

ORDINANCE 2004-08

AN ORDINANCE AMENDING THE UNIFORM ZONING ORDINANCE OF TOOELE COUNTY, TABLE 17-5-3.5(S), 17-5-3.6(T), AND 17-5-3.9(n), REPEALING REFERENCES TO STORAGE OF WASTES AND HAZARDOUS WASTES; AMENDING CHAPTER 26, CONSTRUCTION DEBRIS AND MUNICIPAL SOLID WASTE ZONES; AND AMENDING SECTION 14-1, ESTABLISHMENT OF ZONING DISTRICTS

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - AMENDMENT. The Uniform Zoning Ordinance of Tooele County, Tables 17-5-3.5(S), 17-5-3.6(T), and 17-5-3.9(n) are amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II - AMENDMENT. Chapter 26 of the Uniform Zoning Ordinance of Tooele County is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III - AMENDMENT. Section 14-1 of the Uniform Zoning Ordinance of Tooele County is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

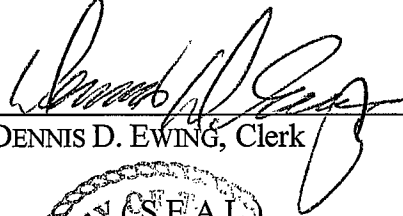
SECTION IV - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION V - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

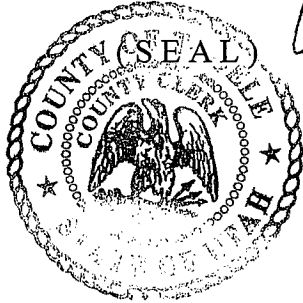
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 24th day of February 2004.

ATTEST:

TOOELE COUNTY COMMISSION

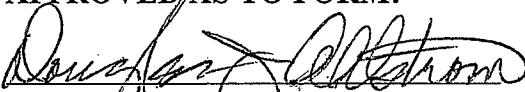

DENNIS D. EWING, Clerk


DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner White voted aye
Commissioner Lawrence voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

CONSTRUCTION DEBRIS AND MUNICIPAL SOLID WASTE ZONES

- Part
1. General.
 2. Construction debris overlay zone (CDO).
 3. Municipal solid waste zone (MSW).
 4. Use tables.

PART 1

GENERAL

- Section
- 26-1-1. Purpose.
 - 26-1-2. Definitions.
 - 26-1-3. Conditional use permit application.
 - 26-1-4. Reporting.
 - 26-1-5. Waste facility inspections.

26-1-1. Purpose.

The purpose of this chapter is to provide policies, standards, requirements, and procedures to regulate and control the location and expansion of non-hazardous waste facilities and ensure that all such facilities are consistent with the general plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area.

26-1-2. Definitions.

- (1) As used in this chapter:
 - (a) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding household waste and industrial wastes.
 - (b) "Construction debris landfill" means a landfill that receives nonhazardous construction and demolition waste and inert waste.
 - (c) "Construction waste" or "demolition waste" means solid waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation, and demolition operations on houses, commercial buildings, and other structures. Such waste may include bricks, concrete, other masonry materials, soil, rock, and rebar. It does not include drywall, asphalt, asbestos, contaminated soils or tanks resulting from remediation or clean-up at any release or spill, waste paints, solvents, sealers, adhesives, or similar hazardous or potentially hazardous materials.
 - (d) "Contaminate" means to make impure by exposure to or addition of a poisonous or polluting substance.

(e) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, and bunkhouses.

(f) "Inert waste" means noncombustible, municipal solid wastes that retain their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.

(g) "Municipal solid waste" means household waste, yard waste, nonhazardous commercial solid waste, and non-hazardous sludge.

(h) "Municipal solid waste facility" means a facility that receives municipal solid waste for treatment, storage or disposal.

(i) "Yard waste" means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including grass clippings, prunings, and other discarded material generated from yards, gardens, parks, and similar areas. "Yard waste" does not include garbage, paper, plastic, processed wood, sludge, septage, or manure.

26-1-3. Conditional use permit application.

