



NFPS



PO BOX 3823
LAKE CITY, FL 32056



PHONE (386) 752-4675
FAX (386) 752-4674



www.nfps.net

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**ANALYSIS OF THE PROPOSED AMENDMENT TO
THE TEXT OF THE LEVY COUNTY LAND
DEVELOPMENT CODE RELATED TO YARD TRASH
AND DOMESTIC ORGANIC WASTE RECYCLING
FACILITY**

Prepared for:



Levy County
Planning & Zoning Board &
Board of County Commissioners

Applicant/Agent:

EDA Consultants, Inc., on behalf of
Archer Road Real Estate, LLC., owner

Prepared by:



Brandon M. Stubbs, Planning & GIS Manager
North Florida Professional Services, Inc.



EXECUTIVE SUMMARY

The privately initiated application proposes to amend Sections 50-1, 50-700, and 50-762 of the Levy County Land Development Code (LDC) to define and authorize, by special exception in an agricultural zoning district, a facility that receives Class B biosolids and processes them with yard trash into a Class AA product. The proposed standards require a minimum 50-acre parcel, a one-half-mile separation from an existing platted residential subdivision, an FDEP yard-trash registration, an FDEP technical permit, and allow site-specific conditions for matters not regulated by the State.

The proposed use is supportable as a matter of land-use policy. It may divert organic material from disposal, recover useful material, support agricultural soil-amendment markets, and provide a productive use for disturbed land. The application also identifies relevant Comprehensive Plan policies addressing reclamation, solid-waste volume reduction, changing disposal technologies, rural economic development, and agricultural-support uses. Florida law preserves the County's zoning role even when FDEP permits are required. Accordingly, state approval and local special-exception approval are complementary, not substitutes.

The amendment appropriately combines defined locational standards with state environmental oversight. Its special-exception structure allows the County to determine compatibility on a site-specific basis while requiring the operator to secure and maintain the applicable FDEP approvals governing yard-trash processing and biosolids treatment. Federal Class A and Class B pathogen standards under 40 C.F.R. Part 503 and Florida's Class AA regulatory framework under Chapter 62-640, F.A.C., provide the technical context for administering the proposed use.

SCOPE AND MATERIALS REVIEWED

This review evaluates the July 31, 2026, application for a text amendment to the Levy County Land Development Code submitted by EDA Consultants, Inc. It addresses land-use authority, Comprehensive Plan consistency, regulatory alignment, and the sufficiency and administrability of the proposed standards. It does not certify engineering performance, validate the applicant's existing permits, determine environmental compliance, or replace advice from the County Attorney or the applicable regulatory agencies.

- Text Amendment Application (revised July 31, 2026), including proposed Sections 50-1, 50-700, and 50-762 and the applicant's Comprehensive Plan consistency narrative.
- Florida Statutes governing county zoning, comprehensive-plan consistency, compost-facility approvals, solid-waste facilities, and biosolids management.
- 40 C.F.R. Part 503, Standards for the Use or Disposal of Sewage Sludge.
- Chapters 62-640 and 62-709, F.A.C., as the principal state rules governing biosolids and organics-processing/yard-trash activities.



PROPOSED AMENDMENT

ARTICLE I. – IN GENERAL

Section 50-1. – Definitions

Yard trash and domestic organic waste recycling facility means a Type II biosolids treatment facility receiving Class B biosolids for processing into Class AA biosolids, as classified by 40 CFR Part 503.

Section 50-700. – Generally; use table

Use (reference to code section that contains SE or CU requirements)	F/RR	A/RR	RR	R 1	R 2	RR 3C	C 1	C 2	C 3	C 4	I	RMU	PF	REC	NR-CO N
	In this table, P=Permitted Use; CU=Conditional Use; and SE=Use by Special Exception														
Agriculture															
<u>Yard trash and domestic organic waste recycling facility (50-762)</u>		<u>SE</u>													

Subdivision VI. – Uses by Special Exception

Sec. 50-762. Yard trash and domestic organic waste recycling facility.

- (1) The parcel is located in an agricultural zoning district.
- (2) The minimum parcel size is 50 acres.
- (3) The use is prohibited on any parcel within 1/2 mile of an existing platted residential subdivision.
- (4) The facility must obtain the following state regulatory approvals:
 - (a) an FDEP (Florida Department of Environmental Protection) Yard Trash Recycling Registration where the yard trash is to be processed and used as the amendment/bulking agent in the recycling process; and
 - (b) an FDEP technical permit which authorizes the mixing of the processed yard trash with domestic organic waste using a windrow method to yield a final product used as fertilizer and soil amendment.



- (5) Any component of this use that is not regulated by state agencies may be regulated by conditions and limitations imposed in the special exception based on the activities of that particular operation.

