



September 9, 2019

TO: Mayor Jerry L. Demings
- AND -
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

**CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405**

SUBJECT: September 24, 2019 – Public Hearing
Solid Waste Management Facility Permit Application No.
SW-19-03-001 for a Yard Trash Processing Facility submitted
by Bishop & Buttrey, Incorporated (Related to Case
SE-19-05-039 and PW 07-E5-0717)

The Environmental Protection Division (EPD) has received an application (SW-19-03-001) for a Solid Waste Management Facility Permit from Bishop & Buttrey, Incorporated to construct, operate, and close as necessary, a Yard Trash Processing Facility. In accordance with County Code Sec. 32-214(j), this permit application is being brought to the Board for consideration.

The Parcel ID number for the site is 23-22-32-0000-00-004. The property is approximately 326 acres located on the north side of East Colonial Drive, approximately ¾ mile east of North County Road 13, at East Colonial Drive, Orlando, Florida. The subject property is located in District 5.

This public hearing is to be concurrent with the related public hearing for Special Exception case SE-19-05-039, and hearing for modification of Excavation and Fill permit PW 07-E5-0717.

Background

The proposed facility will be co-located at an existing excavation borrow pit. The Excavation and Fill permit (07-E5-0717) for the borrow pit #164 was initially approved by the Board on July 29, 2008 and last renewed on August 21, 2018. Conservation area (wetland) impacts were addressed during the initial permitting. The pit is now partially excavated and is approved for approximately 60 acres in the east-northeast portion of the site.

Description of Operations

The proposed facility will receive and process incoming loads of yard trash. It is anticipated that the incoming yard trash will have varying proportions of vegetative matter and rocks and soils. As part of the processing, the vegetative matter and soils will be separated from each other to the extent practicable.

The vegetative matter will be further processed, including grinding or chipping, into landscaping products, such as mulch, for beneficial reuse. The soils will also be reused, as part of landscaping products for distribution, and/or as fill to reclaim the existing excavation pit. The receipt of mixed loads (vegetative matter and soils) and subsequent processing requires the solid waste management facility permit currently being sought by the applicant. As the materials used for the backfilling of the excavation pit are to be only Type I and Type II materials, as defined in the Excavation and Fill Ordinance, that part of the proposed activities is being reviewed separately by Orange County Public Works Department (Public Works) under a modification to the existing Excavation and Fill permit. Details of that permit modification can be found in a separate staff report covering the excavation and fill permit modification request.

"Yard trash" is defined in County Code Sec. 32-213 as vegetative matter resulting from landscaping maintenance or 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 yard trash processing facilities this term also includes clean wood, including unpainted and untreated lumber. A "yard trash processing facility" is defined as a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash.

As defined in County Code Sec. 16-3, "Fill" shall mean an operation in which off-site, imported material, as classified herein, is deposited in or on real property by artificial means in order to raise the existing ground surface elevation, or to meet the proposed grade of construction plans approved by the County, including, but not necessarily limited to, commercial and/or subdivision development, or to stockpile excess material on a site other than the site from which the material is removed. The only other fill operation authorized under the provisions of this chapter [16] is excavation of unsuitable material, and the filling of such a site with approved fill material. Fill shall be classified into the following types:

(1) Type I material consists of compacted earth free of roots and other vegetable matter.

(2) Type II material consists of clean debris, which means any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard, and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term

includes brick, glass, ceramics and uncontaminated concrete including embedded pipe or steel. If this type material is to be used, a layering plan must be submitted and approved by the County engineer. Mixing of type II debris with other wastes will cause it to be classified as other than type II material.

The operational portions of the facility are located over 4,400 feet, or 0.8 miles, from the nearest residences, which are located to the west. The yard trash storage and processing will occur in areas of the pit that are at or above grade, i.e. not in dewatered portions of the pit.

Community Meeting

On June 18, 2019, a Community Meeting was held at East River High School. Staff, the District 5 Commissioner, District 5 Aide and approximately 50 residents were in attendance. The residents had concerns regarding traffic, dust, noise, potential for soil or groundwater contamination, and the operation of heavy equipment.

Development Review Committee (DRC)

On June 26, 2019, the DRC reviewed the proposed project: "DP-19-03-082 – DISTRICT 5 BISHOP AND BUTTREY, INC. YARD TRASH PROCESSING FACILITY SPECIAL EXCEPTION SITE PLAN". There was a motion to recommend approval subject to: ten conditions of approval; submittal of noise, air, and water quality studies prior to a public hearing with the Board of Zoning Adjustment; and scheduling this item simultaneously with the County Solid Waste Management Facility and Excavation and Fill Permits with the Board of County Commissioners. The motion carried.

Board of Zoning Adjustment (BZA)

At a public hearing on July 19, 2019, the BZA reviewed an application for a special exception: BISHOP AND BUTTREY, INC. - SE-19-05-039. A motion was unanimously carried to continue the public hearing to a later date as determined by the applicant to conduct a formalized noise study. At a public hearing on August 1, 2019, the BZA resumed review of the application. A motion was unanimously carried to approve the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Sec. 38-78, and that the granting of the Special Exception does not adversely affect the general public interest; further, said approval is subject to 11 conditions. Additional information is provided in a separate staff report covering the request for a special exception to operate a yard trash processing facility.

Application Review

On March 6, 2019, EPD received an application (SW-19-03-001) for a solid waste management facility permit. Pursuant to Orange County Code, Chapter 32, Article V, EPD staff has evaluated the permit application and required documentation. The complete application forms are available on file at EPD. The review is now complete.

The applicant has satisfied the Code requirements and/or requested waivers as needed.

Traffic Study

There is an existing left turn lane from SR 50 to Old Cheney Highway where the entrance to the facility is located. The applicant has agreed to pave approximately 50 feet and install additional soil tracking control at the facility entrance/exit. On August 1, 2019, the applicant submitted a traffic operations study prepared by Luke Transportation Engineering Consultants, Inc. based on existing and projected conditions. On August 21, 2019, a revised report and memo were submitted in response to questions and comments from Public Works. The final report was reviewed by Public Works and no additional improvements are required at this time.

Air Quality – Visible Emissions Testing

To address community concerns, on July 19, 2019 a mobile grinder/shredder similar to or the same as the one intended for use by the facility was brought to the site for a one day performance test under the intended operating load conditions. During this time both EPD staff and consultants for the applicant independently conducted a visual emissions test in accordance with air quality regulations and determined that the visible emissions were at or below 5% opacity. This advance testing provides reasonable assurance that the facility will be able to comply with the regulatory limit of below 20% opacity contained in the Orange County Air Quality Rules. The applicant is required to submit specific documentation necessary for an air permit determination prior to commencing operations. Further, the applicant has proposed to limit grinder/shredder operation to one week per quarter. In addition, dust is controlled at the site using a water truck primarily along the unpaved interior access road.

Noise – Sound Level Measurements

To address community concerns, on July 19, 2019 while the mobile grinder/shredder noted above was operating, both EPD staff and consultants for the applicant independently conducted measurements and determined that at the nearest residential area, located over 4,400 feet or 0.8 miles to the west, the level of noise was below 50 decibels, i.e. similar to background. This advance testing provides reasonable assurance that the equipment will be able to comply with the regulatory threshold of at or below 60 decibels during the proposed hours of operation of 7:00 a.m. – 7:00 p.m., Monday through Saturday. As noted above, the facility has further proposed to limit grinder/shredder operation to one week per quarter.

