

Levy County Attorney

Subject: FW: Levy County Ordinance Number 2023-9
Attachments: 2023-10-23 - Levy Borrow Pit - Buffer Exhibits.pdf; IMG_2208.jpg

From: Zeb Cheshire <Zeb.Cheshire@andersoncolumbia.com>
Sent: Tuesday, October 24, 2023 4:14 PM
To: Stacey Hectus <hectus-stacey@levycounty.org>
Cc: LopezJr, Jose <Jose.LopezJr@kimley-horn.com>; Joshua McDougal <Joshua.McDougal@andersoncolumbia.com>
Subject: Levy County Ordinance Number 2023-9

Stacey –

Thank you very much for your hard work on the new proposed Ordinance Number 2023-9. As you are aware, we have interest in obtaining a Special Exception in order to establish a sand mine, which involves excavation only – **no blasting** – within Levy County. On behalf of Anderson Columbia Co., Inc., I would like to provide you with some comments specific to Sec. 50-759 (Mining).

- The specific parcel we are interested in establishing a sand mine upon is Parcel ID 0322100200, a 99 acre parcel bordering State Road 24.
 - When we initially began the process of undertaking the engineering work necessary to apply for a Special Exception under the current Ordinance (Sec. 50-719), we evaluated the property for sand mine viability based on the mineable area of the property as calculated by measuring a distance of 660 feet from all platted and recorded subdivisions with lot sizes of five acres or less that include constructed streets and developed parcels. This calculation resulted in approximately 45.9 mineable acres (**See Buffer Exhibits at EX-01 attached**).
 - Sec. 50-759(4)(c) of Proposed Ordinance 2023-9 has increased the distance within which mining is prohibited from 660 feet to 1,320 feet. Further, this distance is no longer to be calculated from “all platted and recorded subdivisions with lot sizes of five acres or less that include constructed streets and developed parcels.” Rather, the distance is now calculated from “...a residential area with lot sizes of five acres or less.” If the Ordinance proceeds as-is, the result is ZERO mineable area on a 99 acre parcel (**See Buffer Exhibits at EX-03 attached**). The overall impact of the increased distance as well as different methodology to be utilized in calculating such distance (e.g., shift from platted and recorded subdivisions, etc. to residential areas with lot sizes of five acres or less) would render the proposed sand mine site non-viable. We believe the proposed distance of 1,320 feet is too great for a non-blasting mining operation such as that which we propose and request that the language in Proposed Ordinance 2023-9, Sec. 50-759(4)(c) revert back to the previously utilized distance of 660 feet. We believe the term “residential area” is vague and would request that the language in Proposed Ordinance 50-759(4)(c) revert back to the previously utilized methodology. The prior language provides more clarity and specificity, which we believe would result in certainty in terms of mineable area versus non-mineable area.
 - If the decision is to revert to the original “mining setback” distance of 660 feet but keep the proposed distance as calculated from “...a residential area with lot sizes of five acres or less,” this would result in a mineable area of 16.4 acres (**See Buffer Exhibits at EX-02 attached**).

- Proposed Ordinance 2023-9 , Sec. 50-759(3)(a)(iv) requires that ingress/egress be paved from the connection point for a distance of 250 feet minimum or greater if deemed necessary to avoid soil tracking onto the public roadway. We understand and appreciate the need to reduce/avoid soil tracking onto the public roadway, however there are other means that can serve the same purpose but at a reduced cost. We request for staff to consider such alternative means, such as the placement of Reclaimed Asphalt Pavement (RAP) in the areas designated for paving (***See attached photo***). RAP provides the same level of soil tracking reduction as pavement, but is a more cost effective and better long term solution given the ability to easily replace/replenish. Lastly, given that our proposed mining operation is for sand rather than other more clay-like soils, it tends to shed itself from vehicle tires at a much faster rate.

In sum, we request that the language of Proposed Ordinance 2023-9, Sec. 50-759(4)(c) revert back to the language the current Ordinance governing mining activities. If it is the decision of the Board of County Commissioners to increase “mining setbacks” and calculate from “residential areas with lot sizes of five acres or less,” we request that more passive (non-blasting) mining operations such as that which we propose be carved out and subject to the “mining setbacks” and distance calculations as set forth in the current Ordinance. Alternatively, we would welcome the opportunity to work with the County to help establish a separate and distinct Section of the Proposed Ordinance specific to non-blasting mining operations (akin to borrow pits) such as that which we propose. We further propose that the utilization of RAP be considered as an alternative to pavement in order to reduce soil tracking in Proposed Ordinance 2023-9 , Sec. 50-759(3)(a)(iv).

Thank you for all of your hard work and consideration.

