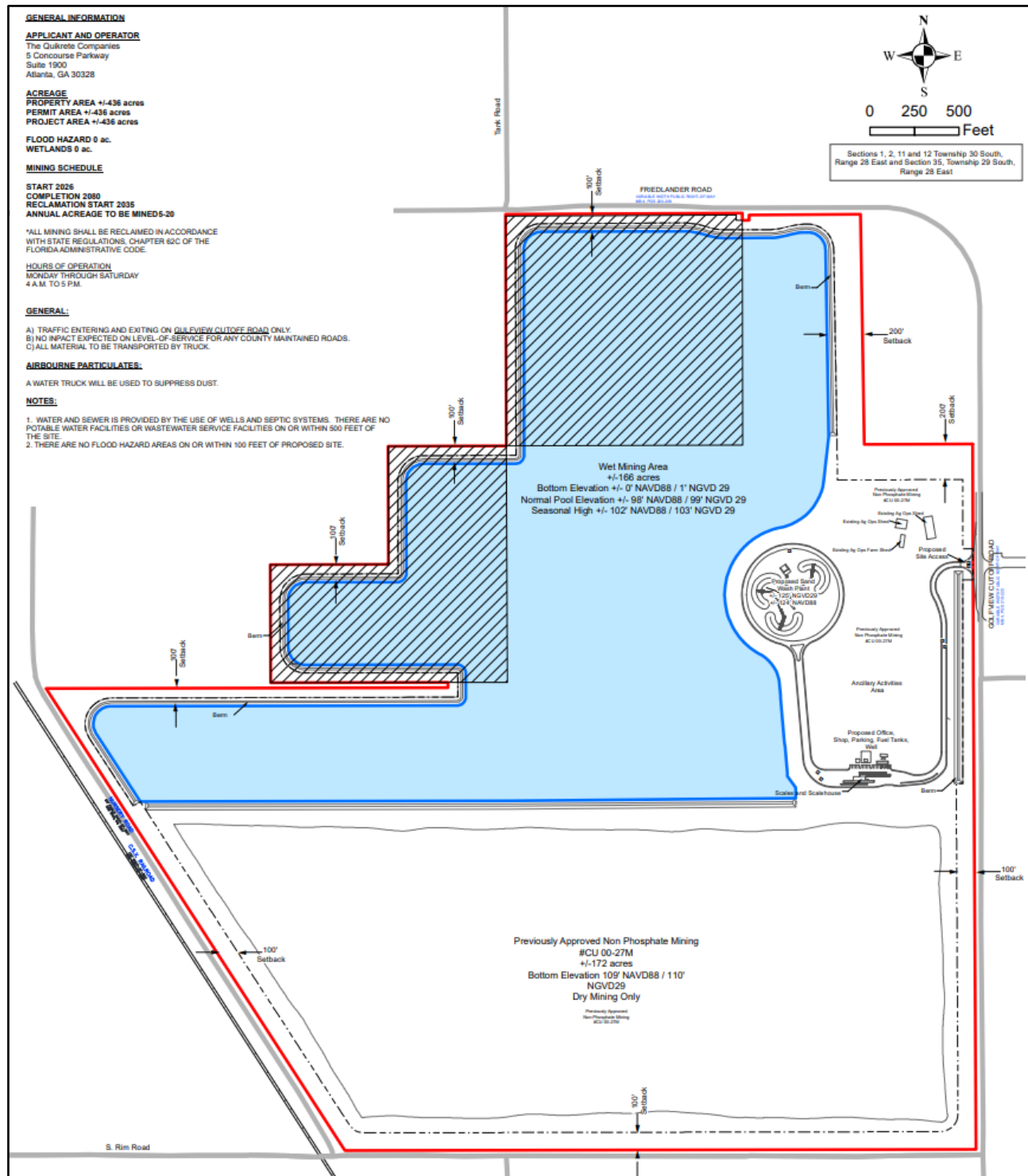
Future Land Use Map



2023 Aerial Image (Context)