Each conditional use permit application shall be submitted and receive approval by the planning commission before any operation is commenced. A copy of the application submitted to the State of Utah shall accompany the conditional use permit application to the county. Submission of an application does not constitute an assurance or presumption that such use will be approved. Each proposed landfill shall be evaluated on an individual basis in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located to determine whether the use is appropriate at the particular location.

26-1-4. Reporting.

Each owner or operator of any facility, including a facility performing post-closure care, shall prepare an annual report and submit it to the county health department and the county department of engineering by March 1. The annual report shall cover facility activities during the previous year.

26-1-5. Waste facility inspections.

The zoning administrator or any duly authorized officer, employee, or representative of the county health department may, at any reasonable time and upon presentation of appropriate credentials, enter any waste facility and inspect the property, records, monitoring systems, activities and practices, or waste being handled

for the purpose of ascertaining compliance with this chapter and the approved plan of operation for the facility. The inspector may:

- (1) conduct monitoring or testing, or collect samples for testing, to verify the accuracy of information submitted by the owner or operator or to ensure that the facility is in compliance, and the owner or operator may request split samples and analysis parameters on any samples collected by the inspector;
- (2) use photographic equipment, video camera, electronic recording device, or any other reasonable means to record information during any inspection; and
- (3) cause notice of the results of any inspection to be sent promptly to the owner or operator of the facility if not left on site.

PART 2

CONSTRUCTION DEBRIS OVERLAY ZONE (CDO)

Section

- 26-2-1. Purpose of the construction debris overlay zone (CDO).
- 26-2-2. Application of the construction debris overlay zone (CDO).
- 26-2-3. Materials allowed.
- 26-2-4. Location standards for construction debris disposal facilities.
- 26-2-5. Plan of operation.

26-2-1. Purpose of the construction debris overlay zone (CDO).

The purpose of this part is to provide policies, standards, requirements, and procedures to regulate and control the location and expansion of construction debris disposal facilities and ensure that all such facilities are consistent with the general plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area. The Construction Debris Overlay zone (CDO) will insure that the site remains intact while possibly permitting some post-closure activity to occur.

26-2-2. Application of the construction debris overlay zone.

(1) The Construction Debris Overlay (CDO) zone is a zoning district that fits over an existing zoning district. It identifies the operation and location of a construction debris disposal facility.

(2) A CDO may be located in any MU-40, A-20, M-D, or M-G zoning district. The zone modifies the underlying zoning district to protect construction debris facilities and allow only those uses that can be permitted on the site during operation and post closure of the facility.

(3) The regulations of uses in this chapter shall supercede those conflicting of the underlying zone.

(4) An application for a CDO shall comply with the requirements of Chapter 3 of this zoning ordinance.

26-2-3. Materials allowed.

(1) A construction debris disposal facility shall landfill only inert waste, brick material, concrete, or rock.

(2) Wastes that contain contaminated materials are prohibited in construction debris disposal facilities.

26-2-4. Location standards for construction debris disposal facilities.

(1) Applications for a CDO zoning district shall comply with Utah Administrative Code Rule R315-302, Solid Waste Facility Location Standards.

(2) No new construction debris disposal facility or lateral expansion of an existing facility shall be located within:

(a) one-fourth mile of farmland which is designated by the county as an agricultural protection area;

(b) two miles of any airport runway end unless the owner or operator demonstrates that the facility design and operation will not increase the likelihood of bird and aircraft collisions, which will reduce the distance to one mile; or

(c) a ground water primary recharge area, groundwater classified as IB or located over a sole source aquifer as determined by a hydrogeologic study.

(3) If a new construction debris landfill or a lateral expansion of an existing construction debris landfill is located within five miles of an airport runway end, the owner or operator must notify the affected airport and the Federal Aviation Administration

26-2-5. Permitted and conditional uses.

(1) Each application for a conditional use permit shall include all drawings, maps, specifications, statements and records required by Chapters 7, 12 and this chapter. All applications that are incomplete upon submission shall be returned to the applicant.

(2) Prior to any conditional use permit being issued that will permit a construction debris facility, the applicant shall show a demonstrated need for the facility within Tooele County.