Water Quality Monitoring

To address community concerns, the applicant has volunteered to conduct onsite annual groundwater monitoring around the co-located 60-acre borrow pit and yard trash processing facility project area. Code does not require groundwater quality monitoring for yard trash processing facilities, nor for Type I and II Fill operations. Sampling parameters will be the same as those utilized for construction and demolition debris

disposal facilities (landfills). This detection network of one up-gradient and two down-gradient wells will provide an extra layer of protection. Initial background sampling will occur prior to commencing operations.

Waiver Requests

In accordance with County Code Sec. 32-214(k), the Board may grant waivers to the regulations in Chapter 32 Article V.

1. **Reduced setback.** A waiver has been requested from Sec. 32-216(a)(11) to allow a 50 foot setback distance instead of a 150 foot setback of waste processing and storage areas from the property boundary along portions of the eastern and northern boundary. The portion of property located adjacent to the north, and the properties located on the east across a 60 to 65 foot undeveloped right-of-way (Dill Rd), are vacant and heavily vegetated.
2. **Natural landscape buffer.** A waiver has been requested from Sec. 32-216(a)(11) and (b)(3) to allow an existing berm and natural vegetation to serve as a visual buffer in lieu of a planted landscape consistent with the Chapter 24 Landscape Ordinance. The project area is fairly remote and has significant existing natural vegetation surrounding it.
3. **Four foot security fence.** A waiver has been requested from Sec. 32-216(a)(13) to allow the use of a 4-foot high wire fence rather than 6-foot high chain link fence for site access control. In addition to the shorter fence, the project area is fairly remote requiring traversal along an access road greater than one mile in length, has significant surrounding vegetation as a natural barrier, and is unlikely to be subject to scavenging due to the nature of the materials. The operator is responsible for the clean-up of any illegal dumping at the property.
4. **Existing stormwater system.** A waiver has been requested from Sec. 32-216(b)(6) to allow the existing stormwater control system instead of a system including dry retention. Additional stormwater runoff is unlikely as there will be no additional impervious areas, the project area will primarily drain to the co-located excavation pit, and the area is largely surrounded by a recharge trench and berm for the dewatering system.

Staff has no objections to these requested waivers, but the recommended conditions of approval stipulate that the first three waivers above are subject to reconsideration should development occur near the project area.

Staff Recommendation

In accordance with County Code Sec. 32-214(f), the Board may approve permit applications for a maximum period of five (5) years. Staff recommends approval with the waivers indicated above, for five (5) years ending September 23, 2024, subject to the following conditions:

General

1. In the case of any conflict among these conditions, or between these conditions and applicable laws, the more extensive and restrictive requirements shall apply.
2. All plans, reports and other supporting documents submitted with the permit application, as approved, are incorporated as part of this permit, and operation shall proceed in accordance with these documents and the permit conditions. This permit includes, at a minimum, the following documents:
 - a. Permit Application, dated February 28, 2019, prepared by Glenn Semanisin, P.E. and James E. Golden, P.G., Grove Scientific and Engineering Company
 - b. Special Exception and Variance Request-Revision 1, dated June 17, 2019, prepared by James E. Golden, P.G., Grove Scientific and Engineering Company
 - c. Response to Completeness Review 1, dated June 19, 2019, prepared by Glenn Semanisin, P.E. and James E. Golden, P.G., Grove Scientific and Engineering Company
 - d. Response to Technical Review 1, dated August 5, 2019, prepared by Glenn Semanisin, P.E. and James E. Golden, P.G., Grove Scientific and Engineering Company
 - e. Groundwater Monitoring Plan, dated August 27, 2019, prepared by James E. Golden, P.G., Grove Scientific and Engineering Company
 - f. Emergency and Fire Preparedness Guidelines (Fire Fighting Agreement), dated August 2019, prepared by Grove Scientific and Engineering Company.
3. Facility construction and operations based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (Board), or by action of the Board.
4. Pursuant to Section 125.022, Florida Statutes, issuance of this 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.

Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

5. Facility construction and operations shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or his or her authorized agent) to the Board at the public hearing where this permit was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the permit, could have reasonably been expected to have been relied upon by the Board in approving the permit, or could have reasonably induced or otherwise influenced the Board to approve the permit. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or his or her authorized agent) if it was expressly made to the Board at a public hearing where the permit was considered or approved.
6. Any modifications to or deviations from this permit must be submitted to the EPD for review. The EPD shall determine if the modification or deviation is minor, or is major or substantial. The EPD may approve or deny minor modifications or deviations. Only the Board may approve substantial deviations from, or major modifications to, this permit.
7. Cost estimates for financial assurance shall be revised at least annually and also whenever changes in operation would cause a revised cost estimate to exceed the amount available through the financial assurance mechanism. Cost estimates shall be based upon the time period in the facility operation when the extent and manner of its operation make closing most expensive, subject to EPD approval.
8. The facility shall be open to the County for the purpose of inspection during normal working hours of the facility and at any other time when work is in progress. During periods of inactivity, upon request, the County shall be provided access to the site within one business day.
9. The Hours of Operation are:
 Monday - Saturday: 7:00 a.m. – 7:00 p.m.
 Sunday: None
Receipt or shipment of yard trash and yard trash processing are limited to within the Hours of Operation. Activities such as maintenance and cleaning are not considered operation and may be scheduled at the facility's discretion.
10. This facility may receive, temporarily store or hold, transfer, and/or process, but not dispose of onsite, up to an annual average of 1,000 cubic yards per day of yard trash within the approved areas. [Any backfilling of the pit with soils is to be addressed under a separate Excavation and Fill permit.]
11. Stockpile volume shall not exceed 100,000 cubic yards. EPD may request a volumetric analysis of a topographic survey once per year to verify stockpile volume.

12. EPD may authorize the temporary extension of hours of operation, not to exceed 7:00 a.m. – 7:00 p.m. seven days a week, an increase in throughput, and related minor deviations from the terms of the permit, during and up to 30 days following the declaration of a State of Emergency by Orange County.

Yard Trash Quality Control

13. Each shipment of incoming yard trash must be inspected by a spotter, or interim spotter, trained and performing duties in accordance with rule 62-701 Florida Administrative Code (F.A.C.). Spotters shall perform their duties from a location where they can thoroughly inspect each shipment of yard trash for prohibited materials. The spotter(s) shall have the authority and responsibility to reject unauthorized loads. If unauthorized waste is identified during or after unloading, the spotter(s) shall have the authority and responsibility to reload the customer's vehicle for removal from the site. Finally, if reloading is not feasible, the spotter(s) shall have the authority and responsibility to assess appropriate surcharges and have the unauthorized material removed by on-site personnel. In all instances, the transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences, and a log of all such unauthorized waste shipments shall be maintained at the site.

Community Issues

14. The permitted routes for vehicular access to and from the site are:
 - a. SR 50 east and west to the site access road at Old Cheney Hwy.

The permittee shall be responsible for cleanup of all litter generated from the permittee's operation per Orange County Code (County Code) Sec. 32-216(a)(13). In addition, on an as needed basis, but not less than once per week, the permittee shall be responsible for cleanup of customer-generated litter from SR 50 ¼ mile east and ¼ mile west of the intersection at Old Cheney Road. Cleanup shall take place along publicly accessible rights-of-way and with all necessary safety precautions.