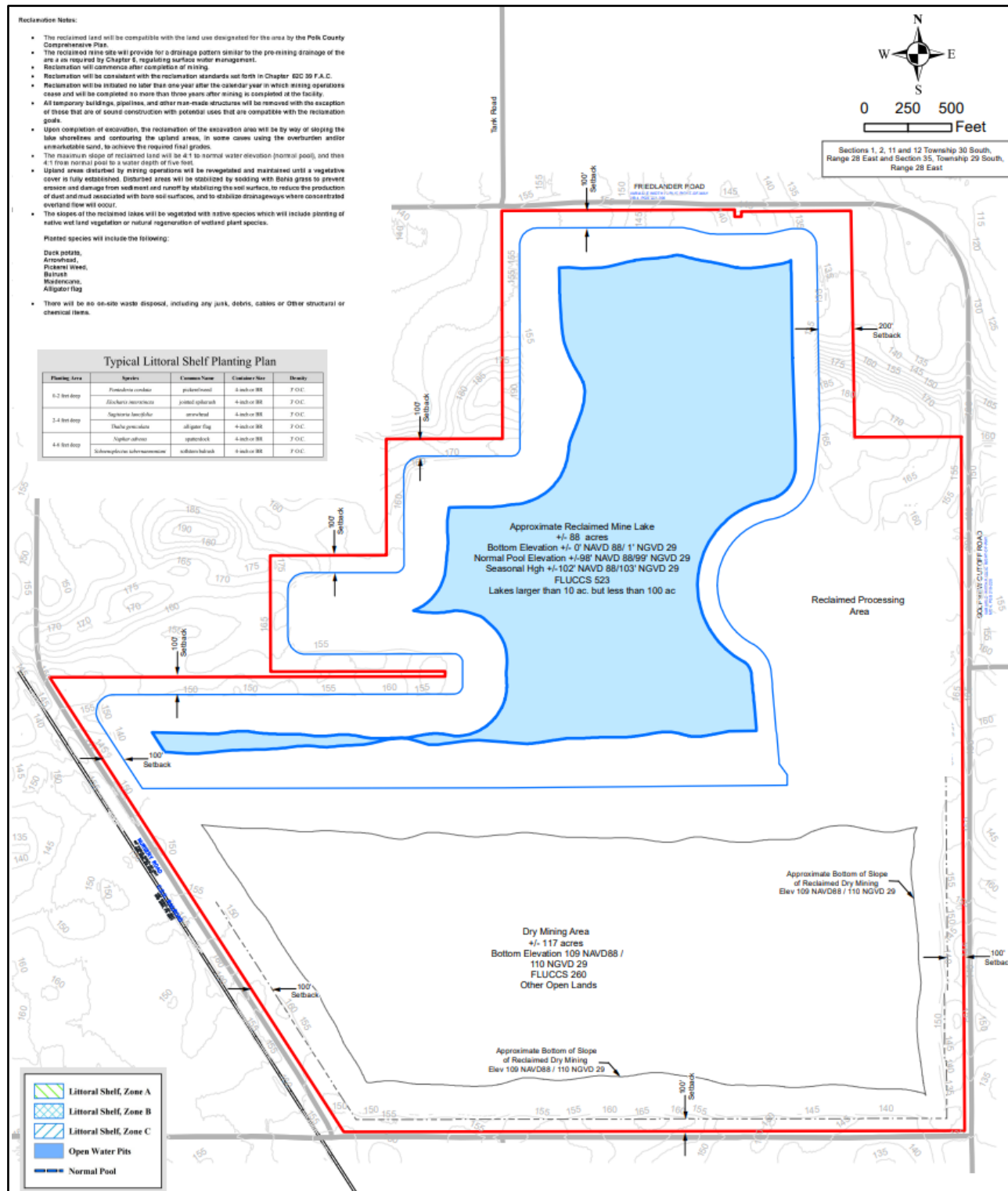
2023 Aerial Photo (Close Up)



