

ORDINANCE 17-015

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE TO AUTHORIZE COMMERCIAL COMPOSTING FACILITIES, SUBJECT TO CONDITIONS; AMENDING SECTION 2.00.00 (DEFINITIONS) BY PROVIDING NEW DEFINITIONS FOR COMMERCIAL COMPOSTING FACILITIES AND RELATED TERMS; AMENDING SECTION 3.01.03 (ZONING DISTRICTS) BY PROVIDING FOR COMMERCIAL COMPOSTING FACILITIES AS A CONDITIONAL USE IN THE AGRICULTURE-5 ZONING DISTRICT; AMENDING SECTION 7.10.00 (SUPPLEMENTAL STANDARDS) BY ADDING NEW SUPPLEMENTAL STANDARDS FOR COMMERCIAL COMPOSTING FACILITIES; PROVIDING FOR WAIVERS OF THE SUPPLEMENTAL STANDARDS FOR COMMERCIAL COMPOSTING FACILITIES; PROVIDING FOR THE EXHAUSTION OF ADMINISTRATIVE REMEDIES BEFORE SEEKING JUDICIAL REVIEW; PROVIDING FOR THE INTERPRETATION OF THE TERMS USED IN THE SUPPLEMENTAL STANDARDS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR ADOPTION AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners ("Board") of St. Lucie County ("County"), Florida, has been working with its staff and professional consultants to prepare land development regulations that will govern the location and development of any Commercial Composting Facility that will process Biosolids (i.e., domestic wastewater residuals) or other organic wastes in the unincorporated areas of the County to produce Compost; and

WHEREAS, the Board finds that the regulation of Commercial Composting Facilities is necessary and appropriate to guide the future use and development of the land in the unincorporated County, and to protect the health, safety, and welfare of the County's residents, businesses, and environmental resources; and

WHEREAS, the Board has the responsibility and authority to determine the zoning districts and land use categories that are best suited for specific purposes; and

WHEREAS, the Board has determined that Commercial Composting Facilities should be allowed only as a conditional use, and only within the Agriculture-5 (AG-5) zoning district, because Commercial Composting Facilities have the potential to cause significant adverse impacts on surrounding land uses and the environment; and

WHEREAS, the Board has determined that it is appropriate to establish supplemental standards concerning the siting and operation of Commercial Composting Facilities, because supplemental standards are needed to ensure that the potential adverse impacts of Commercial Composting Facilities will be reduced to acceptable levels; and

WHEREAS, the Board has determined that the supplemental standards and other requirements in this Ordinance are needed to ensure that Commercial Composting Facilities will be compatible with adjacent and nearby land uses; and

WHEREAS, the Board has determined that the supplemental standards and other requirements in this Ordinance are needed to protect water quality in the St. Lucie River Watershed from the adverse impacts caused by Commercial Composting Facilities; and

WHEREAS, the Board is adopting the supplemental standards and other requirements in this Ordinance as part of a multi-phased effort to protect water quality in the St. Lucie River Watershed from further degradation, recognizing that the water quality in the St. Lucie River Watershed is critically important to the environmental and economic health of St. Lucie County; and

WHEREAS, the Board has determined that the requirements in this Ordinance are necessary to protect the public health, safety, and welfare of the citizens of St. Lucie County, Florida, pursuant to Article VIII, Section 1(f) of the Florida Constitution and Section 125.01 of the Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA:

Section 1. RECITALS ADOPTED.

Each of the recitals set forth above is hereby adopted and incorporated herein.

Section 2. AMENDMENTS TO CHAPTER II (DEFINITIONS) OF THE LAND DEVELOPMENT CODE.

Chapter II (Definitions) of the St. Lucie County Land Development Code ("Code") is hereby amended by adding new definitions in Section 2.00.00 (Definitions) of the Code and revising the existing definition of "Yard Trash." The new definitions are underlined below. The revisions to the definition of "Yard Trash" also are highlighted with underlining. The new and revised definitions shall read as follows:

CHAPTER II – DEFINITIONS

2.00.00. – DEFINITIONS

When used in this Code, the following terms shall have the meanings herein ascribed to them.

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Appropriately Treat: For the purposes of Section 7.10.34 only, this term means to treat Leachate in a domestic or industrial wastewater treatment facility that has obtained or will obtain all of the permits and approvals from the Florida Department of Environmental Protection that are needed to receive and treat the Leachate.

Backyard Composting: The Composting of organic Solid Waste, such as grass clippings, leaves, or food waste, generated by the owner or occupant of a single or multi-family residential dwelling unit, in cases where the Composting occurs at that dwelling unit. Notwithstanding the foregoing, Backyard Composting does not include any process that involves the Composting of Biosolids or other forms of sewage sludge.