(3) All conditional use permit applications for construction debris disposal facilities shall be reviewed by the planning commission, which shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. As a minimum all conditional use permits shall have the following conditions:

(a) The construction debris facility is permitted for

ancillary and support facilities necessary to conduct its business, including offices, maintenance facilities, laboratories, records storage facilities, process stations and equipment, fuel and chemical storage, and support services to maintain a workforce.

(b) The construction debris facility shall maintain all facilities and activities in such fashion to assure conformity to all Tooele County Zoning, Health, Building, Plumbing, Mechanical and Electrical Codes, National Fire Protection Association Standards (NFPA), and other County ordinances, rules and regulations.

(c) Copies of the licenses and permits issued by the State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste shall be filed with the Department of Engineering. The facility shall not operate without the proper permits being in force.

(d) The construction debris facility shall maintain a contingency plan and shall report to Tooele County any conditions that may endanger human health or the environment outside the facility. Any such information shall be reported orally as soon as practicable once the operator of the construction debris facility becomes aware of the circumstances of such incident.

(e) The operator of the construction debris facility shall take all reasonable steps to minimize and correct any adverse impacts on the public health and environment. The operator shall address "on-site" monitoring, which may be required for assessment of impacts to air, water, soil, vegetation and public health exposures on all property under the control of the construction debris facility. Any air, soil or groundwater monitoring assessments shall be provided to Tooele County upon the written request of Tooele County. Tooele County reserves the right to monitor and assess all subject properties that may be impacted at its discretion and expense.

(f) The operator of a construction debris facility shall allow Tooele County representatives, upon the presentation of credentials and other documents as may be required by law to:

(i) enter at reasonable times upon the premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this permit;

(ii) have access to copy any records that must be kept under the conditions of this permit;

(iii) inspect any facilities, equipment, practices, or operations regulated or required under this permit; and

(iv) sample or monitor for the purpose of assuring permit compliance.

(g) The operator of the construction debris facility shall submit to the Tooele County Engineer, two copies of its annual operating report no later than April 15 of each year. The annual report will be an executive

summary of the major activities of the previous year and a projection of any major facility changes planned for the current year. The major activities to be summarized are as follows:

(i) the amount of waste received and transferred;

(ii) occurrences where human health or the environment were threatened, on and off the site, such as explosions, major fires, and reportable quantity spills;

(iii) major changes to the facility, or its mission; and

(iv) monitoring activities and any abnormal results that have not already been reported to Tooele County.

(h) The provisions of the permit are severable. If any provisions of the permit, or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected.

(i) The conditional use permit shall be reviewed upon any change in the facility's operation. Either Tooele County, the landowner or the operator may review the permit at any time.

(j) This conditional use permit is revocable by the planning commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirement of the Uniform Zoning Ordinance of Tooele County and the Tooele County Code.

(k) All cells shall be covered to prevent fugitive dust and sand from blowing.

(l) Before startup, an operations plan shall be submitted to the Tooele County Planning Commission for review. The plan shall be updated and reviewed every five years with the Tooele County Planning Commission. Each five year plan shall expire and all operation shall cease until a new plan is approved.

(m) At the time that the operation is 95% complete the landowner shall submit a state-approved closure plan to Tooele County which will include post-closure activities.

(n) The operator of the construction debris facility shall comply with the licensing and inspection requirements of Title 7, Chapter 3 of the Tooele County Code.

(o) All internal roads shall be constructed with a dust-free surface or treatment.

(p) Any debris that is spilled as a result of the transportation or processing of waste from the operation of the facility shall be cleaned up daily.

(q) The construction drawings of cells shall be submitted to the Tooele County Department of Engineering for review by the county engineer.

(r) The operator of the construction debris facility shall obtain a mitigation agreement from the Board of

County Commissioners.

(s) The operator of the construction debris facility shall build a perimeter security fence of a sufficient size to prevent unauthorized access.

(4) The land owner and operator shall be responsible to insure all conditions are complied with.

PART 3

MUNICIPAL SOLID WASTE ZONE (MSW).

Section

26-3-1. Purpose.

26-3-2. Creation and location.

26-3-3. Facility location criteria - Environmental assessment.

26-3-4. Permitted and conditional uses.

26-3-1. Purpose.

