SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
December 20, 2010

BOARD OF SUMTER COUNTY COMMISSIONERS
January 11, 2011

CASE NO.	C2010-0001
OWNER:	David & Barbara Shelley
APPLICANT:	Compost USA, Inc.
REQUESTED ACTION:	Conditional Use Permit for a composting facility
EXISTING ZONING:	A5
PARCEL SIZE:	Parent Parcel 630 acres MOL; 86 acres MOL utilized for composting operation. (see attached Exhibit A)
EXISTING USE:	Pasture and land application of wastewater/septage residuals pursuant to Special Use (S2009-0001)
FUTURE LAND USE:	Agricultural

SURROUNDING LAND USE:		**SURROUNDING ZONING:**	
NORTH:	Agricultural/City of Wildwood	**NORTH:**	A5
SOUTH:	Agricultural	**SOUTH:**	A5, RR5, R1M
EAST:	Cities of Wildwood & Leesburg	**EAST:**	Cities of Wildwood & Leesburg
WEST:	Agricultural	**WEST:**	A5, RR1, RR5, R1M

CASE SUMMARY:

Compost USA, Inc. is proposing to establish a composting operation on property located on the north side of C-48E adjacent to the eastern county boundary (see Exhibit 1). The area proposed for the composting operation encompasses approximately 86 acres of a 630 acre parcel. The composting operation is based on the Modified Static Aerobic Pile (MSAP) composting method. According to information provided by the applicant (letter from Dr. Sheikh Hasan dated November 16, 2010), the MSAP method is a combination of static pile and windrow composting methods and results in a reduction in the need for mechanical turning, which provides for the following:

1. Less material moisture loss;
2. Higher temperatures for longer periods;
3. Less odor production;
4. Less particulate discharge;
5. Less nitrogen loss through ammonia volatilization;
6. Less composting time.

The composting will utilize biosolids mixed with bulking agents such as yard waste, wood waste, horse bedding, etc.

Composting is not specifically identified within the County's Table of Permitted Uses in Section 13-362, Sumter County Land Development Code (LDC). However, uses that are not specifically identified within the LDC shall be considered as the most similar use. Consequently, staff determined the use is most similar to landfilling or recycling operation, which is permitted within the Agricultural future land use and zoning districts with the approval of a Conditional Use and Operating Permit. In addition, the existing composting operation in the County (Black Gold) was also permitted as a Conditional Use with an Operating Permit. This use is not a matter of right.

This application is only for Conditional Use approval. The Conditional Use provides for the review of the proposed use to consider general suitability and general conditions to minimize and mitigate potential adverse impacts. If the Conditional Use is approved, then the applicant is required to obtain an Operating Permit through a second public hearing process. The Operating Permit will provide the specific engineering details and appropriate conditions to provide for the actual construction and operation of the proposed use. Typically, the Conditional Use conditions provide the foundation for the development of more specific conditions through the Operating Permit process.

CASE ANALYSIS:

The following is a definition of a Conditional Use from the LDC (Section 13-362):

> This use is hereby established to conditionally allow specified uses that, because of their unique characteristics, are not permitted as a matter of right, special use or otherwise allowed by this Code. Such conditional uses, unless properly controlled, pose potentially serious health, safety or welfare concerns for the community. Therefore, it is the intent of the commission to ensure, through available and reasonable methods, that the location, construction, operation, and maintenance of a conditional use produces minimal adverse effect on the environment and public health, safety, and welfare, and to fully balance the need for such conditional use with the broad interests of the public. A conditional use permit is not a permit of right and there is no presumption that such a permit will be granted.

In order to assess the proposed composting operation and its compliance with the intent of the Conditional Use process to minimize adverse effects on the environment and public health, safety, and welfare, staff provides the following information:

Parcel Size and Location

The proposed composting use is located within an 86 acre portion of a larger 630 acre parcel. The location of the composting use is placed on the east side of the property to maximize its distance from the most developed residential area to the west along CR 577. This developed residential area is approximately 1,700 feet from the proposed composting use.

