

## ECONOMIC IMPACT STATEMENT

### **Revisions to Chapter 3-5, Article XXI Excavations and Article XXIII Excavation and Earthmoving, and the creation of Chapter 3-5 Article XXIII Earthmoving**

**PURPOSE:** Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

*The proposed changes will create Article XXIII Earthmoving to regulate all existing and future earthmoving operations in such a manner as to minimize any direct, indirect, and cumulative impacts detrimental to wildlife and its habitat, public and private infrastructure, ground water and surface water, the public health, safety, and welfare, current and surrounding land uses, and property values as a result of such activities within the County.*

**IMPACT:** Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

*The impacts of these changes streamline the process and remove unnecessary regulation and steps in the process. These changes will primarily impact the private sector companies engaged in the various types of earthmoving and have been developed in conjunction with representatives of the industries that will be impacted.*

*In terms of monetary costs, the revised language does not, as yet, include a revised fee schedule. This will be brought before the board at a different time to be adopted as a resolution. Until that time, the existing fee schedule will be in place with no amendments.*

*In terms of non-monetary costs, the proposed revisions will actually reduce the expenses to the private sector as the proposed regulations eliminate the need for certain steps in the process for certain excavations so any County fees associated with these steps would be eliminated*

A. Cost of Implementation:

*The costs of adopting the ordinance are nominal.*

B. Source of Funds/Ultimate Burden of Costs:

*None.*

C. Effect on Competition and the Employment Market:

*There should be no impact on competition as the regulations are applied throughout Charlotte County.*

D. Benefits on Implementation:

*These changes will streamline the process, reduce the burden on the private sector and give clear direction as to the scope and operating requirements of each excavation type.*

Citizen Comments

Regarding

Revisions to Chapter 3-5, Article XXI Excavations,  
and Article XXIII Excavation and Earthmoving,  
and the creation of Chapter 3-5, Article XXIII Earthmoving,  
of the Code of Laws and Ordinances of Charlotte County, Florida

RE: Earthmoving Ordinance, July 2014 Draft

ANRAC made recommendations to the BCC based on our discussion during the meeting on November 14, 2013. The July 2014 draft incorporates the majority of those requests.

Section 3.5.463 Exempt Earthmoving Operations (p3)

(a)(9) Mini Farm Pond: Revisions allow exempt excavations of less than 3 acres for bona fide agriculture use. The cumulative acreage cap which is inclusive of all excavations on-site has been revised to 10% of the acreage of the lot or contiguous lots. It was previously capped at 3 acres. No dirt may be removed from site.

Section 3.5.463 Exempt Earthmoving Operations (p3)

(b) Exemption Verification Process

(1) Small Farm Pond: Revisions permit excavations up to 15 acres consistent with the State Law (FS 373.406(13)). Notice to the County is required to confirm the exempt status of the operation. We will continue to work for a simple and inexpensive process for notification. No dirt may be removed from site.

Section 3.5.464 Operation Standards (p4)

(a) General Earthmoving Operation Standards

(1) Hours of Operation

(C) For Agricultural purposes: The revision limits the hours of operation for trucks hauling material from site. There would be no limits to hours of operation for on-site operations. This was proposed as a compromise to our request of removing limits to hours of operations within specific areas.

Section 3.5.466 Specific Earthmoving Permits (p12-13)

(f) Excavation for Agricultural Purposes: Revisions allow for excavations exceeding 15 acres for bona fide agriculture use and that are participating in a State or Federal Program involved in cost sharing. Included in the draft for further board discussion is the ability to remove excavated material from site with the assessment of the roadway service life reduction fee.

Section 3.5.468 Specific Earthmoving Permit Application Requirements (p21)

(h) Environmental Impact Statement: Revisions require the submittal of documentation demonstrating that the proposed project meets the requirements for a State issued environmental resource permit. It further deletes specific detailed requirements by the County that would be deemed duplicative.

Joanne Vernon, County Engineer, has been instrumental in getting the revised ordinance to this point and has, in my opinion, done an excellent job.

Respectfully submitted,



Andy Dodd, Chairman  
Agriculture and Natural Resources Advisory Committee