Biosolids: The solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as "domestic wastewater residuals" or "residuals," and includes products and treated material from Biosolids treatment facilities and septage management facilities regulated by the Florida Department of Environmental Protection. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of Biosolids.

Commercial Composting Facility: A facility that uses Composting techniques or technologies to process Biosolids or other organic wastes, and thereby produce Compost, as part of or in association with a commercial business or other for-profit venture.

Compost: Solid Waste which has undergone biological decomposition of organic matter, has been disinfected using Composting or similar technologies, and has been stabilized to a degree that is potentially beneficial to plant growth and that is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.

Composting: The process by which biological decomposition of organic Solid Waste is carried out under controlled aerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the Composting material will not cause the process to be classified as other than Composting. Composting includes Processing.

Enclosed Building: For the purposes of Section 7.10.34 only, this term means a building or structure that satisfies all of the criteria set forth in Section 7.10.34 of the Code concerning an Enclosed Building.

FDEP: The Florida Department of Environmental Protection.

Lake Okeechobee Watershed: Lake Okeechobee, its tributaries, and the area within which surface water flow is directed or drains, naturally or by constructed works, to the lake or its tributaries.

Leachate: Any liquid that has come into contact with, passed through, or emerged from Biosolids, Yard Trash, Solid Waste, any other organic material used in Composting operations, partially treated Compost (e.g., material that is curing), or fully treated Compost, as more fully described in Section 7.10.34.D.4, below. Leachate includes all soluble, suspended, and miscible materials in the liquid.

Manure: Solid Waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

Normal Farming Operations: This term shall have the meaning set forth in Section 7.10.34.B of the Code.

Nutrients: For the purposes of Section 7.10.34 only, this term shall mean Nitrate, Total Kjeldahl Nitrogen, Nitrite and Total Phosphorus.

Objectionable Odor: Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

Pathogens: Disease-carrying organisms, including certain bacteria, protozoa, viruses, viable helminth ova, and other organisms that cause disease.

Processing: Any technique designed to change the physical, chemical, or biological character or composition of any Biosolids, Yard Trash, or Solid Waste used at a Commercial Composting Facility to produce Compost. Processing includes but is not limited to physical turning, windrowing, aeration, and other means of mechanically handling Biosolids, Yard Trash, Solid Waste, or other organic matter used to produce Compost.

Solid Waste: Sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

St. Lucie River Watershed: The St. Lucie River, its tributaries, its estuary, and the areas within St. Lucie County, Martin County, and Okeechobee County from which surface water flow is directed or drains, naturally or by constructed works, to the St. Lucie River, its tributaries, or its estuary.

Yard Trash: Means vegetative matter resulting from landscaping maintenance and land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils. For purposes of Section 7.10.34 only, Yard Trash also includes clean wood.

Section 3. AMENDMENT TO CHAPTER III (ZONING DISTRICTS) OF THE LAND DEVELOPMENT CODE.

Chapter III (Zoning Districts) of the St. Lucie County Land Development Code is hereby amended by adding a new Section 3.01.03.C.7.p, which authorizes Commercial Composting Facilities in Agricultural-5 (AG-5) zoning districts as a Conditional Use, subject to conditions. The new text is underlined below. The Land Development Code, as amended, shall read as follows:

CHAPTER III – ZONING DISTRICTS

3.00.00. – ZONING DISTRICTS

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Section 3.01.03. – Zoning Districts.

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C. AG-5 Agricultural-5.

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7. Conditional Uses:

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p. Commercial Composting Facilities subject to the requirements of Section 7.10.34.

Section 4. AMENDMENTS TO CHAPTER VII (DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS) OF THE LAND DEVELOPMENT CODE.

Chapter VII (Development Design and Improvement Standards) of the St. Lucie County Land Development Code is hereby amended by creating a new Section 7.10.34, which contains the Supplemental Standards that are applicable to Commercial Composting Facilities. All of the text in Section 7.10.34 is new, but it is not underlined in this Ordinance because the underlining would make the Ordinance more difficult to read. Although Section 7.10.34 is new, the other provisions in Chapter VII are not being amended or otherwise changed by this Ordinance. The Land Development Code, as amended, shall read as follows:

CHAPTER VII – DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

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7.10.00. – SUPPLEMENTAL STANDARDS

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7.10.34 – COMMERCIAL COMPOSTING FACILITIES.

A – Intent.

The intent of this Section 7.10.34 is to establish the criteria for the location, permitting, and operation of Commercial Composting Facilities.

B – Applicability.

The provisions of this Section 7.10.34 shall be applicable to each Commercial Composting Facility that will be located in an unincorporated area of St. Lucie County. The construction and operation of a Commercial Composting Facility in an unincorporated area of St. Lucie County is prohibited, unless the construction and operation of the facility has been approved in compliance with the requirements in this Section 7.10.34 or is exempt from the requirements herein.