The adjacent property to the east is located within the City of Leesburg. Currently, this property is undeveloped and has a zoning that would allow for future residential development. However, this property was part of previously proposed Development of Regional Impact (DRI) called Renaissance Trails. The DRI did not move forward and was abandoned.

The adjacent property to the north is located within the City of Wildwood. Currently, this property is undeveloped and has an Agriculture land use. As with the City of Leesburg property, this property was also part of the abandoned DRI.

The closest property to the south, developed with a home site and not under the ownership of the Shelleys, is approximately 2,000 feet away from the proposed composting use.

Environmental Conditions

The project area for the composting operation does include wetland and 100-year floodplain areas, as shown on the plans submitted by the applicant. However, the area actually used for the windrows maintains a minimum separation of 200 feet from the wetland areas and does not encroach within the 100-year floodplain.

The County's hydro-geological consultant Tetra-Tech completed a review of the proposed composting operation. Tetra-Tech's final comments regarding the proposed composting use were:

1. Need for composting operation to minimize potential impacts, particularly odor, to surrounding residential properties;
2. The following items must be provided as part of the Operating Permit application:
    a. Stormwater design including permit application to the Southwest Florida Water Management District;
    b. Retention/leachate pond liner design and construction quality assurance plan;
    c. Groundwater monitoring well design details;
    d. Detailed operating plans including the percent composition of biosolids, manure, yard waste, other bulking agents, and catalyst; material mixing procedures; methods for increasing moisture content of the windrows; description of how temperatures and moisture content are measured;

method of record keeping; maximum storage quantities; method of handling excess material and unsold product; procedures to be followed in the event temperature decreases below acceptable levels; detailed explanation of the chemical and biological processes of the proposed compost technology; and emergency and contingency operations;

e. Odor monitoring and management plan;
f. Copy of permit application submitted to the Florida Department of Environmental Protection; and
g. Detailed site plan with construction level detail of mixing areas, raw product storage, proposed grading, total project area, impervious area, and any other pertinent data.

Transportation

Access to the composting operation is limited to the existing driveway connection to C-48E at the eastern end of the property, as shown on the site plan. In addition, the applicant provided a traffic study by Kimley-Horn & Associates. The traffic study projects 20 trucks per day and 10 employee vehicles per day, which equate to a total of 60 trips ((20x2)+(10x2)) per day. The addition of these trips does not exceed the capacity of C-48E. However, due to the volume of truck traffic, Sumter County Public Works is requiring the applicant to provide turn lanes and improvements at the connection to C-48E.

Other Agency Permitting

The proposed composting use requires permits from the Florida Department of Environmental Protection (FDEP) and from the Southwest Florida Water Management District (SWFWMD). Other permits from State or Federal agencies may be required. Due to the complexity of this type of project, the County relies heavily on the permitting and enforcement abilities of these agencies.

Historic Resources

There are no known historic resources within the proposed project area.

Status of Existing Special Use Permit S2009-0001

The proposed project area, as well as the remainder of the parent parcel, was approved for a Special Use to allow the land application of liquid residuals (S2009-0001). The property owners, David & Barbara Shelley, submitted a letter as part of the application for this Conditional Use that they will abandon and terminate S2009-0001 once all required permits from the County and state agencies are obtained. This will terminate the land application of the liquid residuals allowed under S2009-0001.

Staff is aware that the Shelleys are land applying Class A biosolids on their property. The Class A biolsolids are allowed without a Special Use permit due to the fact it is treated to a higher standard to remove pathogens and further reduce the vector attraction and is often used as a commercially

available product (fertilizer). The Shelleys have not offered to stop the land application of Class A biosolids. It is Staff's opinion given the relative intensive nature of the proposed composting operation; all land application of biosolids and liquid residuals should cease. The only use of biolsolids should be limited to what is utilized within the composting process.

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSION:

On December 6, 2010, the Sumter County Development Review Committee (DRC) reviewed the application and recommended approval subject to the conditions provided by Tetra-Tech and additional conditions that may be developed through the hearing process.