15. Prior to commencing operations the operator shall submit sufficient information to the Air Quality Management Program at EPD for an air permitting determination pursuant to Rule 62-210, F.A.C.
16. The applicant shall conduct annual water quality sampling at one up-gradient and two down-gradient groundwater monitoring wells for the same parameters as construction and demolition debris disposal facilities as listed in rule 62-701.730(8) F.A.C., in accordance with a water quality monitoring plan subject to EPD approval. In accordance with County Code Sec. 32-316(a)(24)f. EPD shall have the authority to collect samples. In addition, EPD may conduct one sampling event or split sampling each permit cycle at the owner's expense.

Reporting and Record Keeping

17. The following items shall be maintained and available for review at the facility:
 - a. A copy of the complete permit including plans, reports, and other supporting documents

18. The following items shall be maintained and available for review at the facility for a period of at least 3 years:
- a. Unauthorized waste receipt logs maintained in an unauthorized waste receipt logbook
 - b. Manifests for any hazardous waste, universal waste, or regulated nonhazardous waste, shipped offsite.

Fires, Emergency Preparedness, and Continuity of Operations

19. The operator shall inform the EPD immediately of any fires that persist longer than 1 hour.

Waivers

20. A waiver from County Code Sec. 32-216(a)(11) to allow a 50 foot setback instead of a 150 foot setback in accordance with the approved site plan, and subject to reconsideration should any development occur on properties within 150 feet of the project area.
21. A waiver from County Code Sec. 32-216(a)(11) and (b)(3) to allow existing berm and natural vegetation as a visual buffer in accordance with the approved site plan, and subject to reconsideration should any development occur on properties within 150 feet of the project area.
22. A waiver from County Code Sec. 32-216 (a)(13)a. to not require a 6-foot chain link fence around the entire facility, but allow site access to be controlled by the use of a 4-foot wire fence in accordance with the approved site plan, and subject to reconsideration should any development occur on properties within 150 feet of the project area.
23. A waiver from County Code Sec. 32-216 (b)(6) to allow for the use of the existing stormwater management system without dry detention in accordance with the approved site plan. The stormwater management system shall be reevaluated and redesigned if necessary whenever the co-located borrow pit has been substantially backfilled.

Board of Zoning Adjustment

24. The facility shall be subject to the conditions of approval for Special Exception SE-19-05-039 and any future amendments.

Development Review Committee (DRC)

25. The facility shall be subject to the DRC recommended conditions of approval for DP-19-03-082 and any future amendments.

Page Ten

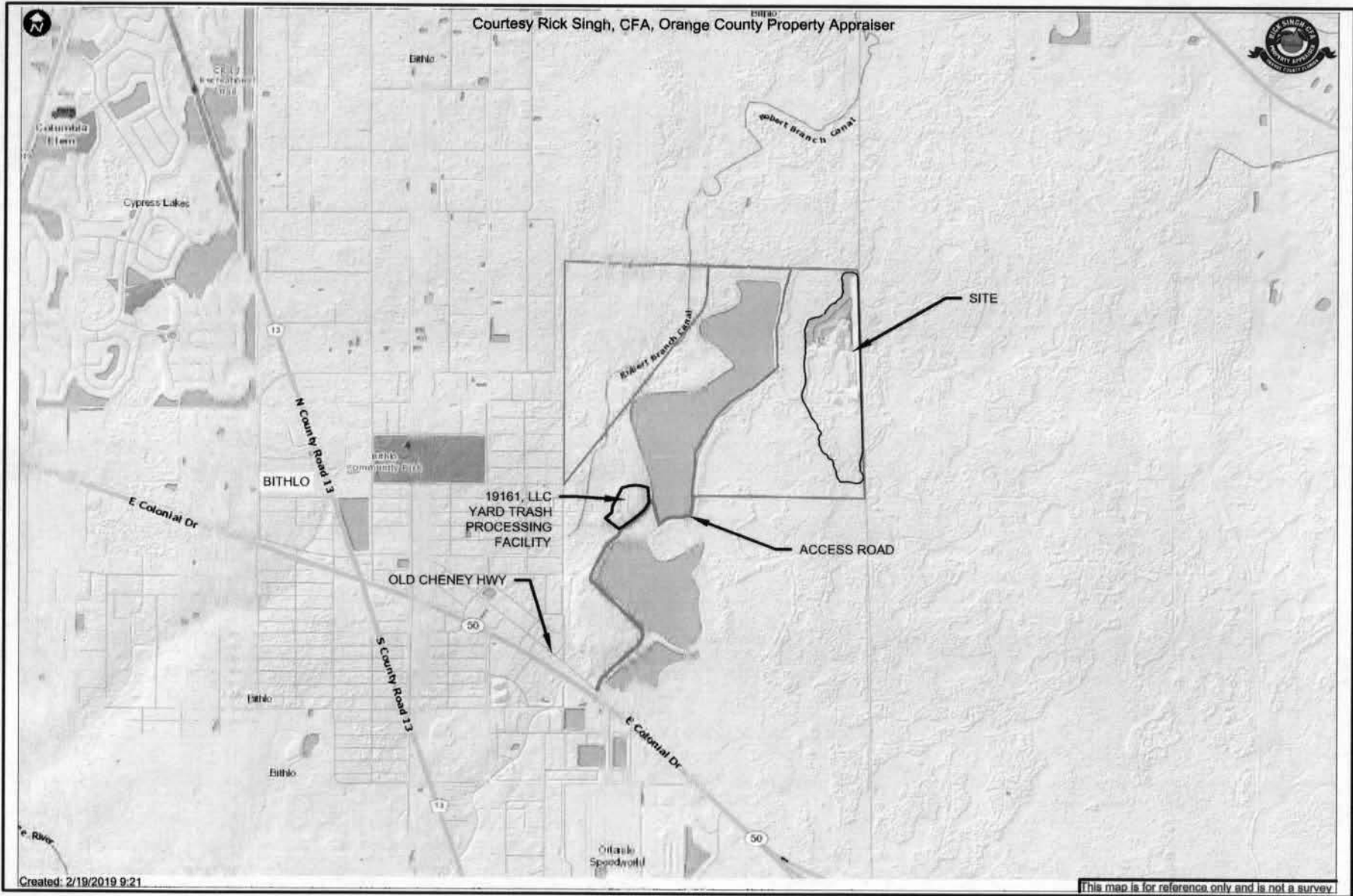
September 24, 2019 – Public Hearing

Solid Waste Management Facility Permit Application No. SW-19-03-001 for a Yard
Trash Processing Facility by Bishop & Buttrey, Incorporated

ACTION REQUESTED: Approval for Five Years of Solid Waste Management Facility
- Yard Trash Processing - Permit Application (SW-19-03-
001), submitted by Bishop & Buttrey, Incorporated, subject to
the waivers and conditions listed in the staff report. District 5