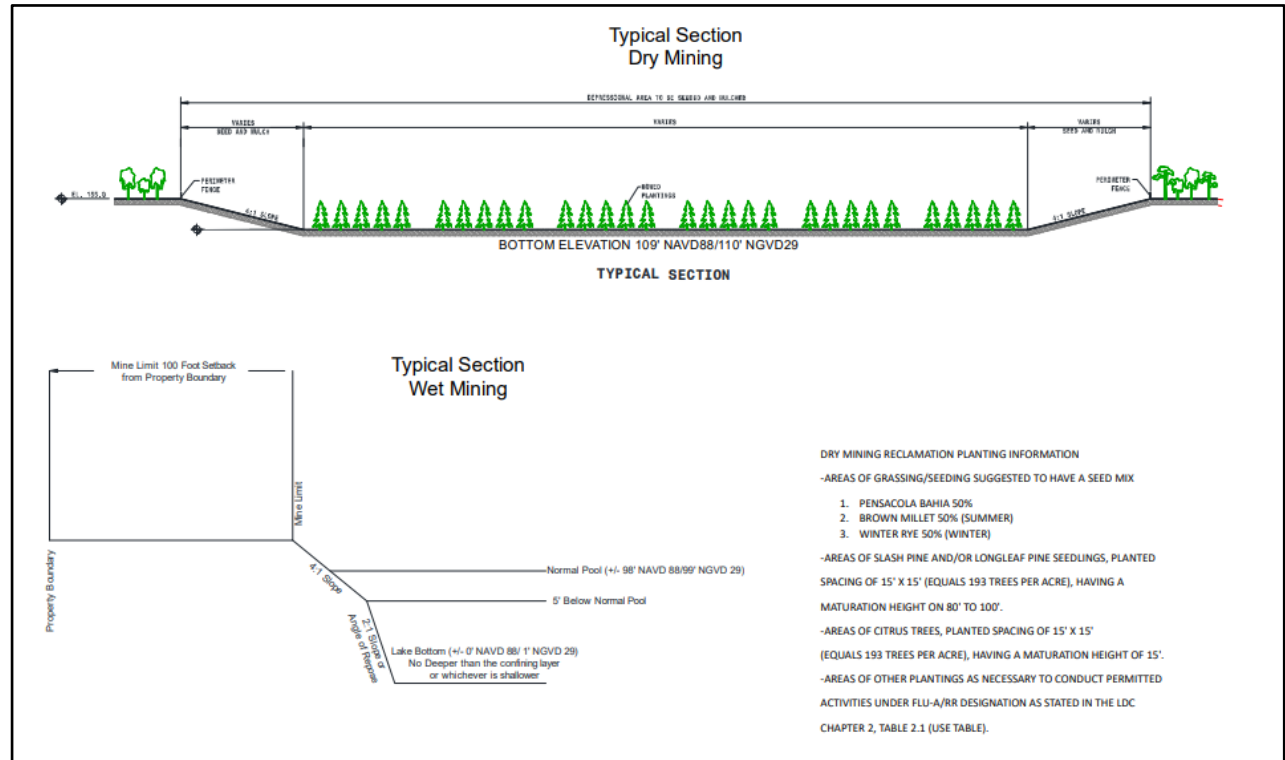
## Operations Plan



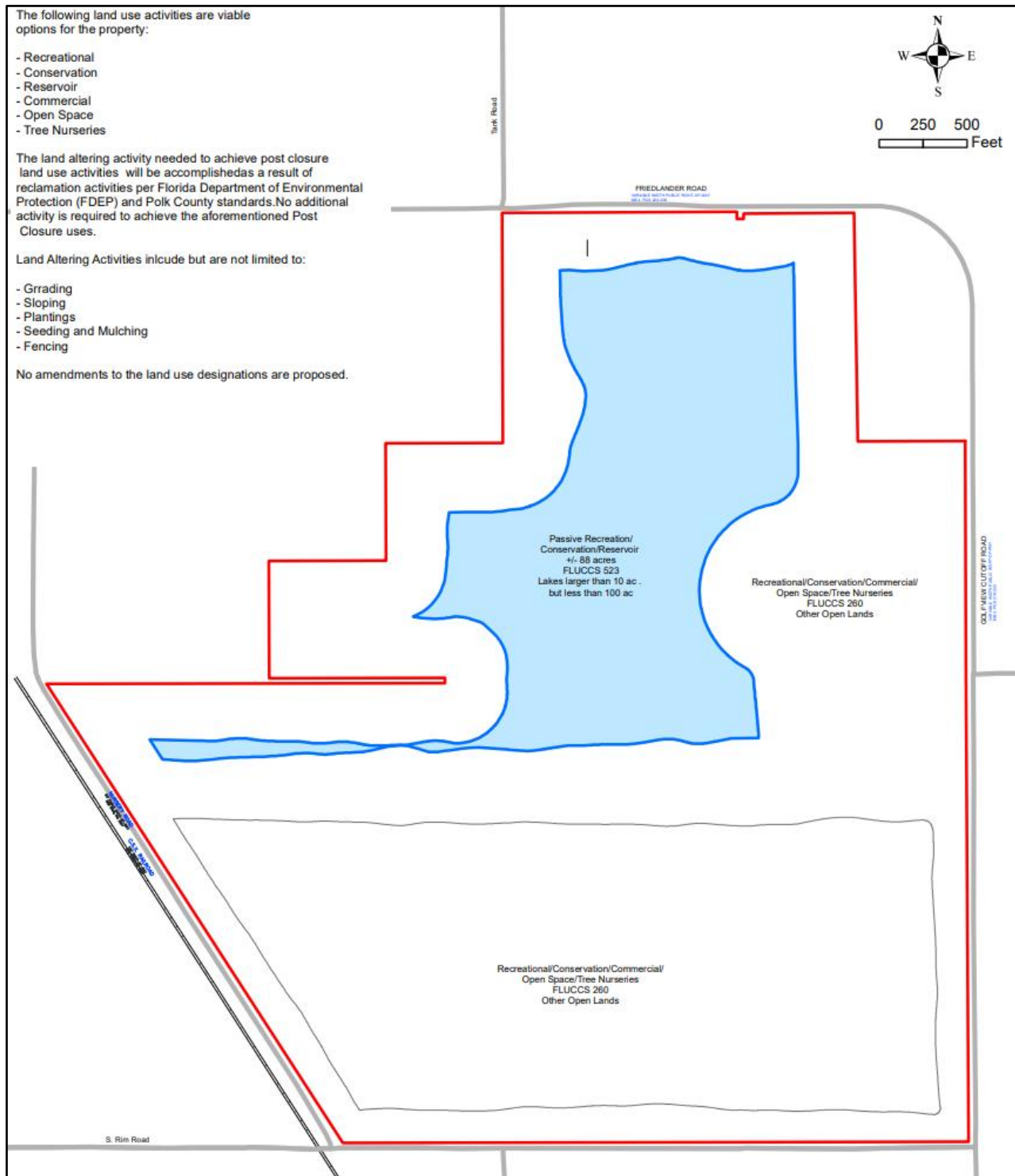
## Traffic Circulation Plan



## Reclamation Plan



# Reclamation Notes



## Post Closure Plan