Staff deems the application sufficient and the request is in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan subject to the following conditions:

1. GENERAL
   a. This conditional use shall expire one (1) year from the date of its issuance if the operating permit has not been obtained. However, the one (1) year time limit may be extended for one (1) year, for good cause, upon application to the Board of County Commissioners no later than 60 days prior to expiration.

   b. The operation of the conditional use shall be in accord with relevant provisions of the Sumter County Land Development Code and consistent with plans and representations provided by the applicant and approved as part of the Conditional Use.

   c. Detailed operating plans including the percent composition of biosolids, manure, yard waste, other bulking agents, and catalyst; material mixing procedures; methods for increasing moisture content of the windrows; description of how temperatures and moisture content are measured; method of record keeping; maximum storage quantities; method of handling excess material and unsold product; procedures to be followed in the event temperature decreases below acceptable levels; detailed explanation of the chemical and biological processes of the proposed compost technology; and emergency and contingency operations shall be provided and approved as part of the Operating Permit.

   d. Detailed site plan with construction level detail of mixing areas, raw product storage, proposed grading, total project area, impervious area, and any other pertinent data shall be provided and approved as part of the Operating Permit.

   e. All applications and permits to other State or other regulatory agencies for the proposed composting use shall be provided.

2. SURFACE AND GROUND WATER
   a. Wetlands and 100-year flood plain shall be protected or mitigated as required by State law.
   b. The following items must be provided and approved as part of the Operating Permit application:
      - Stormwater design including permit application to the Southwest Florida Water Management District;
      - Retention/leachate pond liner design and construction quality assurance plan;
      - Groundwater monitoring well design details.

3. TRAFFIC CIRCULATION
   a. Access shall be limited to only the existing driveway connection to C-48E, as shown on the site plan.
   b. No other points of access shall be utilized for the composting operation without express approval of Sumter County.
   c. The applicant shall install appropriate site access turn lanes and a driveway connection to C-48E that meets the requirements of Sumter County Public Works.
   d. Truck traffic to deliver the materials used in the composting process and take the final product off-site shall be limited to 20 trucks per day, as analyzed by Kimley-Horn in the traffic study submitted as part of the application.

4. SETBACKS/BUFFERS
   Setbacks, buffers, and berms shall be in compliance with the site plan submitted and approved with the application for conditional use. The berm shall be constructed to fully block the view of the composting area from outside of the project area.

6. THREATENED AND ENDANGERED SPECIES
   If any threatened or endangered species are encountered, then appropriate rules of the Florida Fish and Wildlife Conservation Commission shall be observed.

7. HISTORIC RESOURCES
   Historic or archeological resources on the subject property, if any, shall be protected pursuant to federal and state laws.

8. DAYS/HOURS OF OPERATION
   Days and hours of operation shall be established in the Operating Permit.

9. SECURITY
   Composting areas shall be secured from the public on all sides by adequate fencing or other acceptable means.

10. HAZARDOUS MATERIALS
    Upon application for the Operating Permit, the applicant shall submit a plan for the containment/clean-up of any on-site spills. Applicant shall also submit documentation indicating the volume and type of fuels that will be

used on site.

11. AIR POLLUTION
    An odor monitoring and management plan shall be submitted and approved as part of the Operating Permit.