DDJ/JWW: mg

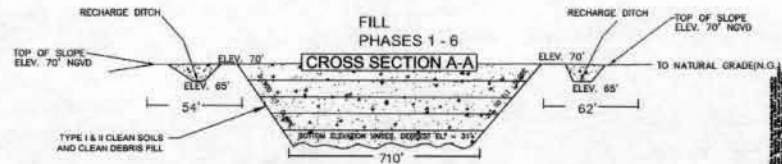
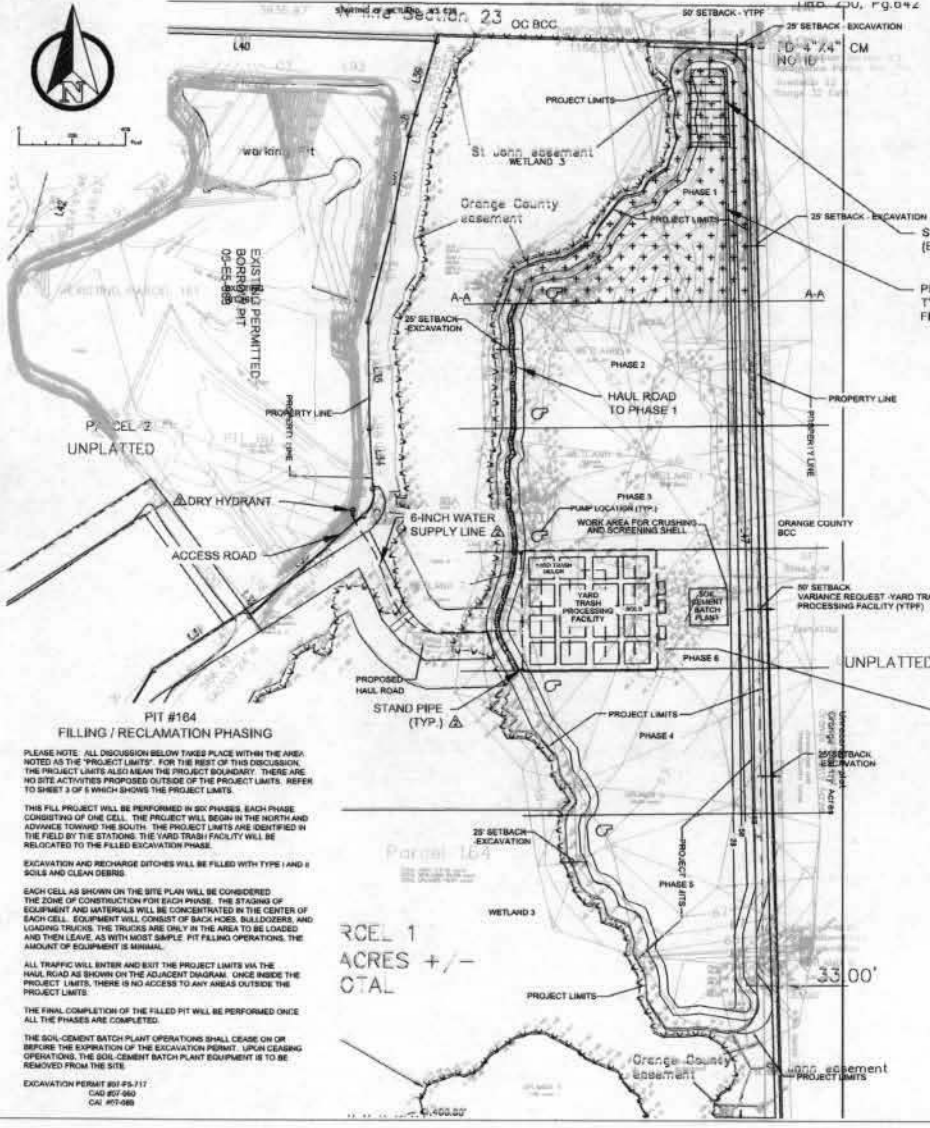
Attachments



Attachment - Location Map

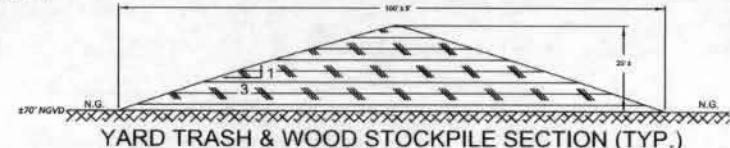
LOCATION MAP

NOT TO SCALE



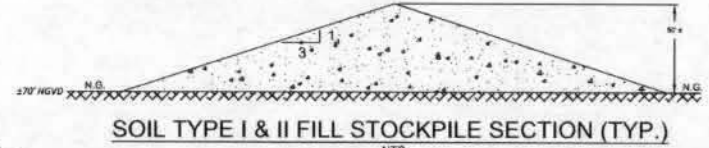
EXCAVATION FILL SECTION A-A (TYP.)

NOTE: SECTION IS ONLY FOR INFORMATION PURPOSES. THIS IS NOT AN APPROVED ORANGE COUNTY DETAIL

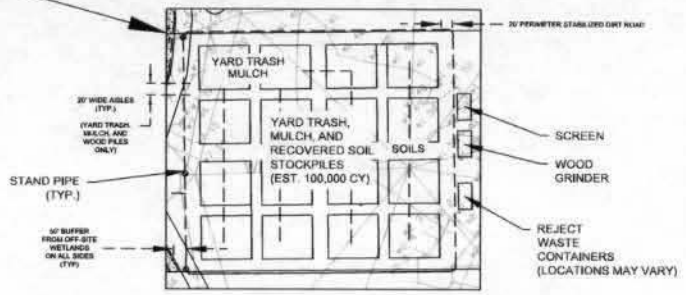


YARD TRASH & WOOD STOCKPILE SECTION (TYP.)

NOTE: YARD TRASH AND WOOD STOCKPILE WILL NOT EXCEED 25 FEET IN HEIGHT, 150 FEET WIDTH, AND 250 FEET IN LENGTH



SOIL TYPE I & II FILL STOCKPILE SECTION (TYP.)



YARD TRASH PROCESSING AREA DETAILS

FILLING / RECLAMATION PHASING

PLEASE NOTE: ALL DISCUSSION BELOW TAKES PLACE WITHIN THE AREA NOTED AS THE "PROJECT LIMITS". FOR THE REST OF THIS DISCUSSION, THE PROJECT LIMITS ALSO MEAN THE PROJECT BOUNDARY. THERE ARE NO SITE ACTIVITIES PROPOSED OUTSIDE OF THE PROJECT LIMITS. REFER TO SHEET 3 OF 3 WHICH SHOWS THE PROJECT LIMITS.

THIS FILL PROJECT WILL BE PERFORMED IN SIX PHASES. EACH PHASE CONSISTS OF ONE CELL. THE PROJECT WILL BEGIN IN THE NORTH AND ADVANCE TOWARD THE SOUTH. THE PROJECT LIMITS ARE IDENTIFIED IN THE FIELD BY THE STATIONS. THE YARD TRASH FACILITY WILL BE RELOCATED TO THE FILLED EXCAVATION PHASE.

EXCAVATION AND RECHARGE DITCHES WILL BE FILLED WITH TYPE I AND II SOILS AND CLEAN DEBRIS.

EACH CELL AS SHOWN ON THE SITE PLAN WILL BE CONSIDERED THE ZONE OF CONSTRUCTION FOR EACH PHASE. THE STATIONS OF EQUIPMENT AND MATERIALS WILL BE CONCENTRATED IN THE CENTER OF EACH CELL. EQUIPMENT WILL CONSIST OF BACKHOES, BULLDOZERS AND LOADING TRUCKS. THE TRUCKS ARE ONLY IN THE AREA TO BE LOADED AND THEN LEAVE AS WITH MOST SIMPLE PIT FILLING OPERATIONS. THE AMOUNT OF EQUIPMENT IS MINIMAL.