The supplemental standards in this Section 7.10.34 apply to Commercial Composting Facilities that use Biosolids to produce Compost. For the purposes of this Section 7.10.34, Commercial Composting Facilities also include facilities that produce Compost with: Manure; the treated effluent or reclaimed water from a domestic wastewater treatment facility; solids removed from pump stations and lift stations; screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities; ash generated during the incineration of Biosolids; septage; sludge from a food establishment or a grease trap interceptor; waste removed from portable toilets; waste removed from holding tanks associated with boats or marina facilities; garbage; or food waste. Facilities using one or more of these materials to produce Compost are prohibited in the unincorporated areas of St. Lucie County, unless the applicant for such facility demonstrates that the facility will comply with the requirements in this Section 7.10.34 or the applicant demonstrates that the facility is entitled to the County's approval pursuant to another section of the St. Lucie County Land Development Code.

Notwithstanding anything else contained herein, the requirements in this Section 7.10.34 do not apply to:

1. Normal Farming Operations, which are defined as follows:
 - (a) Composting or anaerobic digestion of Yard Trash, Manure, or vegetative wastes generated on the farm, as part of agronomic, horticultural, or silvicultural operations, for use on the farm, as part of agronomic, horticultural, or silvicultural operations;
 - (b) Composting or anaerobic digestion of Yard Trash, Manure, or vegetative wastes generated off the farm, for use on the farm, as part of agronomic, horticultural, or silvicultural operations; or
 - (c) A bona fide farm operation, as defined in Section 823.14(3)(b), Florida Statutes, on land classified as agricultural land pursuant to Section 193.461, Florida Statutes, provided such farm operation does not involve the transportation or land application of domestic wastewater residuals (Biosolids) or other forms of sewage sludge.
2. Backyard Composting, including Composting that is conducted by an individual or family solely for their own farming or gardening activities on their own property.

3. A Composting facility that only uses Yard Trash and/or untreated wood to produce Compost.
4. A Commercial Composting Facility that has received all of the necessary permits, licenses, and other approvals needed to construct and operate the facility lawfully, if such permits, licenses, and other permits were issued before this Section 7.10.34 took effect.

C – Zoning Districts where Commercial Composting Facilities are allowed.

Commercial Composting Facilities may be approved as a Conditional Use in an Agriculture-5 (AG-5) zoning district, subject to the requirements in this Section 7.10.34 and the other requirements applicable to the AG-5 zoning district. Commercial Composting Facilities are prohibited in other zoning districts.

D – Supplemental Standards for controlling water quality impacts from Commercial Composting Facilities.

1. In Section 373.4595(1)(d), Florida Statutes, the Florida Legislature “finds that it is imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting the surface water resources of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, and that a watershed-based approach to address these issues must be developed and implemented immediately.” The Legislature also found that phosphorus and “other pollutants are contributing to water quality problems in the Lake Okeechobee watershed, . . . and the St. Lucie River watershed.” § 373.4595(1)(g), F.S. In Section 373.4595(4)(d), Florida Statutes, the Legislature required the adoption of a basin management action plan for the St. Lucie River Watershed. As part of the action plan, the Legislature prohibited the Florida Department of Environmental Protection from authorizing “the disposal of domestic wastewater biosolids within the St. Lucie River watershed unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed.” § 373.4595(4)(d)5, F.S. A similar prohibition applies to the disposal of biosolids in the Lake Okeechobee Watershed. § 373.4595(3)(b)16, F.S.
2. Consistent with the Legislature’s findings and mandates, the County wants to ensure that the operation of Commercial Composting Facilities in the unincorporated areas of the County will not cause or contribute to water quality problems in the St. Lucie River Watershed or the Lake Okeechobee Watershed. Accordingly, an applicant seeking a conditional use approval for a Commercial Composting Facility in the unincorporated areas of the County must demonstrate that the proposed activities at the Commercial Composting Facility will not cause a net increase in the Nutrient loadings or Pathogens in any surface water that drains into the St. Lucie River Watershed or the Lake Okeechobee Watershed.
3. An applicant will be presumed to comply with the requirement in Section 7.10.34.D.2, above, if the applicant demonstrates that the applicant’s proposed Commercial Composting Facility is designed to collect and Appropriately Treat all of the Leachate that will be generated at the proposed Commercial Composting Facility.
4. For the purposes of this Section 7.10.34, Leachate includes: (a) all of the stormwater that comes into contact with the Biosolids, Yard Trash, Solid Waste, and other organic material that the applicant will use to create Compost; (b) all of the liquid that emanates from the Biosolids, Yard Trash, Solid Waste, and other organic material that the applicant will use to create Compost; (c) all of the stormwater that comes into contact with, and all of the liquid that emanates from, the materials used to create Compost after the materials have been combined for Processing; and (d) all of the stormwater that comes into contact with, and all of the liquid that emanates from,

partially treated Compost (e.g., Compost that is curing) and fully treated Compost (i.e., Compost that complies with the specifications for the Commercial Composting Facility's finished product).