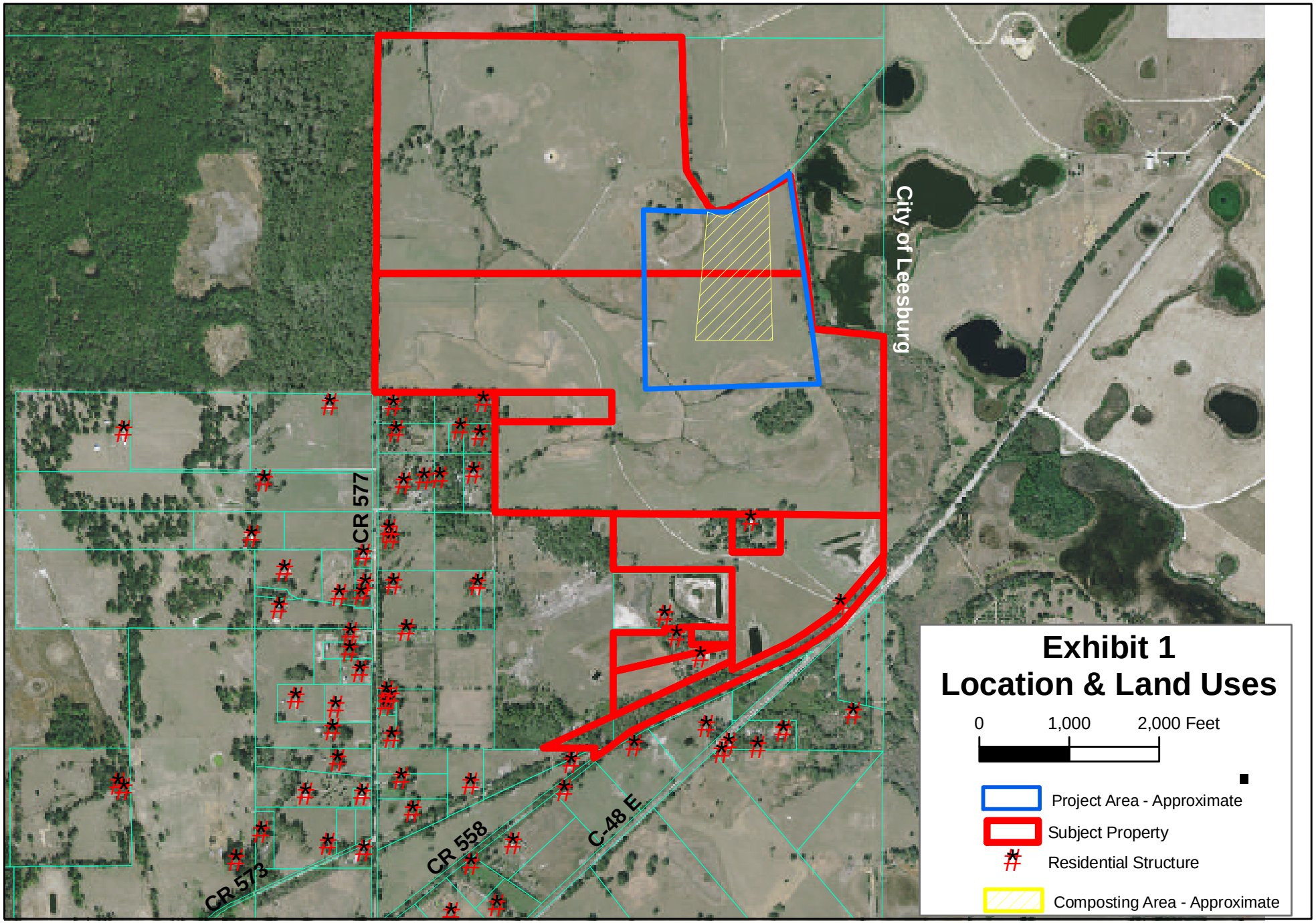
12. PROHIBITIONS
    a. Upon approval of the Operating Permit and issuance of all other required State or other agency permits, the existing Special Use for the land application of liquid residuals (S2009-0001) shall be null and void.

    b. Upon approval of the Operating Permit and issuance of all other required State or other agency permits, all land application of biosolids, wastewater residuals, or septage, regardless of Class, shall be prohibited on the subject property (project area and parent parcel). The only permitted use of these materials is what is used as part of the composting process.

Notices Sent: 19 In Objection: 2 In Favor: 1

Zoning & Adjustment Board Recommendation:

Board of County Commissioners Action:



Note: Please see actual plans for the exact location of project area and composting area.

Map Prepared By: Sumter County Planning 12/16/10