ALL TRAFFIC WILL ENTER AND EXIT THE PROJECT LIMITS VIA THE HAUL ROAD AS SHOWN ON THE ADJACENT DIAGRAM. ONCE INSIDE THE PROJECT LIMITS, THERE IS NO ACCESS TO ANY AREAS OUTSIDE THE PROJECT LIMITS.

THE FINAL COMPLETION OF THE FILLED PIT WILL BE PERFORMED ONCE ALL THE PHASES ARE COMPLETED.

THE SOIL-CEMENT BATCH PLANT OPERATIONS SHALL CEASE ON OR BEFORE THE EXPIRATION OF THE EXCAVATION PERMIT. UPON CEASING OPERATIONS, THE SOIL-CEMENT BATCH PLANT EQUIPMENT IS TO BE REMOVED FROM THE SITE.

EXCAVATION PERMIT #01 FS-117
 CA# 807-680
 CA# 807-988

10100 N.W. 15th Ave., Suite 100
 Fort Lauderdale, FL 33309
 TEL: 954.341.1111
 FAX: 954.341.1112

DATE	BY	DATE	BY
07/2018	JC	07/2018	JC
10/2018	JC	10/2018	JC
10/2018	JC	10/2018	JC

DESIGNED BY: JC
 DRAWN BY: JC
 CHECKED BY: JC
 REVISIONS: NONE

Attachment - Site Plan

SITE PLAN
 BISHOP AND BUTTNEY, INC.
 EAST COLONIAL DRIVE,
 BITHLO FLORIDA 32820

PROJECT NO. 291430
 FIGURE 2
 2

Attachment - Application Form

Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803-3727
407.836.1400 • Fax 407.836.1499
www.ocfl.net



**APPLICATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT
YARD TRASH PROCESSING FACILITY**

NOTE: THIS FORM DOES NOT SUPERSEDE THE REQUIREMENTS OF ORANGE COUNTY CODE.

Note: In accordance with Orange County Code, Chapter 32, Article V, the Solid Waste Management Ordinance, Section 32-214(c)(9)iv., yard trash processing facilities that store no more than 12,000 cubic yards of a total combined volume of yard trash and yard trash derived materials, may be eligible for a conditional permit exemption. For those facilities, the "Annual Notice Of Intent To Operate A Permit Exempt Yard Trash Processing Facility" form should be used instead of this application form.

A. GENERAL INFORMATION

1. Type of facility (check all that apply):

- Yard trash recycling
- Yard trash transfer station

2. Type of application (check all that apply):

- Construction / Operation
- Operation without additional construction
- Closure

3. Classification of application:

- New
- Minor Modification
- Renewal
- Major Modification (substantial deviation)

4. Facility name: Bishop & Buttrey Yard Trash Processing Facility

5. Facility ID:

EPD Permit #: TBD Expiration Date: _____

FDEP Permit #: _____ Expiration Date: _____

6. Facility location (main entrance):

Address: 18993 Old Cheney Hwy Orlando, FL 32820

Municipality: Orange County Orange County Commission District #: 5

APPLICATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT – YARD TRASH PROCESSING FACILITY

7. Location coordinates:

Parcel IDs: 23-22-32-0000-00-004
Latitude: 28.33.45.21 Longitude: 81.04.51.26
Datum: NGVD 1929 Coordinate Method: GPS
Collected by: Gary A. Burden, PLS Company/Affiliation: ALD II

8. Applicant name (operating authority): Bishop & Buttrey, Incorporated

Mailing Address: 933 Lee Rd. Orlando, FL 32810
Contact person: Vic Mc Call Phone: 407-492-0484
Title: General Manager E-mail: vic@bishopbuttrey.com

9. Authorized agent / Consultant: Grove Scientific & Engineering Co.

Mailing Address: 6140 Edgewater DR. Suite F Orlando, FL 32810
Contact person: James Golden, P.G. Phone: 407-298-2282
Title: Vice President E-mail: _____

10. Landowner (if different than applicant): Honey Bee Holdings, LLC

Mailing Address: 4940 Campbell Blvd. Ste 100 Baltimore, MD 21236
Contact person: Ken Lundeen, Manager Phone: 410-931-9595
E-mail: kcl4844@aol.com

11. Cities, towns, and areas to be served (source of waste):

Orange County, Orlando, Seminole County, Brevard County

Private use Public use

12. Estimated costs:

Total Construction: \$ 100,000 Closing Costs: \$ TBD

13. Expected quantity (volume or weight) of waste to be received:

1,000 yd³/day -or- 250 tons/day

14. Provide a brief description of the operations planned for this facility:

The proposed facility will process yard trash, land clearing debris, land strippings, and associated rocks and soils. Types I and II soils recovered from the yard trash thru screening will be used to fill and reclaim the existing excavation pit #164. The initial site will be 13 acres, in unexcavated Phase 6 of the 60 acre pit. The yard trash facility will move to reclaim other Phases of the excavation that have been completed.

15. Operational and storage areas:

Total parcel size: 326 acres

Existing outdoor area: 0 acres Existing building: 0 sq ft

Proposed outdoor area: 13 acres Proposed building: 0 sq ft

16. Haul route (from/to nearest arterial roads or collector highways):

Street segments: SR 50 (Colonial Blvd.) to access road intersection with Old Cheney Hwy

Residential roads: yes / no

Paved access: yes / no
(50 ft. paved access proposed)

17. Hours of Operation:

Mon - Fri: 7 am - 7 pm Sun: closed - _____

Sat: 7 am - 7 pm Other: na

B. ADDITIONAL INFORMATION

Please attach the following reports or documentation as required. References are to Orange County Code (O.C.C.) and Florida Administrative Code (F.A.C.) unless noted otherwise. (Application format see O.C.C. 32-214(d) and Rule 62-701.320(7) F.A.C.)