5. To comply with the requirement in Section 7.10.34.D.2, above: (a) all Composting activities must be conducted inside an Enclosed Building; (b) all raw materials used to create Compost (e.g., Biosolids, Yard Trash, etc.), all partially treated Compost, and all fully treated Compost must be stored inside an Enclosed Building; and (c) the Enclosed Building must be designed, constructed, and maintained to comply with the requirements in Section 7.10.34.D.6, below.
6. For the purposes of complying with the water quality requirements in Section 7.10.34. D.2, above, an Enclosed Building means a building or structure that satisfies all of the following criteria:
 - (a) The building must have a roof and four (4) walls, which fully enclose the interior of the building from the floor to the ceiling, except as otherwise provided herein.
 - (b) The building must have an impervious floor made of concrete, asphalt, or equivalent material that will prevent Leachate from leaking into the soils and groundwater beneath the building. The impervious floor must have a permeability rate for Leachate that is 1×10^{-7} cm/sec or less.
 - (c) The floor of the building must be sloped toward drains or sumps, which are sized and located to collect and remove any Leachate that is spilled, leaked, or discharged on the floor.
 - (d) Drains, elevated speed bumps, or similar features must be installed at all doorways used to provide access into the building for vehicular traffic. These features must be designed and maintained to ensure that Leachate does not flow out of the building, via the doorways for vehicular traffic, and into the outside environment.
 - (e) All of the building's doors, windows, and other similar openings to the outdoors must be designed and operated to:
 - (1) minimize the potential for rainwater to enter the building; and
 - (2) prevent the release of Leachate from the building to any outdoor area.
7. An applicant must demonstrate that it will Appropriately Treat the Leachate collected inside the proposed Commercial Composting Facility. More specifically, the applicant must demonstrate that the applicant will pump or transport the Leachate to a domestic or industrial wastewater treatment facility that has received or will receive all of the necessary permits and approvals from the Florida Department of Environmental Protection to receive and treat the Leachate from the Commercial Composting Facility. The applicant also must provide the County with a letter from the owner or operator of the wastewater treatment facility, confirming that the wastewater treatment facility is willing and able to accept and treat the Leachate from the Commercial Composting Facility.
8. An applicant must demonstrate that the stormwater management system for the proposed Commercial Composting Facility will comply with the following requirements:
 - (a) If the applicant's stormwater management system will discharge to a waterbody that drains into the St. Lucie River Watershed or the Lake Okeechobee Watershed, the stormwater system must be designed to collect, treat, and retain the runoff generated by a one hundred (100) year, seventy-two (72) hour design storm, without discharging.

- (b) All retention and detention basins in the applicant's stormwater management system must be setback one hundred feet (100') from any waterbody that drains into the St. Lucie River Watershed or the Lake Okeechobee Watershed.
 - (c) If the applicant's stormwater management system will not discharge into a waterbody that drains into the St. Lucie River Watershed or the Lake Okeechobee Watershed, the stormwater management system must comply with all of the applicable standards established by the Florida Department of Environmental Protection and the South Florida Water Management District for such systems.
9. The applicant must provide a vegetated buffer (setback) between certain areas of the applicant's site and any waterbody that drains to the St. Lucie River Watershed or the Lake Okeechobee Watershed. The setback shall be two hundred feet (200') for all areas on the site where Biosolids are delivered, stored, or used to produce Compost, including areas where the partially treated Compost is cured. The setback shall be one hundred feet (100') for all areas where Yard Trash or other organic materials (except Biosolids) are delivered, stored, or used to produce Compost. The setback shall be one hundred feet (100') for all areas where the fully treated Compost is stored.
 10. The applicant must demonstrate that the Commercial Composting Facility will be built at an elevation above the one hundred (100) year floodplain. This requirement applies to all buildings and areas used for Composting, including but not limited to buildings and areas used for receiving, storing, or Processing Biosolids, Yard Trash, Solid Waste, or other organic materials used to produce Compost, as well as areas used to store partially or fully treated Compost.

E - Supplemental Standards for controlling Objectionable Odors from Commercial Composting Facilities.

