

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> October 22, 2015	<b>Level of Review:</b> 4
<b>PC Date:</b> June 1, 2016	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> June 21, 2016	<b>Case Numbers:</b> LDC 16T-08/DMS
July 5, 2016	<b>Case Name:</b> Soil Manufacturing
<b>Applicant:</b> George F. Young, Inc.	<b>Case Planner:</b> Chanda Bennett, AICP
Polk Long Range Planning	Erik Peterson, AICP

<b>Request:</b>	An LDC text amendment to Chapter 2, Table 2.1 to add “Soil Manufacturing” as a conditional use in Industrial (IND) and Phosphate Mining (PM) districts; amending Chapter 3, Section 303, Criteria For Conditional Uses to add applicable conditions; and amend Chapter 10, Definitions to define Soil Manufacturing and modify Solid Waste Management Facility to not include Soil Manufacturing and Materials recovery Facility.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Approval 5:0

This case was first processed as LDC 15T-14 but was withdrawn after the Planning Commission hearing to add an amended definition of Materials Recovery Facility.

**Among the changes to Chapter 2, Table 2.1 is:**

- Adding “Soil Manufacturing” as a Level 3 Review (Planning Commission approval) conditional use in Industrial (IND) and a Level 4 Review (PC recommendation and BoCC approval) in Phosphate Mining (PM) districts.

**Among the change to Chapter 3, Section 303 is:**

- Adding standard conditions for “Soil Manufacturing” that require a minimum acreage, setbacks from existing residential, protective liner from groundwater intrusion, and a comprehensive “Facility Operation Plan” for all locations.

**Among the change to Chapter 10, Definitions is:**

- Adding a definition for “Soil Manufacturing” and amending the definition of Solid Waste Management Facility and Materials Recovery Facility so that Soil Manufacturing is not considered a Solid Waste Management Facility.

## **Summary:**

BS Ranch and Farm is a facility like no other in Polk County as well as the State of Florida for that matter. In short, the proprietor accepts pre and post-consumer food waste, septic tank sludge, and yard waste debris as well as other forms of organic debris then through a process that requires shredding, grinding, and pulverizing along with both aerobic and anaerobic decomposition creates a range of soil amendments and compost ideal for local agricultural operations. While this process does reduce the amount of waste going into local landfills, it does not function as a typical Solid Waste Management Facility. Intake is strictly limited to organic material only and there is no residual that requires landfill disposal. It is different from typical composting, because it uses anaerobic decomposition in its process and composting is typically considered to only be an aerobic process.

The ordinance proposed will enable the applicant as well as others to create a Soil Manufacturing facility in Industrial (IND) districts through Planning Commission approval and in Phosphate Mining (PM) districts through Board of County Commissioner approval via recommendation of the Planning Commission. The Soil Manufacturing term is narrowly defined and proposed for Chapter 10 of the LDC. Conditions are proposed by the ordinance to be placed in Section 303 of the LDC to address minimum acreage, setbacks, and operation of the Soil Manufacturing uses. There is no relief process such as a variance or waiver for these standards when located in Section 303.

## **Data and Analysis**

Staff has gathered data from neighboring and similar jurisdictions to Polk County on soil manufacturing might be qualified in their land development regulations. The survey included the counties along the I-4 corridor and other counties in Florida with similar land use characteristics as Polk County such as Alachua and Duval. It also includes Highlands and Hardee County since they are abutting jurisdictions. The summarized results of the survey are found in Table 1 of the analysis section of this report.

In the 11 counties, the proposed soil manufacturing use as defined in the proposed definitions is mostly considered a solid waste management facility and often limited to the same places that landfills are placed. However, nine out of the 11 counties direct private landfills to industrial districts. This supports the applicant's request to locate these facilities in Industrial (IND) districts. Also listed as possible locations for soil manufacturing operations is the Phosphate Mining (PM) district. But, there were only two counties that addressed phosphate mining and neither utilized them in the same way we do in Polk. Locating in an institutional district is supported by the data gathered on other jurisdictions as well as consistent with the current Land Development Code (LDC) requirements for solid waste management facilities; however, it is inconsistent with the Comprehensive Plan. The PM district is included because it is believed that this type of use could work well in areas that have been mined for phosphate and are undergoing reclamation.

Staff also reviewed the 11 counties for the setbacks from residential developments or districts that they require for the uses that are their equivalent to soil manufacturing. The majority exceeded 150 feet. The ones that were less required conditional approval for which such a setback could be established based on location.

As a condition of approval in the amendment, it is recommended that soil manufacturing processes have an operation plan. Four of the 11 jurisdictions required this for their soil manufacturing equivalents. Key to all of the required operation plans are reporting of the type of waste coming in, the process and byproducts, as well as environmental analysis and waste containment assurances.

Staff has visited the applicant's site and seen the soil manufacturing in process. Staff observed every phase of the process. While odors were noticeable when close to the process, odor was not discernable in excess of 100 feet away; even downwind of the activity. Noise onsite is only attributed to the vehicles used to move the material; such as dozers, cranes, dump trucks etc. The activity onsite is similar and most comparable to that of a composting operation.