1. Provide documentation that demonstrates how the facility will comply with the prohibitions of rule 62-701.300 FAC and rule 62-709.300(7) FAC. Section 3, Engr Report
2. Provide documentation that demonstrates how the facility will comply with the design and operating requirements of rule 62-709.320(2) FAC, and the criteria of rule 62-709.330(2) and (3) FAC.
 - a) Provide an engineering report as described in 62-701.320(7)(d), F.A.C. Section 3
 - b) Provide an operations plan as described in 62-701.320(7)(e), F.A.C. [O.C.C. 32-215(a)(19)] Section 4
 - (i) *Proposed method of quantifying wastes.* [O.C.C. 32-215(a)(11)]
 - (ii) *Provide a Litter Control Plan for the facility.* [O.C.C. 32-215(a)(15)]
 - (iii) *Provide a waste stream quality control plan for the facility.* [O.C.C. 32-215(a)(16)]
 - (iv) *Provide a Fire Fighting Agreement that has been approved by the local Fire Rescue service provider.* [O.C.C. 32-215(a)(21)] TBD
 - c) Provide a closure plan that describes how the applicant will comply with 62-709.320(2)(g) FAC, as described in 62-701.320(7)(e), F.A.C. [O.C.C. 32-215(a)(5)k., 32-216(b)(4)] Section 3
 - d) Provide a contingency plan that describes how the applicant will comply with 62-701.320(16), F.A.C., as described in 62-701.320(7)(e), F.A.C. Section 4
 - e) Provide plans and/or drawings for the facility as described in 62-701.320(7)(f), F.A.C. Section 3
 - (i) *Include a regional map or plan showing the project location in relation to major roadways and population centers.*
 - (ii) *Include a vicinity map or aerial photograph taken within one year preceding the application, showing the facility site and relevant surface features located within 1000 feet of the facility.*
 - (iii) *Provide a certified boundary survey and legal description.* [O.C.C. 32-215(a)(3)] Section 2
 - (iv) *Provide a plan showing the zoning of site and adjacent properties;* [O.C.C. 32-215(a)(5)g.]
 - (v) *Provide a Landscape Buffer Plan that meets the requirements of O.C.C. 32-216(b)(3). [O.C.C. 32-215(a)(5)h.] Waiver requested*
 - (vi) *Delineate any environmentally sensitive areas including any conservation areas, the Wekiva Study Area, and areas protected by the Wevika River Protection Area Ordinance or the Econlockhatchee River Protection Ordinance.* [O.C.C. 32-215(a)(5)i., 32-216(c)] Section 3
 - (vii) *Show setbacks and access control.* [O.C.C. 32-215(a)(5)j., 32-216(a)(13)] Section 3, Sheet 4
 - (viii) *Provide a plan documenting maximum capacity and site plan showing location and maximum dimensions of temporary storage piles.* [O.C.C. 32-215(g)(2)] Section 3, Sheet 4
3. Provide documentation that the applicant either owns the property or has legal authorization from the property owner to use the site for a yard trash processing facility (62-701.320(7)(g), F.A.C.) Section 2

Note: O.C.C. 32-215(a)(4) requires, "Proof of ownership of property. At minimum, applicants shall provide an opinion of title based upon a title search." Section 2

APPLICATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT – YARD TRASH PROCESSING FACILITY

4. Provide a history and description of any enforcement actions by the applicant described in subsection 62-701.320(3), F.A.C. relating to solid waste management facilities in Florida. (62-701.320(7)(i), F.A.C.), Section 3
5. Provide documentation that demonstrates how the facility will comply with the reporting requirements of rule 62-709.320(4) FAC and O.C.C. 32-216(b)(5). Section 4
6. Provide a description of any ancillary operations. [O.C.C. 32- 215(a)(5)e., 32-214(m), 32-216(a)(15)] Section 4
7. Provide documentation of the stormwater management system design and that the requirements of O.C.C. 32-216(b)(6) will be met. [32-215(a)(5)f] Section 3, Appd. B
 - a) For existing facilities, provide documentation that at least once every five (5) years maintenance activities including the removal of accumulated sediments from ponds, catch basins, and other control structures, and the restoration of control structures to design specifications, has been performed. na
8. Provide the proposed fee schedule. [O.C.C. 32- 215(a)(9)] Section 4
9. Provide evidence of financial responsibility in accordance with O.C.C. 32-216(a)(27). [O.C.C. 32-215(a)(14)] Section 3
10. Provide documentation of paved access and a Traffic Operations Study (submitted to Public Works Development Engineering Division as an "E" Project Plan) [O.C.C. 32-216(a)(6)] TBD
11. Provide a description of any Waiver Requests and responses to the criteria used to evaluate such waivers. Identify the Code requirement for which the waiver is sought. [O.C.C. 32- 214(k)] Section 3, Engr Plans, Sheet 2
12. Demonstration of Need [O.C.C. 32-215(a)(18)] is not a required submittal, but need for the service may be a factor considered by the Board. [O.C.C. 32-214(j)(3)]
13. Specific Project Expenditure Report; Relationship Disclosure Form; Agent Authorization Form Section 2
14. Acknowledgement of Contiguous Sustainable Agriculture Land if applicable (F.S. 163.3163)
15. Contact Florida Department of Environmental Protection (FDEP) for additional information regarding Florida Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity under the National Pollutant Discharge Elimination System (NPDES) Stormwater Program. See Sector A: Timber Products Facilities and Sector N: Scrap Recycling and Waste Recycling Facilities.

C. SUBMITTAL LOCATION INDEX IN APPLICATION PACKAGE

Status: S = Submitted; N/A = Not Applicable ; NSC = No Substantial Change

Status	Location of submittal (in this or prior application)	Item	FAC 62-	O.C.C. 32-	Summary
S	Section 3	B.1	701.300 709.300(7)	216(b)(2)	Prohibitions
S	Section 3	B.2(a)	701.320(7)(d)	216(b)(2)	Engineering report
S	Section 4	B.2(b)	701.320(7)(e) 709.320(2) 709.330(2)-(3)	216(b)(2) 215(a)(11) 215(a)(15) 215(a)(16) 215(a)(19) 215(a)(21)*	Operations plan; waste quantification; litter control; waste quality control; fire-fighting agreement
S	Section 3	B.2(c)	701.320(7)(e) 709.320(2)(g)	216(b)(2) 215(a)(5)k. 216(b)(4)	Closure plan
S	Section 4	B.2(d)	701.320(7)(e)	216(b)(2)	Contingency plan
S	Section 3, and Engr Plans	B.2(e)	701.320(7)(f) 709.320(2) 709.330(2)-(3)	216(b)(2) 215(a)(3) 215(a)(5)g., h., i., j. 215(g)(2)	Plans and/or drawings; regional map; vicinity map or aerial; boundary survey and legal description; zoning; landscaping buffer; environmentally sensitive areas; setbacks; access control; capacity; storage pile dimensions
S	Section 2	B.3	701.320(7)(g)	216(b)(2) 215(a)(4)	Proof of ownership; opinion of title; authorization
S	Section 3	B.4	701.320(7)(i)	216(b)(2) 214(j)(3)	Enforcement action history
S	Section 4	B.5	709.320(4)	216(b)(2) 216(a)(22)	Reporting
S	Section 4	B.6		215(a)(5)e.* 215(a)(19)	Ancillary operations (if needed)
S	Section 3, Appd. B	B.7		215(a)(5)f.*	Stormwater management

APPLICATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT – YARD TRASH PROCESSING FACILITY

Status	Location of submittal (in this or prior application)	Item	FAC 62-	O.C.C. 32-	Summary
S	Section 4	B.8		215(a)(9)	Fee schedule
S	Section 3	B.9		215(a)(14)	Financial assurance
S	Section 4, Engr Plans TOS-TBD	B.10		216(a)(6)	Paved access; traffic operations study
S	Section 3, Plans, Sheet 2	B.11		214(k)	Waiver requests (if needed)
S	Section 2	B.13			O.C.C. Sec. 2-354, 2-454; Specific Project Expenditure Report; Relationship Disclosure Form; Agent Authorization
NA		B.14			Florida Statute 163.3163 - Acknowledgement of Contiguous Sustainable Agriculture Land

* These items are often addressed by the local municipality.

APPLICATION FORM FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT - YARD TRASH PROCESSING FACILITY

D. CERTIFICATION BY APPLICANT AND ENGINEER

1. Applicant:

The undersigned applicant or authorized representative of

Bishop & Buttrey, Incorporated

is aware that statements made in this form and attached information are an application for a Solid Waste Management Facility Permit from the Orange County Environmental Protection Division (EPD) and certifies that the information in this application is true, correct and complete to the best of his/her knowledge and belief. Further, the undersigned agrees to comply with the provisions of Orange County Code, including any provisions of Chapter 403, Florida Statutes, and rules and regulations of the Florida Department of Environmental Protection adopted by reference. It is understood that the Permit is not transferable, and the EPD will be notified prior to the sale or legal transfer of the permitted facility.