The purpose of this part is to provide zones where municipal solid waste facilities can be located in such a way as to ensure that all such facilities are consistent with the general plan and are constructed and operated in a manner that will promote public health, safety, general welfare and the physical, social and economic development of the area.

26-3-2. Creation and location.

The Municipal Solid Waste (MSW) zone is a zoning district where industries that treat, store and dispose of municipal solid waste shall be located. MSW zoning districts shall be created under Chapter 3 of the Uniform Zoning Ordinance of Tooele County and shall only be located in the county's designated Municipal Solid Waste corridors. The zone shall not be located within one mile of any district boundary that allows for residential dwellings.

26-3-3. Facility location criteria - Environmental assessment.

(1) All municipal solid waste facilities regulated under this chapter shall be located in an MSW zone.

(2) An application to amend the zoning map of Tooele County for a MSW zoning district shall be accompanied by a full environmental assessment and a copy of the application submitted to the State of Utah, Department of Environmental Quality. The planning commission upon review of the environmental assessment may require further study or clarification on any aspect as it pertains to the suitability of the site and its effect upon adjoining land.

(3) The environmental assessment shall include data and determination as to actual on-site conditions with emphasis in the following areas:

- (a) liquefaction potential;
- (b) on site soil suitability for limitations on

municipal waste landfills;

(c) potential for storm water and groundwater contamination;

(d) potential for water contamination in the Great Salt Lake;

(e) 100 year flood and high water level for the Great Salt Lake;

(f) determination on wetlands;

(g) geotechnical study on seismic factors;

(h) operation plan;

(i) closure plan;

(j) wildlife impact;

(k) erosion control;

(l) annual wind and climate study; and

(m) fugitive waste control on site and during transport.

26-3-4. Permitted and conditional uses.

(1) A conditional use permit shall be obtained prior to constructing or operating a municipal solid waste facility within the MSW zoning district. No presumption of approval shall be made regarding an application. All applications for conditional use permits made to the planning commission shall include all drawings, maps, specifications, statements and records as required by Chapters 7, 12 and this chapter. Applications that are incomplete upon submission shall be returned to the applicant. The land owner and operator shall be responsible to insure all conditions are complied with.

(2) Prior to any conditional use permit being issued, the applicant shall show a demonstrated need for the facility within Tooele County.

(3) All conditional use permits issued within an MSW zoning district shall be reviewed by the planning commission who shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. As a minimum all conditional use permits shall have the following conditions:

(a) The municipal solid waste facility is permitted for ancillary and support facilities necessary to conduct its business such as offices, maintenance facilities, laboratories, records storage facilities, process stations and equipment, fuel and chemical storage, and support services to maintain a workforce.

(b) The operator of the municipal solid waste facility shall maintain all facilities and activities in such fashion to assure conformity to all Tooele County Zoning, Health, Building, Plumbing, Mechanical and Electrical Codes, National Fire Protection Association Standards (NFPA), and other County ordinances, rules and regulations.

(c) Copies of the licenses and permits issued by the State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste shall be filed

with the County Department of Engineering. The facility shall not operate without the proper permits being in force.

(d) The operator of the municipal solid waste facility shall maintain a contingency plan and shall report to Tooele County any conditions that may endanger human health or the environment outside the facility. Any such information shall be reported orally as soon as practicable once the operator of the municipal solid waste facility becomes aware of the circumstances of such incident.

(e) The operator of the municipal solid waste facility shall take all reasonable steps to minimize and correct any adverse impacts on the public health and environment. At a minimum, The operator may be required to address "on-site" monitoring; which may be required for assessment of impacts to air, water, soil, vegetation and public health exposures on all property under the control of the municipal solid waste facility. Any air, soil or groundwater monitoring assessments shall be provided to Tooele County. Tooele County reserves the right to monitor and assess all subject properties that may be impacted at its discretion and expense.

(f) The operator of the municipal solid waste facility shall allow Tooele County or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(i) enter at reasonable times upon the municipal solid waste facility's premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit;

(ii) have access to copy any records that must be kept under the conditions of this permit;

(iii) inspect any facilities, equipment, practices, or operations regulated or required under this permit; and

(iv) sample or monitor for the purpose of assuring permit compliance or as otherwise directed by Tooele County, any substances or parameters at any location.

