

TECHNICAL MEMORANDUM

Levy County Land Development Code (LDC) Pending Updates

CHW PN 23-0492



To: Stacey Hectus, Levy County Planning and Zoning Director
Nicolle M. Shalley, County Attorney

From: Gerry Dedenbach, AICP + LEED AP, Executive Vice President

Date: October 30, 2023

RE: Levy County Land Development Code (LDC) Pending Updates

On behalf of our clients, Whitehurst Cattle Company / V.E. Whitehurst & Sons, we thank you for sending us the Draft Levy County Land Development Code proposed Text Amendments. We have reviewed the documents, shared them with our clients, and wish to be a part of the process based on our vested interests in mining, construction, and agricultural industries.

While we have found the vast majority of proposed amendments acceptable and reinforcing Best Management Practices required by State Statutes and national regulations, there are a few items we would like to work collaboratively with you, other members of Levy County staff, and the Board of County Commissioners (BoCC) to refine prior their adoption later this fall.

Following the Tuesday, October 17th, 2023 BoCC First Reading and Public Hearing, we met with you at your offices on October 27th, 2023 to discuss several items in greater detail. We will be present at the continuation of the BoCC First Reading and Public Hearing on November 7th, 2023, to introduce a few of our concerns, specifically with the following Sections:

- Sec. 50-700 Generally; Use Table. We would like to request that mining be permitted as a special exception in Rural Residential (RR) zoning, as it has historically been allowed in RR.*
- Sec. 50-759 (2) Vested mining operations. Here we feel it is necessary to amend the language to allow a clearing establishment of vesting for facilities existing prior to local regulatory Comprehensive Plans and Land Development Codes; and*
- Sec. 50-759 (4)(c) Prohibited areas. Here we would like to see the minimum required distance between any mining operation and residential area with lot sizes of five acres or less reduced from 1320 feet to 660 feet, given proper buffers and in accordance with Best Management Practices and noise attenuation strategies and conditions of operation, such as, but not limited to, earthen berms, hours of operation, alternatives to back-up alarms, landscaping, and other practices and/or methods not listed herein. We would also request that the term "residential area" be modified to reflect "adjacent residential lots" for establishing the minimum required distance between mining operations and prohibited areas.*

Sec. 50-759 (7)(c) Liability for mining operations; financial surety required. In subsection (c), we would like to see the language reflect the nexus between the Traffic Bond and how these regulations will be put into practice, monitored, and implemented by limiting imposition of the Traffic Bond to those operations directly accessing County Roads, where the greatest impact to roadways is typically sustained.

Thank you and we look forward to seeing you at the November 7th Public Hearing and receiving alternative proposed language to be presented to the BoCC.

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