[Signature]

Signature of Applicant or Agent

Vic McCall, General Manager

Name and Title

vic@bishopbuttrey.com

E-mail address

933 Lee Rd. Suite 202

Mailing Address

Orlando, Fl 32810

City, State, Zip Code

407-492-0484

Telephone Number

6/17/19
Date

2. Professional Engineer Licensed in Florida:

This is to certify that the engineering features of this solid waste management facility have been designed / examined by me and found to conform to engineering principals applicable to such facilities. In my professional judgment, this facility, when properly maintained and operated, will comply with provisions of Orange County Code, including any provisions of Chapter 403, Florida Statutes, and rules and regulations of the Florida Department of Environmental Protection adopted by reference. It is agreed that the undersigned will provide the applicant with a set of instructions for proper maintenance and operation of the facility.

[Signature]
Signature

Glenn Semanisin, P.E.

[Signature]
19JUN19

6140 Edgewater Drive, Suite F

Mailing Address

Orlando, Fl 32810

City, State, Zip Code

glenn@grovescientific.com

E-mail address

407-298-2282

Telephone Number

Date



Attachment - Development Review Committee Meeting Minutes Excerpt
APPROVED MEETING MINUTES
JUNE 26, 2019

14. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
15. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Town Center East Road Network Agreement recorded at O.R. Book 10306, Page 1364, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval.
16. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support hydraulically dependent development within and outside the PSP, and that construction plans are consistent with the approved MUP for the Town Center, or shall include an update to the PSP-level and Town Center MUPs, as applicable, to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
17. Approval of this DP shall constitute a lot split approval. Applicant shall obtain a new Parcel Identification number through the Orange County Property Appraiser prior to submitting for permits.

MOTION CARRIED.

13. DP-19-03-082 – DISTRICT 5
BISHOP AND BUTTREY, INC. YARD TRASH PROCESSING FACILITY SPECIAL
EXCEPTION SITE PLAN

Present for discussion were Anna Long, Jim Golden, and Vic McCall. Also present were David Bromfield and John Geiger, with the Environmental Protection Division. Taylor Jones presented the TRG Summary Report to the DRC.

This request proposes a yard trash processing facility in conjunction with an existing borrow pit on 326 acres. In addition, waivers from Chapter 32 are being requested, to allow a 50-foot setback from the east and north property lines in lieu of 150-feet, to allow an exception from the landscaping requirements outlined in Section 32-216(a)(11), and to allow a four-foot high security fence in lieu of six-feet.

A community meeting was held on June 18, 2019. Residents in attendance expressed concerns regarding noise, traffic, dust, hours of operation, and environmental impacts.

Staff stated that there is an associated County Solid Waste Management Facility Permit and an Excavation and Fill Permit that will need to accompany this item to the Board.

**APPROVED MEETING MINUTES
JUNE 26, 2019**

Based upon the subject submittal, it was the consensus of the DRC that this request meets the requirements of Chapter 32-214(a)(2), which (i) is compatible with the surrounding land uses, and (ii) will serve the public interest.

MOTION by Jennifer Moreau, seconded by Alberto Vargas, TO RECOMMEND APPROVAL OF THE BISHOP AND BUTTREY, INC. YARD TRASH PROCESSING FACILITY SPECIAL EXCEPTION SITE PLAN, subject to the following conditions of approval, as amended, subject to submittal of a noise, air, and water quality studies prior to a public hearing with the Board of Zoning Adjustment, and to scheduling this item simultaneously with the County Solid Waste Management Facility and Excavation and Fill Permits with the Board of County Commissioners.

1. Development shall conform to the Bishop and Buttrey, Inc. Yard Trash Processing Facility Special Exception Site Plan dated "May 8, 2019" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the site plan dated "Received May 8, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this 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. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this special exception site plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and

**APPROVED MEETING MINUTES
JUNE 26, 2019**

to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
7. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
8. Approval of this plan does not constitute approval of an Orange County Solid Waste Management Facility permit. Any person desiring to construct or operate such a facility shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 32 Solid Waste, Article V Solid Waste Management, and comply with the permit procedures as outlined.
9. No person shall produce, or allow to be produced, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to section 15-183, exceeds the sound levels in Orange County Code Chapter 15 Environmental Control, Article V Noise Pollution Control, Section 15-182 Maximum permissible sound levels.
10. The following waivers from Orange County Code are being granted:
 - a. A waiver from Section 32-215(a), to allow a 50-foot setback from the east and north property lines, in lieu of the required 150-feet;
 - b. A waiver from Section 32-216(a)(11), to not require landscape buffers, as the property is surrounded by vacant properties; and

**APPROVED MEETING MINUTES
JUNE 26, 2019**

- c. A waiver from Section 32-216(a)(13), to allow for a four-foot high security fence, in lieu of a six-foot high fence.

MOTION CARRIED.

**14. LUP-17-04-135 - DISTRICT 6
WESTGATE SEASONS LAND USE PLAN**

This item was postponed. ***No action taken.***

**15. CDR-19-06-199 – DISTRICT 4
AIPO – SOUTH ORANGE PROPERTIES PD / AIPO – SOUTH ORANGE WOODLAND
PARK PHASE 10 PSP**

Present for discussion were Matt Young and Julie Aragona. Jason Sorensen presented this case to the DRC.

A change determination was requested to the previously approved AIPO - South Orange Woodland Park Phase 10 PSP, to modify the June 5, 2018, BCC Condition of approval #21, which reads, "*Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat. All required inspections shall be complete and approved prior to issuance of a Certificate of Occupancy.*"

The applicant is requesting to remove the portion of the condition that relates to the requirement of temporary addressing being provided for permits and the Certificate of Completion being issued prior to approval and recording of the plat and the requirement of all required inspections being complete and approved prior to issuance of a Certificate of Occupancy.

The amenity is under construction and it has been the standard practice of the DRC to remove this portion of the condition.

MOTION by Eric Raasch (stepped out of Chair), seconded by Diana Almodovar, TO RECOMMEND APPROVAL OF A SUBSTANTIAL CHANGE TO THE AIPO – SOUTH ORANGE WOODLAND PARK PHASE 10 PRELIMINARY SUBDIVISION PLAN, subject to the following conditions of approval, as amended.

June 17, 2019

Attachment - Waiver Requests
Partial excerpt from letter

Mr. Sean Bailey, Chief Planner
BZA Section, Orange County Zoning Division
Community, Environmental, and Development Services Department
201 South Rosalind Ave.
Orlando, FL 32801

Subject: **Special Exception and Variance Request-Revision 1**
Yard Trash Processing Facility -**SE-19-05-039**
Bishop & Buttrey, Incorporated, 18993 Old Cheney Road
Bithlo, Florida , Parcel ID: 23-22-32-0000-00-004
Project No. 291430

Dear Mr. Bailey:

On behalf of Bishop & Buttrey, Inc. (B&B), Grove Scientific & Engineering Co. (GSE) is submitting this addendum to our special exception and variance application to the Board of Zoning Adjustment (BZA) for the subject yard trash processing facility operation in Orange County, Florida. The B&B yard trash, or source-separated organics processing facility (SOPF), is proposed to be located on their existing permitted 60 acre excavation, Pit # 164, Orange County (permit # 07-E5-0717) on the far east side of the 326 acre parcel. The Facility would comply with the requirements of Chapter 32, Article V, of the Orange County Solid Waste Management code. An OCEPD permit application has been filed, in addition to a DRC application.

