

# Landfill Conditional Use Permit



## Facts to Know

### RELATED FACTS TO KNOW:

Approved Plant List, Condition Compliance/Renewal, Conditional Use Permit, Fees, Development Plan (PUD Development Permit), Helpful Contact Information, Landscape Plan, Neighborhood Meeting, Outdoor Storage, Park and School Fees, Pre-Application Meeting, Severed Mineral Rights, Subdivision (Plat), Water, and Zone Change.

### INTRODUCTION:

An approved Landfill Conditional Use Permit (CUP) allows for landfills that have the potential to uniquely or intensely impact the environment, surrounding properties, or the general public. The CUP process provides the opportunity to review the location, design, configuration, and potential impacts of the proposed landfill on the surrounding area.

### GENERAL TIMEFRAME:

- In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address comments that were provided.
- A CUP will be reviewed concurrently with any other development review applications that are required.
- No building permit may be submitted for review until all development review applications have been approved.
- The length of time to process a CUP can vary, depending on the complexity of the request and whether or not the CUP is accompanied by another development review application. Because of its complexity and variety of review agencies, the average length of time to approve a standalone landfill CUP application may be from **12 to 18 months**.

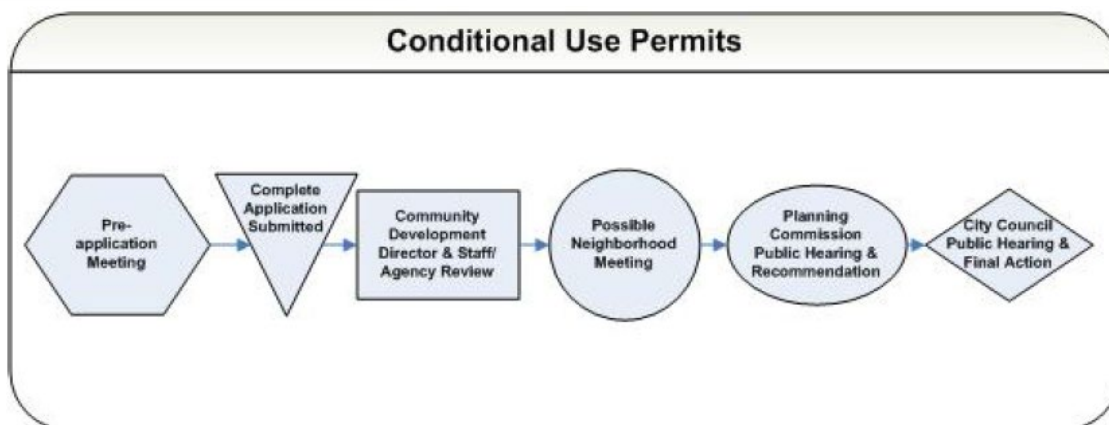
### GENERAL NOTES:

- A Landfill Conditional Use Permit is granted to a specific applicant for a specific use at a specific location and cannot be transferred to subsequent owners or operators, nor may it be "carried over" to a new property. They do not "run with the land."**
- Approval of a CUP application requires two public hearings. The first public hearing will take place before the Planning Commission, who will make a recommendation to the City Council as to whether to approve, approve with conditions, or deny the application. The ultimate approval or denial of a CUP application is determined by the City Council at a public hearing the month following the Planning Commission hearing.
- The city is authorized to impose on a subdivision approval any condition(s) that are necessary in order to carry out the general purpose and intent of the Land Development Code (LDC) or Comprehensive Plan.
  - ➔ The Planning Commission meets at 6 p.m. on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60<sup>th</sup> Avenue.