LDC provision	Submitted change	Planning effect
Section 50-1	Defines “yard trash and domestic organic waste recycling facility” as a Type II facility receiving Class B biosolids and producing Class AA biosolids.	Creates a defined use category tied to established state and federal biosolids standards.
Section 50-700	Adds the use to the use table as a special exception in an agricultural district.	Makes approval discretionary and site-specific after public review.
Section 50-762(1)-(3)	Agricultural zoning; minimum 50 acres; at least one-half mile from an existing platted residential subdivision.	Establishes meaningful locational and compatibility safeguards.
Section 50-762(4)	Requires an FDEP yard-trash registration and technical authorization for windrow mixing.	Integrates County land-use approval with state technical and environmental oversight.
Section 50-762(5)	Allows local conditions for components not regulated by state agencies.	Preserves site-specific County review of land-use and compatibility considerations.

FLORIDA STATUTE FRAMEWORK

County Authority and Comprehensive Plan Consistency

Section 125.01(1)(g), (h), and (k), Florida Statutes, authorizes counties to prepare and enforce comprehensive plans, establish and enforce zoning, and regulate waste and sewage collection and disposal. Sections 163.3167 and 163.3202 require counties to implement their adopted comprehensive plans through land development regulations, including regulation of land and water uses and compatibility of adjacent uses. Section 163.3194 requires every LDC amendment to be consistent with the adopted plan and to be referred to the local planning agency for review and recommendation before adoption.

The amendment is legislative and County-wide. It does not approve the applicant’s site. A later special-exception application would be quasi-judicial and must be supported by competent substantial evidence under the Code’s criteria. This separation is important: the present decision determines whether the use may be considered in qualifying locations; it does not establish site entitlement.

Compost-Facility Protections Effective in 2026

Section 163.31804, Florida Statutes, enacted in Chapter 2026-7, applies to facilities that process “compost” as defined in Section 576.011. It prohibits conditioning a local approval on purchasing additional property to expand the footprint of an existing privately owned road, while allowing



emergency-vehicle turnouts where possible without requiring purchase of additional property. It also prohibits a local government from revoking an existing permit for such a facility when the activity is regulated through and complies with applicable implemented best management practices, interim measures, or rules of FDEP, the Department of Agriculture and Consumer Services, or a water management district.

The proposed amendment does not conflict with these limitations. It establishes a prospective special-exception process and does not require acquisition of off-site property or revoke an existing compost-facility approval. Future administration of any approval remains subject to Section 163.31804 and other applicable law.

Agricultural Operations Limitations

Section 163.3162 limits duplicative local regulation of bona fide farm operations under specified circumstances. It also states that a county ordinance regulating the transportation or land application of domestic wastewater residuals or other sewage sludge is not deemed duplicative regulation. The proposed amendment addresses a treatment and processing facility through the County's land-use authority, while later agricultural application of a finished product remains governed by the applicable state and federal framework.

Solid-Waste and Biosolids Statutes

Authority	Principal relevance	Effect on amendment
§§ 403.702-.708, F.S.	Defines solid-waste processing, recycling, and solid-waste management facilities; authorizes FDEP permitting and operational controls.	The feedstock and process determine whether Chapter 403 solid-waste permitting or an exemption/registration applies.
§ 403.707(1), (6), (11), F.S.	Requires a valid FDEP permit unless exempted; addresses environmental controls and local notice.	A local approval cannot substitute for FDEP authorization.
§ 403.707(11), F.S.	Expressly provides that an FDEP permit does not relieve compliance with local zoning or land-use ordinances.	Confirms concurrent County zoning authority.
§ 403.0855, F.S.	Directs statewide biosolids management and imposes enhanced requirements on land-application permits.	Supports reliance on Chapter 62-640 technical standards; treatment and land application must not be conflated.
§ 403.087 and § 403.088, F.S.	General environmental and water-pollution permit authority.	Facility wastewater, stormwater, discharges, or treatment components may require additional authorization.
§ 403.708, F.S.	Restricts disposal of source-separated yard trash in lined landfills and recognizes separate yard-trash composting.	Supports diversion policy but does not independently authorize this mixed-feedstock process.



FEDERAL ANALYSIS – 40 C.F.R., PART 503

Part 503 establishes national minimum standards under the Clean Water Act for the final use or disposal of sewage sludge. It applies to preparation of sewage sludge and to land application, surface disposal, and incineration. It does not generally prescribe the selection of a use or disposal practice, and it largely does not regulate the treatment process itself except through the pathogen- and vector-attraction provisions. Local land-use approval therefore remains a separate decision.

Part 503 component	Requirements relevant to proposed operation
Subpart A - General	Applicability, exclusions, sampling, and responsibility of individuals who prepare sewage sludge. Section 503.6(b) recognizes that selection of a use or disposal practice is a local determination.
Subpart B - Land application	Pollutant ceiling and concentration/loading limits; management practices; operational standards; monitoring, recordkeeping, and reporting.
§ 503.13	Limits nine regulated pollutants and establishes ceiling concentrations, cumulative loading rates, pollutant concentrations, and annual loading rates.
§§ 503.14-.15	Establishes management practices, labeling/information requirements, pathogen standards, and vector-attraction reduction for land-applied material.
§ 503.32	Creates federal Class A and Class B pathogen categories. Class A is the relevant federal pathogen threshold for broadly distributed products; Class B carries site restrictions when land applied.
§ 503.33	Requires an approved method of vector-attraction reduction appropriate to the use or disposal practice.
Subparts C and E	Regulate surface disposal and incineration, respectively; not the stated intended disposition but relevant if operations change or off-specification material is disposed.