Regards,

Zeb P. Cheshire
General Counsel



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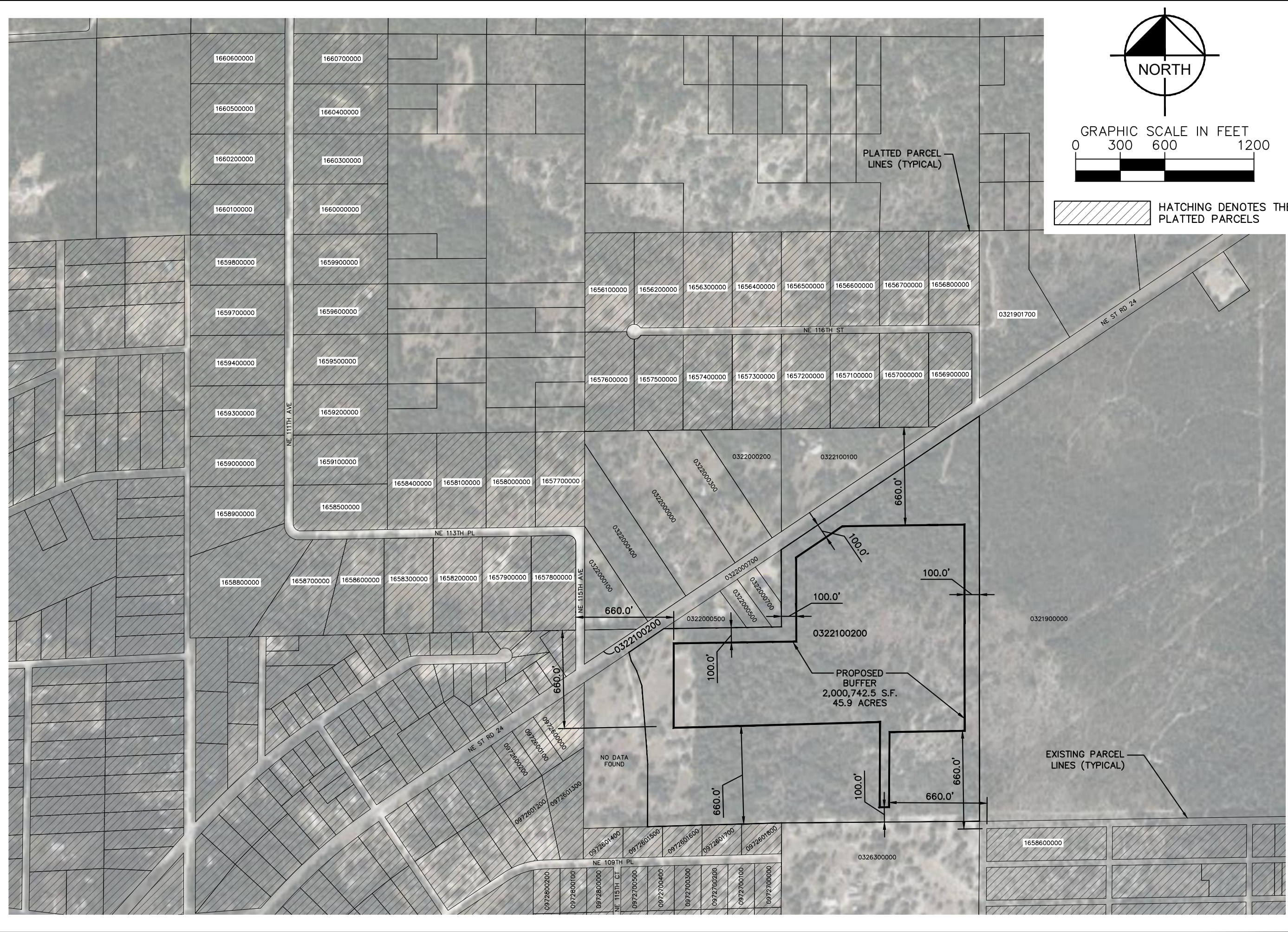
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 NO DATA FOUND
 HATCHING DENOTES THE PLATTED PARCELS
 GRAPHIC SCALE IN FEET 0 300 600 1200
 NORTH
 KHA PROJECT 242202000 DATE NOVEMBER 2022 SCALE AS SHOWN DESIGNED BY KHA DRAWN BY CHECKED BY
 LEVY COUNTY BORROW PIT BUFFER EXHIBIT (PER CURRENT CODE) PREPARED FOR ANDERSON COLUMBIA CO., INC.
 SHEET NUMBER EX-01
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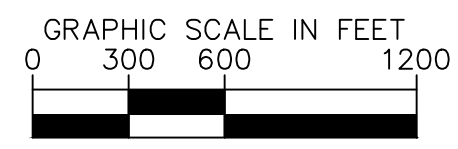
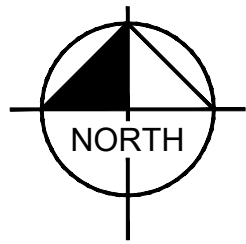
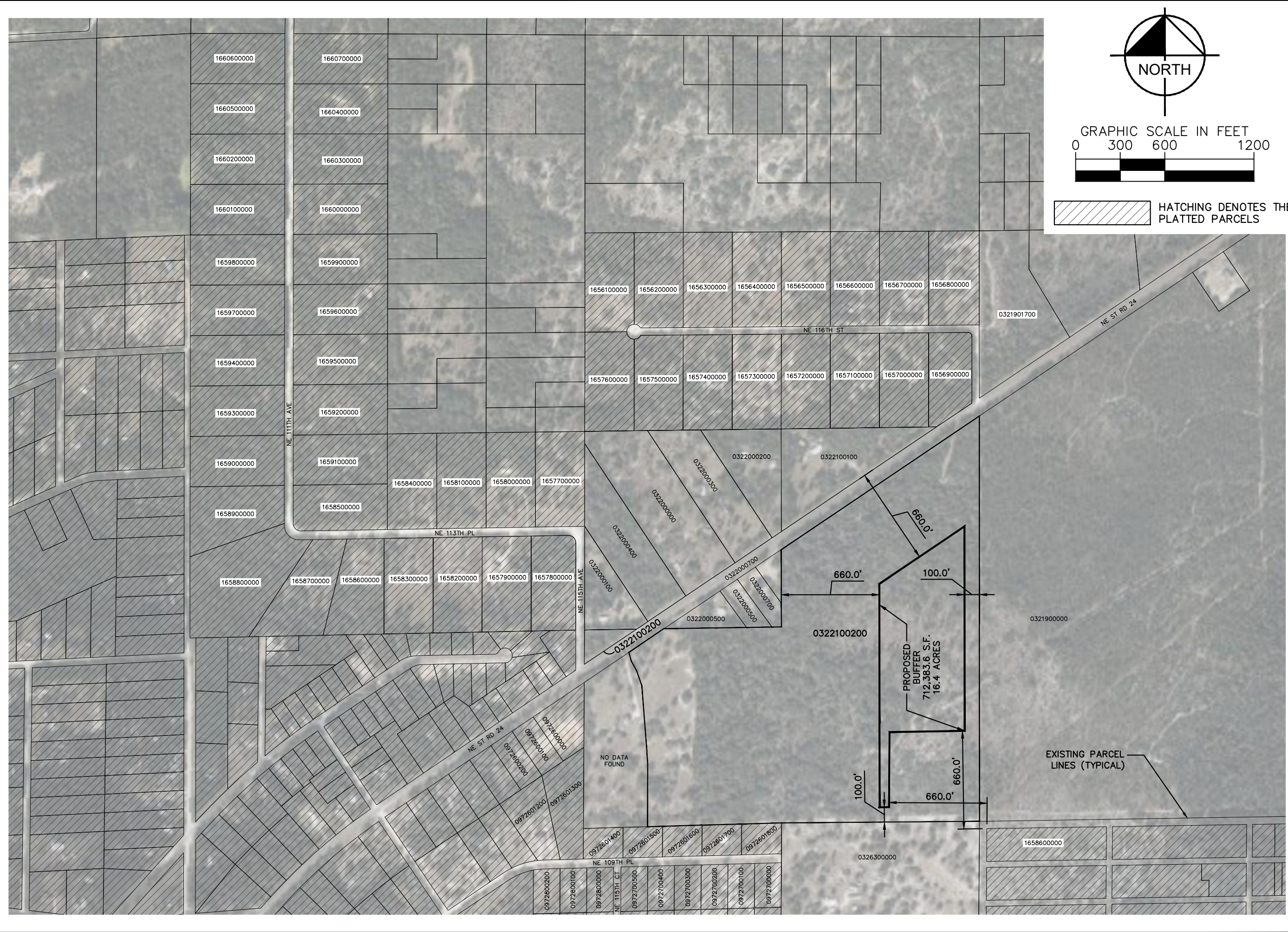
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LEVY COUNTY BORROW PIT BUFFER EXHIBIT
(PER CURRENT CODE)
PREPARED FOR
ANDERSON COLUMBIA CO., INC.

KHA PROJECT	242202000	DATE	NOVEMBER 2022
SCALE	AS SHOWN	DESIGNED BY	KHA
DRAWN BY		CHECKED BY	

SHEET NUMBER
EX-01

15245 01/15/2022 11:56 AM Kimley-Horn and Associates, Inc. 242202000 LEVY COUNTY BORROW PIT BUFFER EXHIBIT (PER PROPOSED CODE - 660' BUFFER) SHEET NUMBER EX-02
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HATCHING DENOTES THE PLATTED PARCELS

KHA PROJECT	242202000
DATE	NOVEMBER 2022
SCALE	AS SHOWN
DESIGNED BY	KHA
DRAWN BY	
CHECKED BY	

LEVY COUNTY BORROW PIT BUFFER EXHIBIT
(PER PROPOSED CODE - 660' BUFFER)
 PREPARED FOR
ANDERSON COLUMBIA CO., INC.

SHEET NUMBER
EX-02

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