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- The City Council considers land use cases at 6 p.m. on the 1st Monday of every month in the City Council Chambers located at 7887 East 60th Avenue.
- ☐ A CUP application is expected to carry operational or compliance conditions. The City Council is authorized to impose on an application any condition(s) for approval that are necessary to carry out the general purpose and intent of the Land Development Code (LDC) or Comprehensive Plan. Failure to comply with any conditions of approval may result in City Council's revocation of the CUP. Some types of conditions attached to landfill approval may include the following:
  - The landfill operator shall keep all weeds on the property below six inches in height;
  - A tipping fee may be assessed to offset the traffic impacts associated with the landfill use;
  - Sending ongoing compliance letters from various regulating bodies to the city;
  - After the landfill has been brought to grade, allowing for settling and prior to abandonment or closure, the landfill shall be covered with a minimum of two feet of clean dirt.
- ☐ Prior to submitting a CUP for review, a pre-application meeting with staff should be scheduled to discuss the application, schedule, fees, and any additional requirements.
- ☐ For Landfill Conditional Use Permits, the city will require a neighborhood meeting due to potential impacts to the surrounding area. Please ask staff for neighborhood meeting notice requirements.
- ☐ The applicant, or a qualified representative of the applicant, must be present at the public hearing. If the applicant or qualified representative is not present, the request may be postponed to a future hearing date.
- ☐ The right to develop in accordance with the approved CUP shall lapse if the development shown on the approved documents is not commenced within two years from the date of approval or if development ceases for at least 180 days after work has begun. If no new structure is required, the CUP shall lapse if the approved use is not commenced within 180 days of approval. In addition, the CUP shall lapse if the approved use is discontinued for 180 consecutive days.
- ☐ An approval shall authorize only the development described in the approved application.

## CUP REVIEW FLOWCHART:



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## REVIEW PROCESS:

- A request for a CUP is usually initiated by the property owner or a qualified representative through the Pre-Application process.
- A complete application is submitted for review.
  - ➔ At the time of submittal, staff will determine if the application is complete (**incomplete applications will not be accepted and will be returned without review**).
  - ➔ The city will refer the application out to various departments within the city and to outside organizations for review and comment.
  - ➔ After a review period of approximately three weeks, the case is discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter identifying necessary revisions and questions to be answered.
  - ➔ The applicant will address the comments and resubmit to the city for additional review cycles of approximately two weeks. This process will continue until all comments are resolved and the application is ready for the public hearing process (generally, an application needs to be ready for public hearing about half-way through the month prior to being heard by the Planning Commission).
- Once an application is ready for public hearing and prior to the hearing, the property will be posted with a sign for 7 to 10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request. This process will occur for both Planning Commission and City Council hearings.

## LANDFILL CONDITIONAL USE PERMIT APPROVAL CRITERIA:

In order to approve a Landfill Conditional Use Permit request, the City Council must find that **all** of the following criteria have been met:

1. The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;
2. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
3. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;
4. The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;

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5. The applicant has provided adequate assurances of continuing maintenance;
6. There is no evidence to suggest that the use violates any federal, state, or local requirements; and

**One** of the following criteria is met:

1. There is a community need for the proposed use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or
2. The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.

## SUBMITTAL REQUIREMENTS FOR LANDFILL CONDITIONAL USE PERMIT:

In addition to the required documents for a traditional CUP, the following items also are required:

- One (1) copy with an explicit approval from the property owner to utilize the property as a landfill and an understanding from the property owner that potential property uses may be severely limited in perpetuity after the landfill is operational and/ or closed/capped.
- A statement and evidence of the applicant's financial ability to comply with and complete the requirements of any approved landfill conditional use permit (Operation, Closure and Post Closure).
- Submit two (2) paper copies of a Landfill Statement of Operations that describes the proposed landfill (BE SPECIFIC).
  - A detailed narrative of the operations that will occur on site.
  - Hours of operation, including days open and closed and holiday schedules.
  - Number of, and function of, employees.
  - Average daily peak trips generated and associated truck routes.
  - Type of equipment or processes that are used.
  - The description and process for storing or handling any hazardous materials.
  - A list of any regulating agencies with inspection information.
  - A written fire and safety/emergency control program containing an acceptable training/compliance program.
  - A written plan for dealing with the subsequent disposal of hazardous or otherwise toxic waste that may be inadvertently shipped into the landfill facility.
  - A written plan detailing methods, procedures, and equipment used to abate any methane generated at the site as a result of the landfill operation.
  - A litter control program.

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- The amount of public liability and property damage insurance carried by the operator.
- The amount of time the operator proposes to operate the landfill.
- Any other relevant information.
- Submit two (2) paper copies of a Description of the Proposed Materials to be placed within the Landfill including any of the following: (BE SPECIFIC).
  - General Solid Waste
  - Asbestos
  - Composting
  - Recycling
  - Waste Grease
  - Waste Tires
  - Hazardous, Combustible, Flammable, Corrosive, or Toxic Materials
  - Inert Materials
- One (1) electronic copy of all documents in .pdf format on a CD or Flash Drive/Memory Card.
- City Council, Planning Commission, or staff may require additional information or technical studies on a case-by-case basis.

**Upon request, staff will provide examples of previously approved CUP applications to serve as examples of the quality and types of submittals that are expected.**