### **Findings of Fact**

1. *The proposed Land Development Code (LDC) amendment is to Chapter 2, Table 2.1 to add "Soil Manufacturing" as conditional uses in Industrial (IND) and Phosphate Mining (PM).*
2. *The proposed Land Development Code amendment is to Chapter 3, Section 303, Criteria for Conditional Uses to add "Soil Manufacturing" with applicable standard conditions.*
3. *The proposed Land Development Code amendment is to Chapter 10, Definitions to define "Soil Manufacturing" and modify the term Solid Waste Management Facility to not include Soil Manufacturing.*
4. *The Polk County Solid Waste Management Facility Siting and Operation Ordinance (Ord.14-014) requires all Solid Waste Management Facilities to undergo a separate process for development approval that includes additional analysis and financial responsibilities.*
5. *Neither composting nor mulching is defined in the LDC. However, composting is defined in many zoning ordinances and Wikipedia as an aerobic process.*
6. *A Solid Waste Management Facility is defined in Chapter 10 of the Land Development code as: "Any solid waste disposal facility, solid waste transfer station, materials recovery facility, volume reduction facility, other facility, or combination thereof, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste, but shall not include Salvage Yards and Construction Aggregate Processing and Construction Aggregate Storage as defined by this code."*
7. *A Materials Recovery Facility is defined in Chapter 10 of the Land Development Code as "a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for re-use, repurposing, use as a fuel or soil amendment, or any combination of such materials."*
8. *POLICY 2.113-A1 of the Comprehensive Plan states that "Industrial lands are characterized by facilities for the **processing, fabrication, manufacturing, recycling,** and distribution of goods, and may contain any use also found within a Business-Park Center. However, land use activities that operate externally to enclosed structures may be permitted within an Industrial Future Land Use designation. Industrial districts are also the appropriate location for land use activities that produce significant amount of noise, odor, vibration, dust, and lighting on and off-site that do not produce a physical product." POLICY 2.113-A3 further states that "**Permitted uses include** facilities for the processing, fabrication, **manufacturing, recycling, bulk material storage,** and distribution of goods, disposal yards..."*
9. *POLICY 2.114-A3 of the Comprehensive Plan states that phosphate mining and allied industries are permitted in the Phosphate Mining (PM) districts as well as "other land uses*

*with conditional approval which are compatible and related with the extraction and processing of phosphate.*

**Development Review Committee Recommendation:**

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDC 16T-08.

**Planning Commission Decision:** *On June 1, 2016, in an advertised public hearing, the Planning Commission voted 5:0 to APPROVE .*

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.*

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with LDC Section 930 D.*

*NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

*NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.*

**Analysis:**

The proposed text extracts a process typically and often classified as composting from the definition of Solid Waste Management Facility and narrowly defines it as soil manufacturing. The primary aspects that separate this use from composting is the additional standards such as setbacks, lot size and an operation plan and that the decomposition is anerobic as well as aerobic. Composting is only defined as an aerobic process.



Staff has visited the applicant's site and seen the soil manufacturing in process. Staff observed every phase of the process. While odors were noticeable when close to the process, odor was not discernable in excess of 100 feet away; even downwind of the activity. Noise onsite is only attributed to the vehicles used to move the material; such as dozers, cranes, dump trucks etc. The activity onsite is similar and most comparable to that of a composting operation.

**Comparisons to other Jurisdictions:**

Staff has gathered data from neighboring and similar jurisdictions to Polk County on uses in which the proposed Soil Manufacturing definition might be qualified in their land development regulations. To accomplish this, staff looked for places where composting, waste sludge and manufacturing combined under any particular category. The survey included the counties along the I-4 corridor and other counties in Florida with similar land use characteristics as Polk County such as Alachua and Duval. It also includes Highlands and Hardee County since they are abutting jurisdictions. Polk County has a lot in common with the counties that line the I-4 because of the community interaction that this transportation corridor creates. These counties share similar industries such as tourism, agriculture, service, educational institutions, warehousing and distribution. Alachua and Duval have a similar mixture of urban, suburban, and rural areas as Polk. The results of the survey are summarized in Table 1 to follow:

**Table 1**

<b>County</b>	<b>How is Soil Manufacturing Classified?</b>	<b>District and process</b>	<b>Setbacks from residential/ Minimum Acreage</b>	<b>Operation Plan Required?</b>	<b>Code Section(s)</b>
<b>Alachua</b>	Materials Recovery, Recycling and Composting	Industrial Services & Manufacturing (MS & MP) Special Exception (BoCC Approval)	35' 2 acres	Yes	403.14 404.89.5
<b>Brevard</b>	Solid Waste Management Facility	Heavy Industrial (IU-1) Conditional Use (BoCC Approval)	400' 40 acres	No	62-1949 62-1544
<b>Duval (City of Jacksonville)</b>	Solid Waste Management Facility	Industrial Heavy (IH) Solid waste Certificate requires Commission Approval	IH not permitted near residential	Yes	386.1 656.323
<b>Hardee</b>	Solid Waste Facility	Public Institutional (P-I) Agricultural (A-1)	500'	No	Article 9 2.29.00 2.26.00
<b>Highlands</b>	Salvage Yard	Industrial (I-2) Special Exception (BoCC approval)	150'	No	2.261 12.08.127
<b>Hillsborough</b>	Municipal Solid Waste Composting Facility	Agricultural Districts (AM,A, AR,AS, AI) Administrative approval	500'	No	2.02.02 6.11.63 12.01.00
<b>Lake</b>	Recycling Center	Manufacturing Districts (LM, HM, MP CFD) Permitted	Screening only	No	Chapter II 3.01.03
<b>Orange</b>	Composting facility (Solid Waste Management Facility)	Agricultural (A-1, A-2) and Industrial Districts (I-1, 2,3,4,5) Special Exception (BoCC approval)	250'	Yes	32-213, 216 38-77
<b>Osceola</b>	Salvage Yard	Industrial (IG, IM) Permitted	200'	Yes	Article 3.9.1.C
<b>Seminole</b>	Landfill	Public Lands & Institutions (PLI) (Public Only) Industrial (M-1) BoCC Approval	n/a	No.	2.3 30.585 30.883(h)
<b>Volusia</b>	Solid Waste Facilities	All districts through BoCC approval	125'	Yes	72-2 72-241 72-293

In the 11 counties, the proposed Soil Manufacturing use as defined in the proposed ordinance is mostly considered a solid waste management facility and often limited to the same places that landfills are placed. However, nine out of the 11 counties direct private landfills to industrial

districts and municipal ones in institutional like categories. This supports the applicant's request to locate these facilities in Industrial (IND) districts.

Also listed as possible locations for soil manufacturing operations is the Phosphate Mining (PM) district. While locating this use in institutional districts is supported by the data gathered on other jurisdictions as well as consistent with the current Land Development Code (LDC) requirements for solid waste management facilities, the divergence into strictly a manufacturing process and not a landfilling byproduct makes the proposed use inconsistent with Polk County's Comprehensive Plan. The PM district is included because it is believed that this type of use could work well in areas that have been mined for phosphate and are undergoing reclamation, which is supported in statements within the Polk County Comprehensive Plan.

Whenever solid and liquid wastes are brought onto a property, the immediate response is to be concerned about neighboring property values, particularly that of permanent residents. The best form of protection from the impacts associated with wastes (smell primarily) is separation. Staff reviewed the 11 counties surveyed for their setback requirements between residential properties and proposed salvage yards, solid waste facilities, and any uses that process septage waste. The majority of the setback distances exceeded 150 feet. The ones that were less required conditional approval for which such a setback could be established based on location.

Often when waste processing uses are proposed, staff is concerned about environmental effects and the risk potential for waste spills. As a condition of approval in the amendment, it is recommended that soil manufacturing processes have an operation plan. Such a plan not only assesses risk and provides for contingencies, but also demonstrates the applicant's competency in running the facility. In the survey staff conducted, four of the 11 jurisdictions required this for their soil manufacturing equivalents. Key to all of the required operation plans are reporting of the type of waste coming in, the process and byproducts, as well as environmental analysis and waste containment assurances.

### **Limits of the Proposed Ordinance**

This ordinance will apply to only two districts in the unincorporated county; IND and PM and not in the Selected Area Plans nor in the Green Swamp Area of Critical State Concern. This accounts for less than 11½ percent of the unincorporated area of the County; the majority of which is comprised of the PM district. The IND districts comprise less than 0.6%. Additionally, the two proposed locations require Planning Commission approval at a minimum. This use is not to be permitted by right in any district.

### **Consistency with the Comprehensive Plan**

The IND district is the most appropriate location for this proposed use. According to POLICY 2.113-A1 of the Comprehensive Plan, it is "characterized by facilities for the processing, fabrication, manufacturing, recycling, and distribution of goods ...". Also, POLICY 2.113-A3 further states that "Permitted uses include facilities for the processing, fabrication, manufacturing, recycling, bulk material storage, and distribution of goods, disposal yards,..."

The process of soil manufacturing has many potential applications in the reclamation of phosphate mined lands. POLICY 2.114-A3 of the Comprehensive Plan states that phosphate mining and allied industries are permitted in the Phosphate Mining (PM) districts as well as "other land uses with conditional approval which are compatible and related with the extraction and processing of phosphate.

Both the LDC and Comprehensive Plan include soil amendments in the definition of a Material Recovery Facility (MRF). However, this ordinance separates Soil Manufacturing from the production of other soil amendments that may occur in a MRF because Soil Manufacturing is exclusively manufacturing that is not associated with a Solid Waste Management Facility such as a landfill. It renders the term soil amendments (not defined in LDC) mutually exclusive.

**Comments from Other Agencies:** None

**Draft Ordinance:** under separate attachment