1. An applicant must demonstrate that its Commercial Composting Facility will not cause Objectionable Odors at or beyond the boundary (property line) of the applicant's site.
2. An applicant will be presumed to comply with the requirement in Section 7.10.34.E.1., above, if the applicant demonstrates that: (a) all Composting operations will be conducted inside an Enclosed Building; (b) all Biosolids, Yard Trash, Solid Waste, and other organic materials used to produce Compost will be received, stored, and used inside an Enclosed Building; (c) all partially and fully treated Compost will be stored inside an Enclosed Building; and (d), in each instance, the Enclosed Building will be designed, constructed, and operated to collect and minimize the Objectionable Odors emitted from the Commercial Composting Facility.
3. To comply with the odor control requirements in Section 7.10.34.E.1, above, an applicant must comply with the following criteria for an Enclosed Building, in addition to the criteria set forth in Section 7.10.34.D.6, above:
 - (a) The applicant must demonstrate that the building will be designed, constructed, and operated to collect any Objectionable Odors that are generated inside the building. At a minimum, the design features and operating systems proposed by the applicant must be consistent with the best management practices used to collect Objectionable Odors in similar enclosed buildings. For example, the building should be equipped with a ventilation system designed to produce a negative air pressure inside the building. The negative air pressure should be maintained throughout the building at levels sufficient to prevent Objectionable Odors from leaving the inside of the building during normal operations.
 - (b) The applicant must demonstrate that any Objectionable Odors generated in the building will be minimized before they are released to the outdoor environment. At a minimum, the design features and operating systems proposed by the

applicant must be consistent with the best management practices used to neutralize or destroy Objectionable Odors from similar enclosed buildings.

- (1) The applicant should use an odor neutralization system to reduce Objectionable Odors inside the building. For example, the applicant should use misting systems that spray odor neutralizing compounds inside the building, and/or systems that generate and release ozone inside the building.
 - (2) The Objectionable Odors inside the building should be treated with an activated carbon filter system or other air pollution control system that is designed and operated to minimize or eliminate the Objectionable Odors before the odors are discharged from the building to the atmosphere.
 - (c) If the building has any doors or entranceways that are used to provide ingress and egress for vehicles, the doors must be equipped with high speed roll-up covers or equivalent mechanisms to minimize the potential for Objectionable Odors to leave the building.
 - (d) The applicant must provide the County with an operations plan demonstrating that the doors used to provide vehicular access into the building, and other large openings into the building (e.g., openings for ventilation fans), will be closed to the greatest extent practicable.
 - (1) All doors used to provide vehicular access into the building must be closed at all times, except when a vehicle is approaching the door to enter or exit the building.
 - (2) All doors for vehicles must be closed at night, on weekends, and at other times that are outside of the Commercial Composting Facility's normal business hours.
 - (3) All of the other large openings into the building, such as the openings for ventilation fans (if any), shall be closed when the vehicle doors are closed, unless such openings need to remain open at other times pursuant to the operating plan for controlling Objectionable Odors (e.g., if the openings need to remain open so that ventilation fans can be used to provide negative air pressure inside the building).
4. The applicant must provide buffers (setbacks) from its Commercial Composting Facility to reduce the potential for Objectionable Odors and airborne Pathogens to reach off-site areas.
- (a) A setback of three hundred feet (300') must be provided between the boundary (property line) of the applicant's site and any area on the site where the applicant receives, stores, or uses Biosolids, Yard Trash, other organic materials used to produce Compost, or partially or fully treated Compost.
 - (b) A setback of one thousand three hundred twenty feet (1,320') must be provided between any on-site area where Biosolids will be delivered, stored, or used for Composting and the nearest building that is not owned by the applicant. This setback does not apply to buildings that are located on the applicant's site. This setback also does not apply to buildings constructed after the County issues a conditional use approval for the construction of the Commercial Composting Facility. Further, this setback may be

reduced if a smaller setback has been accepted in writing by the person that owns the building.

- (c) A setback of one thousand three hundred and twenty feet (1,320') must be provided between the boundary (property line) of the applicant's site and the boundary of the urban service area, as shown in the Future Land Use Element (Map FLU 12) of the St. Lucie County Comprehensive Plan.

F - Other Supplemental Standards for Commercial Composting Facilities.