Variance and Waiver Requests

The following is justification for the requested variances and code waivers for the subject project.

1. Setback-The B&B site is zoned agricultural A-2, which allows for this type of land use under the County solid waste management code. However, under the Section 32-216 of the code, a 150-foot setback is required from an abutting property to the solid waste facility use. OC code section 32-215 (a) allows for a variance from the "landfill" setbacks for a yard trash facility. All other code setbacks are met on all sides of the site, except to the immediate east, where Orange County agricultural property exists along the east and north sides of the 60 acre site.

This application requests that the setback from the OCBC property be 50 feet, see attached Site Plan, Appendix 2, Sheet 4. These reduced setbacks in no way will affect the performance of the OCBC agricultural property or dirt roadway. The abutting County property is also not occupied, nor used for any other active use, other than open space. The closest residential neighborhood is more than 4,000 feet to the west of the site, see Operations Plan, Figure 1.

2. Landscape Buffer-A waiver is requested from the landscape buffer plan requirements of code Chapter 32-216(b)(3). A landscape buffer is used to provide a visual buffer from adjacent

properties and roads. All adjacent properties with about a 1-mile radius of the project site are zoned A-2, agricultural, and are not occupied by any residences, see Figure 1. Property to the west and south are owned by B&B, and are active or closed borrow pits. Property to the east and north are rural open spaces, and a dirt road that is not the thoroughfare to any residential areas. In addition, an erosion control berm surrounds the site, which provides some visual buffer. Once the site excavation has been completed, the code Chapter 16, vegetation restoration standards of a dense stand of grass and 25 trees per disturbed acres will be completed primarily within the setback areas of the 60 acre site. Therefore, a landscape buffer per the subject code is not justified.

3. 4-Foot Barbed Wire Fence-A waiver is requested to the code section 32-216(a)(13) for a 6-foot chain link fence to be around the site. An existing 4-foot high barbed wire fence currently provides security to the excavation site. This fence is in addition to an erosion control berm that surrounds the project site. Again, this site is in a remote portion of the County, and surrounded by A-2 agricultural zoned, and open space parcels. The existing fence and berm system have proven to be sufficient security for the excavation site, and thus, will be adequate for the proposed yard trash processing facility. This is not a disposal facility, so open dumping is not expected to be an issue. Therefore, the requested waiver to the subject code is justified.

4. Stormwater Control- A waiver is requested to code Chapter 32-216(b)(6) that requires solid waste management facilities to provide pollution abatement, dry retention for runoff from the developed site. First, no development is proposed, other than storage and processing of yard trash and soil products. The existing excavation site, location of this project, has a St. Johns River Water Management District ERP stormwater management permit, and a control system that is designed to control the 25-year/24-hour storm event. An erosion control berm surrounds the excavation site, location of this project, that will insure wet detention and no off-site discharge up to the design storm event. In addition, for the foreseeable future, an open excavation pit will surround the facility, and the wastes to be stored, clean wood and soils, are not expected to be a pollution threat to off-site waters. Therefore, the pollution abatement requirements of this code section should not apply to this project.

These waivers are justified based on the following:

- Location of real property is more than 4500 feet from any residential uses, and surrounded by agricultural uses;
- There will be no significant effects of the proposed waivers on adjoining property;
- Current physical conditions on the real property are an existing excavation, or industrial type use, whereon the solid waste management facility is proposed to be located;
- The waivers are not contrary to the public health, safety and welfare and/or adopted plans, policies or ordinances of the county;
- Special conditions applicable to the real property whereon the solid waste management facility is proposed to be located include storage of only yard trash, clean wood wastes, and clean soils that are not expected to have environmental impacts; and

- The waivers will not diminish the level of environmental protection provided by this article (County code chapter 32) or would otherwise nullify the intent and the purpose of this article.

The following standards of approval have been met for these variance and waiver requests:

- **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the B&B yard trash facility which are not applicable to other lands, structures or buildings in the same zoning district. The current pit #164 location has been accepted by the OC Development Engineering. This request is not to nullify a zoning violation or nonconformities on neighboring properties.
- **Not Self-Created** - The special conditions and circumstances of the subject site were not result from the actions of the applicant. The applicant has received a variance of a 25-foot setback, from the code required 50- foot setback for the excavation along the east and north sides, see attached excavation permit conditions, Appendix 1.
- **No Special Privilege Conferred** - Approval of the zoning variances requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
- **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
- **Minimum Possible Variance** - The zoning variance of a 50-foot setback from the OC property and from the dirt road are the minimum variances that will make possible the reasonable use of the land. The other waivers are the minimum request that will still meet the intent of the code.
- **Purpose and Intent** - Approval of the zoning variances will be in harmony with the purpose and intent of the A-2 Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Special Exception Request

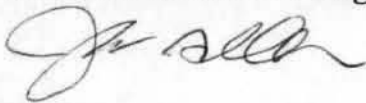
Under Orange County Code Chapter 32, all solid waste facilities, which includes a yard trash processing facility, must obtain a special exception from the BZA. This facility will comply with the OC solid waste management code and the following Section 38-78, Orange County Code specific criteria to be met for all Special Exception requests:

- The use shall be consistent with the Comprehensive Policy Plan- The proposed use is consistent with the County Comprehensive Plan, in that it is within an A-2 zoning, complies with OC Solid Waste facility code, and FDEP rules. It is also consistent with the County's Orange to Green Plan, Comp Plan, Solid Waste Element, Objective OBJ SW1.2 "to implement alternative means of solid waste management to reduce landfill disposal", and the State of Florida's 75% recycling goal.
- The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development-The wood recycling use is similar and compatible with the surrounding agricultural and excavation uses. It is also consistent with the surrounding development, which is rural-open space, vegetated lands or lakes. A similar facility, 19161, LLC yard trash processing facility is located on the western portion of the 326 acre property, see Appendix 2, Sheet1.
- The use shall not act as a detrimental intrusion into a surrounding area- The use has been in operation on adjacent parcels for almost 30 years on the property. The site is surrounded by agricultural, undeveloped land and borrow pits.
- The use shall meet the performance standards of the district in which the use is permitted- The use meets the performance standards of the A-2 district.
- The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district. The Operations Plan for the facility, and the OCEPD permit conditions, will be followed to control any noise, vibration, dust, odor, glare, heat producing impacts from the use, see attached Operations plan.
- Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted, except for the requested waiver. A natural buffer of more than 4,500 feet of open, vegetated land surrounds the use on the west and south sides, and a 50-foot buffer along the east and north sides, which meets the intent of the landscape buffer yard. In addition, Chapter 16 restoration requirements will be met upon excavation completion.

We trust that this application meets the Zoning Division's variance, waiver and special exception approval requirements. Please contact us with any questions.

Sincerely,

Grove Scientific & Engineering Company



James Golden, P.G.

Vice President, Senior Scientist

Attachments, Cc: Anna Long, Dean Mead; Vic McCall, B&B; David Bromfield, OCEPD