Relationship between federal and Florida classifications

Part 503 establishes federal Class A and Class B pathogen-reduction categories. Florida's Class AA designation supplements those federal standards with state-specific quality and distribution requirements under Chapter 62-640, F.A.C. The proposed use is therefore administered through the combined regulatory framework: Part 503 establishes applicable federal standards, while Chapter 62-640 governs the Florida facility and finished-product classifications.

A product made from sewage sludge and yard-trash-derived bulking material remains subject to Part 503 when it is "material derived from sewage sludge." Under Section 503.10, reduced federal land-application requirements may apply to a derived material only when the applicable pollutant concentrations, Class A pathogen requirements, and vector-attraction reduction requirements are satisfied. Florida may impose additional or more protective requirements, including its Class AA framework.



FLORIDA ADMINISTRATIVE CODE AND PERMITTING

Chapter 62-640, F.A.C. – Biosolids

Chapter 62-640 governs biosolids treatment facilities, biosolids classification, treatment, monitoring, storage, recordkeeping, land application, and distribution and marketing of Class AA biosolids. Rule 62-640.200 supplies the controlling Florida definitions. Rules 62-640.300, .600, .650, .850, and .880 address general requirements; pathogen and vector-attraction reduction; monitoring and reporting; distribution and marketing of Class AA biosolids; and additional requirements for biosolids treatment facilities. These rules provide the technical regulatory foundation for the use addressed by the amendment.

Chapter 62-709, F.A.C. - Organics processing and recycling

Chapter 62-709 establishes criteria for organics-processing and recycling facilities, including yard-trash processing registrations and requirements that vary with feedstock and activity. Together with Chapter 62-640, it establishes state oversight of the integrated operation described in the amendment. The requirement for applicable FDEP approvals provides assurance that technical operations will remain subject to agency review and compliance monitoring in addition to County land-use oversight.

COMPREHENSIVE PLAN CONSISTENCY AND PUBLIC PURPOSE

Plan provision identified by applicant	Consultant analysis
Conservation Element Policy 3.9 - restoration and future use of mined or excavated lands	The use supports productive reuse of disturbed land while establishing a County-wide framework applicable to other qualifying locations.
Infrastructure / Solid Waste Policy 1.1(c) - reduce waste volume	Processing yard trash and other lawfully accepted organic material into a usable product can reduce material requiring disposal and extend landfill capacity.
Infrastructure / Solid Waste Policy 1.6(a) - accommodate changes in disposal technologies	A carefully defined special-exception category allows case-by-case review of an evolving recovery technology while preserving compatibility review.
Economic Element Objective 4 - protect rural and environmental quality	The activity can support rural business and agricultural markets, provided odor, traffic, vectors, water quality, and neighboring land uses are adequately addressed.
Future Land Use Policy 1.2 - Agricultural/Rural Residential	Production of a compliant soil amendment may support agriculture. Because biosolids treatment is more intensive than ordinary farming, special-exception review and performance standards are appropriate.



On balance, the amendment is consistent with and supportive of the cited policies. A special exception is a reasonable mechanism because it avoids treating the use as permitted by right while allowing an applicant to demonstrate site-specific compliance with the County Code and applicable agency requirements.

FINDINGS AND RECOMMENDATION

- The existing LDC does not expressly classify the intended integrated yard-trash and biosolids treatment use, and a defined special-exception category will improve predictability and enforceability.
- The amendment serves a legitimate public purpose by enabling regulated material recovery, conserving disposal capacity, supporting production of a useful agricultural soil amendment, and allowing site-specific compatibility review.
- The amendment is County-wide because any qualifying property in the authorized district may apply under uniform standards; it is not approval of the applicant's parcel or existing operation.
- The amendment is compatible with and furthers the cited Conservation, Infrastructure, Economic, and Future Land Use policies.
- State and federal environmental standards provide necessary technical controls, while local zoning remains necessary to address location, intensity, traffic, setbacks, buffering, nuisance prevention, and compatibility.
- The amendment operates within the complementary federal Class A/Class B standards, Florida Class AA requirements, and the local-government provisions of Section 163.31804, Florida Statutes.

Recommendation

APPROVE the proposed Land Development Code text amendment. The amendment establishes a reasonable and County-wide framework for considering yard-trash and domestic-organic-waste recycling facilities as special exceptions in appropriate agricultural locations. It advances identified Comprehensive Plan policies, serves legitimate public purposes, preserves state and federal environmental oversight, and retains the County's authority to evaluate site-specific land-use compatibility through the special-exception process.

Approval of the text amendment will authorize the use category but will not approve a particular site. Any subsequent special-exception request will remain subject to the application requirements, public-hearing process, approval criteria, and conditions authorized by the Levy County Land Development Code.