1. The applicant must prepare an operating plan for the proposed Commercial Composting Facility. The operating plan must demonstrate that the operation of the proposed Commercial Composting Facility will not adversely affect off-site residents, businesses, or land uses as a result of Objectionable Odors, Pathogens, dust, stormwater runoff, insects, vermin, other vectors, truck traffic, noise, or other adverse impacts caused by the operation of the Commercial Composting Facility. The operating plan must be submitted to and approved by the County before the conditional use will be approved.
2. The operating plan must include a contingency plan, which describes the fire control and emergency operating measures that will be used at the Commercial Composting Facility. The contingency plan must describe the measures that will be followed during hurricanes, tropical storms, and other severe weather conditions to ensure that Biosolids, Yard Trash, Solid Waste, other organic materials used to produce Compost, partially and fully treated Compost, and Leachate will not be blown, discharged, or otherwise released into the environment as a result of the severe weather conditions. The contingency plan also must describe the measures that will be used to prevent fires from occurring on the site, as well as the measure that will be used to extinguish fires.
3. Fire lanes shall be established and maintained on the site to ensure access can be provided in the event of a fire or other emergency. The fire lanes shall be at least fifteen feet (15') wide. The fire lanes shall be located between each windrow of partially or fully treated Compost, and between any stockpiles of Yard Trash, other materials used to create Compost, and Compost. None of these materials may be more than fifty feet (50') from a fire lane or other location where access is provided for motorized firefighting equipment.
4. The maximum height of any pile of Yard Trash, or partially or fully treated Compost, shall be fifteen feet (15').
5. Yard Trash and wood waste must be managed on a "first-in, first-out" basis. Such materials shall be used to produce Compost or removed from the site within sixty (60) days after the material is delivered to the site. All of the fully treated Compost shall be removed from the site within one hundred twenty (120) days after the Composting process is completed. All of the raw materials used to produce Compost (e.g., Biosolids; Yard Trash; etc.), all of the partially treated Compost, and all of the fully treated Compost shall be removed from the site within sixty (60) days after the applicant ceases operation of the Commercial Composting Facility.
6. If the applicant's site is located within one thousand feet (1,000') of any zoning district that allows one or more residential dwelling units to be built on lots that are less than five (5) acres in size, the following criteria shall apply:
 - (a) The business hours of the Commercial Composting Facility shall be limited to Monday through Friday, from 8:00 a.m. to 6:00 p.m.

- (b) The Commercial Composting Facility shall not accept deliveries of Biosolids, Yard Trash, or similar materials in trucks, and shall not transport Compost from the site in trucks, except during the days and hours of operation specified in Section 7.10.34.F.6(a), above.
 - (c) Chipping and grinding of Yard Trash, land clearing debris, wood waste, or other similar materials shall not be conducted on the applicant's site, except during the days and hours of operation specified in Section 7.10.34.F.6(a), above.
7. The applicant must demonstrate that it has the ability to obtain and maintain a performance bond, irrevocable letter of credit, or other form of financial surety (collectively, "Performance Bond") for the benefit of the County. Before the applicant commences construction of the Commercial Composting Facility, the applicant must provide a Performance Bond to the County to guarantee the applicant's performance in compliance with the County's Land Development Code and other applicable requirements. The form of the Performance Bond shall be subject to the County's prior approval. The amount of the Performance Bond must be large enough to ensure that the County will have sufficient funds available, if necessary, to remove all of the Biosolids, Yard Trash, Compost, Leachate, and similar materials from the applicant's site if the applicant fails to perform in compliance with the County's Land Development Code and other applicable requirements. The applicant shall have an independent professional engineer prepare an estimate of the cost of having a third party remove the Biosolids and other materials from the applicant's site at a time when the Commercial Composting Facility is operating at its maximum design capacity. The County shall require the Performance Bond to be in the amount indicated in the following table, unless the applicant demonstrates to the County's satisfaction that a lesser amount is appropriate, based on the specific facts and circumstances of the applicant's project:

<u>Facility Capacity</u>	<u>Performance Bond Amount</u>
<50 tons per day compost produced	\$200,000 bond
50 – 100 tons per day compost produced	\$400,000 bond
100 – 250 tons per day compost produced	\$1,000,000 bond
250 – 500 tons per day compost produced	\$2,000,000 bond
>500 tons per day compost produced	\$4,000,000 minimum

The County may increase or decrease the amount of the Performance Bond at the time of conditional use approval, based on the prevailing hauling, disposal, and treatment costs.

8. The applicant must demonstrate that Biosolids, Yard Trash, Solid Waste, and other materials will not be tracked from the applicant's site onto local roads as a result of truck traffic. The applicant must install a wheel wash system, or a "Soil Tracking Prevention Device" designed in compliance with the requirements of the Florida Department of Transportation, or a similar system that will remove Biosolids, Yard Trash, Solid Waste, and other materials from the tires and undercarriage of the trucks leaving the site of the Commercial Composting Facility.
9. The supplemental standards in this Section 7.10.34 establish the minimum requirements applicable to the applicant's proposed Commercial Composting Facility. In addition to the requirements in this Section 7.10.34, an applicant must demonstrate that the proposed Commercial Composting Facility will be located, designed, built, and operated in compliance with all of the other applicable County requirements, including but not limited to the requirements for landscaping, lighting, fire protection, and signage. Further, the County may impose additional requirements on the applicant's proposed facility, based on the specific features of the applicant's

proposed site, facility, and operating plan. Such requirements may address the facility's adverse impacts on public health, safety, and welfare, including but not limited to the adverse impacts on public safety and highway maintenance caused by the truck traffic generated by the applicant's proposed facility.