(g) The operator of the municipal solid waste facility shall submit to the Tooele County Engineer, two copies of its annual operating report no later than April 15 of each year. The annual report will be an executive summary of the major activities of the previous year and a projection of any major facility changes planned for the current year. The major activities to be summarized are as follows:

(i) the amount of waste received and transferred;

(ii) occurrences where human health or the environment were threatened, on and off the site, such as explosions, major fires, and reportable quantity spills;

(iii) major changes to the facility, or its mission; and

(iv) monitoring activities and any abnormal results that have not already been reported to Tooele County.

(h) The provisions of the permit are severable. If any provisions of the permit, or the application of any provision of the permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected.

(i) The conditional use permit shall be reviewed upon any change in the facility's operation. Either Tooele County, the landowner or the operator may review the permit at any time.

(j) This conditional use permit is revocable by the planning commission at any time due to failure of the permittee to observe any condition specified or failure to observe other requirements of the Uniform Zoning Ordinance of Tooele County or the Tooele County Code.

(k) Loose materials shall be off-loaded in a covered structure to prevent fugitive waste from escaping into the landscape and off site. Bailed waste may be off loaded at the cell. The operator may submit an alternative plan and guarantee to be approved by the planning commission that will allow handling of loose waste with out a covered structure for off-loading.

(l) All cell berms and walls not covered with a liner and clay shall be covered with gravel to prevent fugitive dust and sand from blowing. The operator may submit an alternative plan and guarantee to be approved by the planning commission that will insure containment of fugitive dust.

(m) Before startup, an operations plan shall be submitted to the Tooele County Planning Commission for review. The plan shall be updated and reviewed every five years with the Tooele County Planning Commission. Each five year plan shall expire and all operation shall cease until a new plan is approved.

(n) At the time that the operation is 95% complete the landowner shall submit a state approved closure plan to Tooele County which will include post-closure activities.

(o) The operator and landowner of the municipal solid waste facility shall comply with the licensing and inspection requirements of Title 7, Chapter 3 of the Tooele County Code.

(p) All internal roads shall be constructed with a dust free surface or treatment.

(q) Any waste that is blown as a result of the transportation or processing of waste from the operation of the facility shall be cleaned up daily.

(r) The construction drawings of cells shall be submitted to the Tooele County Department of Engineering for review by the county engineer.

(s) The operator of the municipal solid waste facility shall complete a mitigation agreement with the Board

of County Commissioners.

(t) The operator of the municipal solid waste facility shall build a perimeter security fence of a sufficient size to prevent unauthorized access.

PART 4

USE TABLES.

Section

- 26-4-1. Codes and symbols.**
- 26-4-2. Uses.**
- 26-4-3.1. Construction debris overlay (CDO) zone uses.**
- 26-4-3.2. Municipal solid waste (MSW) zone uses.**

26-4-1. Codes and symbols.

(1) In this Part are tables describing uses of land or buildings that are allowed in the various districts as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be allowed by a conditional use permit issued by a planning commission

are indicated by a "C" in the appropriate column. Uses that may be permitted by a conditional use permit issued by the zoning administrator are indicated by a "C1" in the appropriate column.

(2) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

(3) If a regulation applies in a given district, it is indicated in the appropriate column by an alphanumeric character that will show the linear feet or square feet or acres required or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

26-4-2. Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the construction debris overlay (CDO) or municipal solid waste (MSW) zoning districts except as provided in this Part.

Table 26-4-3.1. Construction debris overlay (CDO) zone uses.		
	Use	CDO
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Agriculture, grazing of animals, raising of crops	P
c	Class V landfill under Title 19 UCA or Utah Administrative Rules	-
d	Construction debris landfill	C

Table 26-4-3.2. Municipal solid waste (MSW) zone uses.		
	Use	MSW
a	Accessory uses buildings customarily incidental to conditional uses	C1
b	Class V landfill under Title 19 UCA or Utah Administrative Rules	-
c	Grazing of animals	P
d	Municipal solid waste landfill	C
e	Waste recycling facilities	C
f	Waste to energy facilities	C