10. The applicant's compliance with the requirements in this Section 7.10.34 does not eliminate the applicant's obligation to comply with other requirements applicable to the applicant's project pursuant to other local, state, or federal laws. The applicant will be required to demonstrate that all necessary permits and approvals for the construction of the proposed Commercial Composting Facility have been received by the applicant, before the applicant begins to construct the facility. Among other things, the applicant will need to demonstrate that the applicant has obtained all of the necessary permits and approvals required by the Fire Marshall, the local or state Department of Transportation, the local or state Department of Health, the Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency.
11. The County's representatives shall have the right to enter the applicant's site, after presenting their credentials or other form of identification, to determine whether the construction and operation of the Commercial Composting Facility complies with the County's requirements and the approved operating plan. The County's representatives shall have the right to collect and analyze samples of the environmental media (e.g., soil, air, water) on or adjacent to the applicant's site to determine whether the Commercial Composting Facility is operating in compliance with the County's standards.
12. The requirements in this Section 7.10.34 shall be enforced by using the County's code enforcement mechanisms, in addition to any other enforcement mechanisms or remedies authorized by local or state law.
13. After providing notice to the applicant and an opportunity to be heard, the County may revoke its conditional use approval for the Commercial Composting Facility if the County determines that the facility has not been built or is not being operated in compliance with (a) the information provided to the County in support of the applicant's request for a conditional use, (b) a requirement contained in this Section 7.10.34, (c) a requirement contained in the County's conditional approval for the applicant's facility, or (d) one of the other County requirements applicable to the Commercial Composting Facility. The County also may revoke its conditional use approval or take other appropriate enforcement action if the applicant operates the Commercial Composting Facility after one of the necessary local, state, or federal permits for the facility has been revoked.
14. The applicant shall provide the County with a copy of each report the applicant submits to the FDEP or SFWMD concerning the Commercial Composting Facility's compliance with the applicable FDEP or SFWMD standards. Each such report shall be delivered to the County within seven (7) days after the report is delivered to the FDEP or SFWMD.
15. The County shall have the right to retain engineers, consultants, and other independent technical experts, as the County deems necessary, to assist the County with its review of an application for a Commercial Composting Facility or an application for a waiver. In such cases, the County may charge a special fee for its review of the application. The amount of the special fee shall be equal to the estimated cost the County will incur for using the experts' services. The special fee must be paid to the County before the County conducts its review of the application.
16. If a Commercial Composting Facility fails to comply with the County's requirements in this Ordinance, the County may require the facility to reimburse the County for any monitoring conducted by the County to evaluate the environmental conditions on the facility's site.

G – Waivers of Supplemental Standards.

1. The County supports and encourages Composting, when the Composting is performed properly and does not pose a threat to the environment or the public welfare. The County recognizes that the state-of-the-art is evolving relatively rapidly with regard to Composting, odor controls, and related matters. Accordingly, the County will grant a waiver of a requirement in these Supplemental Standards in cases where the applicant demonstrates to the County's reasonable satisfaction that granting the waiver will not pose a threat to the environment or public welfare.
2. More specifically, a waiver shall be granted from a requirement in this Section 7.10.34 when a person subject to the requirement demonstrates that (a) the underlying purpose of the requirement has been or will be achieved by other means employed by the applicant and (b) the application of the requirement would create a substantial hardship for the applicant.
3. For the purposes of Section 7.10.34.G.2, "the underlying purpose of the requirement" means the protection of the public health, safety, and welfare in the manner provided by the specific requirement from which the applicant is seeking relief. For example, a request for a waiver from a requirement in Section 7.10.34.D must demonstrate that "the proposed activities at the Commercial Composting Facility will not cause a net increase in the Nutrient loadings or Pathogens in any surface water that drains into the St. Lucie River Watershed or the Lake Okeechobee Watershed," even if the applicant does not comply with the specific requirement in Section 7.10.34.D from which the applicant seeks relief. A request for a waiver from a requirement in Section 7.10.34.E must demonstrate that the "Commercial Composting Facility will not cause Objectionable Odors at or beyond the boundary (property line) of the applicant's site," even if the applicant does not comply with the specific requirement in Section 7.10.34.E from which the applicant seeks relief. A similar demonstration would be required if an applicant requested a waiver from any of the other Supplemental Standards in Section 7.10.34.F, including but not limited to the Supplemental Standards in Section 7.10.34.F that are designed to address fires, noise, nuisances, and other adverse impacts caused by a Commercial Composting Facility. In all such cases, the applicant must demonstrate that the public health, safety, and welfare will be protected, even if the County grants a waiver from the specific requirement from which the applicant is seeking relief. Waivers will not be granted solely because the applicant will experience a hardship as a result of the requirement.
4. For the purposes of Section 7.10.34.G.2, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the waiver, in a case where the hardship to the individual significantly outweighs the public benefit of enforcing the requirement.
5. The general procedures for requesting and obtaining a waiver shall be the same as the general procedures in Sections 10.01.04 and 10.01.05 of the St. Lucie County Land Development Code for requesting and obtaining a variance, except that: (a) the application and supporting information submitted by the applicant shall address the issues set forth in Sections 7.10.34.G.2 and 7.10.34.G.3, above; (b) the standards for granting or denying a waiver shall be limited to the standards set forth in Section 7.10.34.G.2 and 7.10.34.G.3, above; and (c) the Board of County Commissioners shall have the exclusive authority to review and approve an application for a waiver. The Board of Adjustment will not review or approve an application for a waiver.

H – Exhaustion of administrative remedies.

1. An applicant must exhaust the administrative remedies provided in Section 7.10.34.G, above, before the applicant seeks judicial review of any County decision denying, in whole or in part, an application for a conditional use approval, which is based on the County's determination that the application did not comply with one or more of the requirements in Section 7.10.34 of the St. Lucie County Land Development Code.

2. An applicant or property owner claiming that Section 7.10.34, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights shall not pursue such claim in court unless he or she has first exhausted the administrative remedies provided in Section 7.10.34.

I – Interpretation of the definitions and terms used in these Supplemental Standards.

1. The definitions in Section 2.00.00 of St. Lucie County's Land Development Code shall be used when construing and applying this Section 7.10.34. In addition, the definitions adopted by the Florida Department of Environmental Protection in Sections 62-640.200, 62-701.200, and 62-709.201, Florida Administrative Code, may be used to supplement the definitions adopted by the County in Section 2.00.00. If any definition adopted by the County conflicts with a definition adopted by the Florida Department of Environmental Protection, the definition adopted by the County shall prevail when construing and applying the requirements in the Land Development Code and this Section 7.10.34. Notwithstanding the foregoing, if a court of competent jurisdiction determines that a definition adopted by the County in Section 2.00.00 is inconsistent with a definition in Section 403.703, Florida Statutes, the County's definition shall be modified as necessary to eliminate the inconsistency.
2. When used in this Section 7.10.34, the words "include" and "including" shall not be construed to be terms of limitation. References to included matters or items will be regarded as illustrative and will not be interpreted as a limitation on, or an exclusive listing of, the matters or items referred to.

Section 5. CONFLICTING PROVISIONS.

This Ordinance does not amend, and shall not be construed to amend, any provision in the St. Lucie County Land Development Code, except as otherwise expressly stated herein. However, if any special acts of the Florida Legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, are in conflict with this Ordinance, they are hereby superseded by this Ordinance to the extent of such conflict.

Section 6. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 7. APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable only in the unincorporated areas of St. Lucie County.

Section 8. CODIFICATION.

It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the County of St. Lucie, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 9. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

Section 10. EFFECTIVE DATE.

This Ordinance shall be effective upon filing with the Department of State.

Section 11. EXPIRATION OF ORDINANCE 16-006.

When this Ordinance becomes effective, Ordinance 16-006 shall expire and have no further effect. If Ordinance 16-006 expired before the effective date of this Ordinance, Ordinance 16-006 shall continue to have no effect.

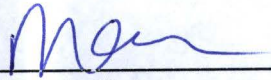
Section 12. ADOPTION.

After motion and second, the vote on this Ordinance was as follows:

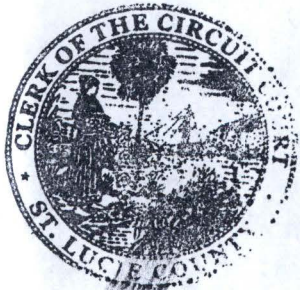
Commissioner Chris Dzadovsky, Chairman	AYE
Commissioner Tod Mowery, Vice Chairman	AYE
Commissioner Linda Bartz	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Cathy Townsend	AYE

PASSED AND DULY ADOPTED this 5th day of July, 2017.

ATTEST:



Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY:



Chairman

APPROVED AS TO FORM AND
CORRECTNESS:

BY:



County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 12, 2017

Honorable Joseph E. Smith
Clerk of the Circuit Court
St. Lucie County
2300 Virginia Avenue
Fort Pierce, Florida 34982

Attention: Ms. Melissa Upton

Dear Mr. Smith:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Lucie County Ordinance No. 17-015, which was filed in this office on July 12, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb