

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Ramsey County Midway Waste Site **FILE #** 13-260-500
 2. **APPLICANT:** Saint Paul-Ramsey County Public Health **HEARING DATE:** January 16, 2014
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1943 Pierce Butler Route, NW corner at Prior Ave
 5. **PIN & LEGAL DESCRIPTION:** 282923320020, Loverings Factorywarehouse A Subj To St; Lots 1 Thru Lot 9 Blk 1
 6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** I1
 7. **ZONING CODE REFERENCE:** §61.501, §65.331
 8. **STAFF REPORT DATE:** January 8, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** December 26, 2013 **60-DAY DEADLINE FOR ACTION:** February 24, 2014
-

- A. **PURPOSE:** Conditional use permit to allow source-separated organics collection and transfer as an accessory use.
- B. **PARCEL SIZE:** 112,712 square feet
- C. **EXISTING LAND USE:** G-Yard Waste
- D. **SURROUNDING LAND USE:**

Single-family residences to the southeast (R4), a pond and industrial/railroad uses to the north and east (I1), and industrial/railroad uses to the west and directly south (I1 & I2).
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; a draft code amendment to §65.331 would permit and set the conditions for source-separated organics collection and transfer at municipal yard waste sites (please see attachments for draft code language currently under City Council review).
- F. **HISTORY/DISCUSSION:** In 1997, the Planning Commission approved a Conditional Use Permit for the yard waste site (ZF# 97-209). In 2004, the site received a Conditional Use Permit and Determination of Similar Use to allow acceptance and chipping of tree and shrub yard waste as an accessory use to the yard waste collection use. In 2005, the CUP was reviewed by Planning Commission and the previously approved conditions were confirmed—the one year review had been a condition of the 2004 approval.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 11 Council has not provided input regarding the application.
- H. **FINDINGS:**
 1. The application requests Conditional Use Permit approval to allow source-separated organics collection and transfer as an accessory use.
 2. Per the site plan, the source-separated organics collection container(s) is/are proposed to be located in the center-west portion of the site. The nearest residence to the proposed container is approximately 550 feet to the southeast.
 3. The source-separated organics will be stored on-site within compostable bags placed within covered dumpsters. The dumpsters will be removed regularly – approximately once per week. No on-site composting is proposed.
 4. Source-separated organics collection and transfer is currently not permitted by the Zoning Code. However, a Zoning Code text amendment has been forwarded by the Planning Commission to the City Council that would allow residentially generated source-separated organics collection and transfer to occur at the municipal yard waste sites. The text amendment, if approved, would set the following conditions for municipal yard waste sites:
 - (a) *Only yard waste and source-separated organics shall be accepted.* This condition is met—these are the only materials proposed to be accepted.
 - (b) *The municipal yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.* This condition is met. The site operations, including

the source-separated organics collection area, are located more than 300 feet from the nearest residential properties to the southeast.

- (c) *The municipal yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means. In industrial districts, the site may have greenhouses for composting yard waste. This condition is met. The site is surrounded by fencing. No composting takes place on this site.*
- (d) *The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade. In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre. This condition can be met. Piles of yard waste and finished compost are to be kept to 15 feet or less in height, as they have been required to be since the 2004 approval.*
- (e) *The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted. This condition can be met. The applicant agrees to manage the site in such a manner.*
- (f) *Source-separated organics shall be for collection and transfer only, with no on-site composting of material. All source-separated organics shall be residentially generated and kept within leak-proof, closed containers while on the site, and shall be removed regularly. This condition can be met. The application proposes collection and transfer of source-separated organics using a covered dumpster for collection. A recommended condition would limit it to residentially generated waste only.*

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The use is consistent with the environmental goals of the Comprehensive Plan.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Site access will remain the same and is unlikely to cause traffic congestion.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The use has been operating for many years and has not been detrimental to the character of development in the area or created public health, safety or general welfare problems. The addition of source-separated organics collection and transfer is unlikely to change this situation.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use has not adversely affected surrounding property or impeded its development and improvement, and the acceptance of source-separated organics is unlikely to change this situation.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use complies with the regulations of the I1 district.*

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit to allow source-separated organics collection and transfer as an accessory use subject to the following additional conditions:

- 1. Source-separated organic waste collected at this site shall be limited to residentially generated waste only.
- 2. Ordinance 14-3 "Source-Separated Organics" is adopted by City Council and becomes effective.

Attachments

- 1. Draft Ordinance 14-3
- 2. Application & Support Information
- 3. Aerial Photo & Site Plan
- 4. Zoning Map

Zoning office use only

File # 13-260500

Fee:

Tentative Hearing Date

1-16-14

PD-11

* 282923320020



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

APPLICANT

Name Saint Paul-Ramsey County Public Health, Environmental Health Section

Address 2785 White Bear Avenue North, Suite 350

City Maplewood St. MN Zip 55109-1320 Daytime Phone _____

Name of Owner (if different) _____

Contact Person (if different) Norm Schiferl Phone 651-266-1164
John Springman 651-266-1150

PROPERTY LOCATION

Address / Location Midway yard waste site on Pierce Butler Route at Prior Avenue

Legal Description (See attached narrative, Appendix A)

Current Zoning Light industrial

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made under provisions of Chapter 61, Section 61.501, Paragraph _____ of the Zoning Code for a:

Special Condition Use Permit Modification of River Corridor Standards

River Corridor Conditional Use Permit

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit. (attach additional sheets if necessary)

- CONDITIONAL USE: Explain how the use will meet each of the special conditions. (See attached narrative)
- RIVER CORRIDOR CONDITIONAL USE: Described how the use will meet the applicable conditions. (N/A)
- MODIFICATION OF RIVER CORRIDOR STANDARDS: Explain why modifications are needed. (N/A)

Required site plan is attached

Applicant's Signature Norm Schiferl Date 12.16.13 City Agent _____

odd
12-26-13

**Ramsey County Application for Conditional Use Permit Amendments
To Add Source-Separated Organics (SSO) Collection
At the Ramsey County Midway and Frank & Sims Yard Waste Sites**

SOURCE-SEPARATED ORGANICS (SSO) DROP-OFF COLLECTION SERVICES PROPOSAL

Summary

Saint Paul – Ramsey County Public Health (“Ramsey County”) is seeking conditional use permit (CUP) amendments to the CUPs for the County’s Midway (Pierce Butler at Prior) and Frank & Sims* (Case) yard waste sites to allow for drop-off collection of source-separated organics (SSO). SSO includes food waste/scraps and non-recyclable paper.

Ramsey County’s yard waste site operations are essentially the same, and continue to be in compliance with, the CUP/DSU (Determination of Similar Use) permits the City granted for the Midway and Frank & Sims sites in 2004 and reviewed in 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

The County intends to add SSO drop-off collection areas at all seven Ramsey County yard waste sites, including all four yard waste sites within the City of Saint Paul. SSO will initially be accepted from Ramsey County residents and possibly also from local community event coordinators that generate SSO from small events; small businesses located within Ramsey County that generate food scraps/SSO, such as restaurants, could possibly be added in future.

Each site will have an area with covered containers (“dumpster” or roll-off box) in which people will place SSO brought to the site in compostable bags. The County will contract with a vendor to empty the containers on a regular basis and haul the SSO to a properly permitted organics processing facility, such as an SSO composting facility. The SSO collection area will be completely separate from yard waste operations. SSO collection services will begin in the spring of 2014, and will be available to the public during open yard waste site hours, which will be extended throughout the year at all sites.

Ramsey County has been evaluating this service for the past year, as part of implementation of the *Ramsey County Solid Waste Master Plan*. City of Saint Paul officials have requested that the County add SSO collection areas at the County’s yard waste sites, consistent with the City’s current Recycling Services Timeline brochure that shows, during 2014, “Increase backyard composting education and expand organics drop off sites.” Having SSO drop-off opportunities available will help to serve as a bridge until curbside SSO collection opportunities become available (the *Solid Waste Master Plan* requires all municipalities in Ramsey County to provide for residential SSO collection by 2016; commercial SSO collection services are currently only available on a limited basis within Ramsey County).

Description of SSO Collection Services at Yard Waste Sites

Who will be served

- Residents of Ramsey County.

- Possibly local community event coordinators that generate SSO from small events.
- In future, potentially small businesses in the county that generate food waste/SSO, such as restaurants.

Where

- Drop-off SSO capacity will be provided at all seven yard waste sites during regular yard waste hours.
- SSO and yard waste collection areas will be completely separate.

When

- Services will start in spring of 2014. SSO collection services will be available to the public during open yard waste site hours and days.
- Unlike yard waste in a cold-winter climate, food waste/organics are generated year-round. Thus, SSO will need to be accepted year-round and weekly at all the yard waste sites. Three sites, including the Midway and Frank & Sims sites, currently are open one weekend a month from December through March; starting in 2014 all seven sites will be open on all weekends throughout winter (and continue to be open Monday, Wednesday, Friday, Saturday and Sunday during spring, summer and fall).

What

- Acceptable materials will include food waste/scraps and various types of soiled/low-grade/non-recyclable paper (plus some other minor items typically accepted in SSO collection programs, such as dryer lint).
- Yard waste will continue to be managed separately.

How

- Bags
 - Materials will only be accepted in closed compostable bags (with a specific certification: "BPI-certified"), which will:
 - Reduce potential odors once delivered to the site,
 - Reduce the potential for materials to freeze to collection containers at the site, and
 - Comply with State law requiring that any bags delivered to compost facilities be BPI-certified compostable bags.
 - During 2014 and 2015 the County will purchase compostable bags in bulk and make them available to residents at no cost. Doing so will address the potential barrier to residents of the cost of bags.
- SSO collection: The Department will procure a contract with a vendor to provide suitable covered containers at the sites for SSO, and collect the SSO from them on a regular basis, or when called, for delivery to a properly permitted organics processing facility, such as an SSO composting facility.
- Sanitation: The program is designed to prevent adverse outcomes, such as odor or rodent problems, by requiring SSO to be bagged, providing for covered containers, and having regular collection of SSO by the vendor. Collection is generally planned to occur at least once per week but could increase during the summer months when use may be higher and/or warmer weather conditions may warrant increased collection frequency. Collection frequency may decrease during the winter months when projected slower use and colder temperatures allow for longer periods between hauling.
- Cost to residents: No user charge to residents at the sites.

Education and promotion:

- A promotion and education program will accompany launch of SSO collection at the yard waste sites, both to inform and generate interest in the program to residents, and to educate residents about which materials are acceptable, because significant contamination with unacceptable materials could deem loads of SSO to be unacceptable at a SSO processing facility.
- As part of the promotion, for 2014 and 2015 the County will provide compostable bags at no cost to residents.
- The education and promotion campaign will also include information about backyard composting.
- The Ramsey County Master Gardener program will be an important player in this campaign, assisting in communicating about SSO collection, as well as assisting with education at the yard waste sites (Saint Paul – Ramsey County Public Health has an ongoing contract with the Master Gardener program).

Labor

- Existing staff (yard waste monitors) will serve as quality control for SSO that is dropped off by residents. During busy yard waste periods (particularly portions of the spring and fall), additional labor may be needed to assist in quality control. The Department will explore the use of other labor resources, such as volunteers or Master Gardeners, to assist at these times.

Permits and licenses

- Minnesota Pollution Control Agency (MPCA) - All seven yard waste sites are approved permit-by-rule sites with the MPCA, and the County complies each year with annual reporting requirements. Ramsey County will submit an application for each site for the new MPCA SSO drop-off transfer station permit-by-rule requirement, which will become a simple amendment to the existing yard waste permits-by-rule.
- Municipal permits - County staff is working with all four host communities of the County's yard waste sites (Arden Hills, Mounds View, Saint Paul, and White Bear Township) to ensure that any necessary permit changes can be received well in advance of the proposed roll-out of SSO collection at the yard waste sites in the spring of 2014.

SSO participation

It is very difficult to estimate how many households will be interested in bringing SSO to the yard waste sites, and how often they might do so. The only local experience is in Saint Paul, where the Macalester-Groveland Community Council provides a SSO drop-off site in the parking lot of a local store. For initial estimating purposes, it is assumed that by the end of the first year that roughly 200 households will be using the sites at least somewhat regularly in the areas around each of the yard waste sites, except 100 households for sites with less frequent use—Battle Creek and White Bear Township. This totals to an estimated 1,200 households for the seven sites combined.

HOW CONDITIONS WILL BE ADDRESSED

Background on Ramsey County Midway and Frank & Sims Sites

The County's yard waste sites in Saint Paul began as joint operations between district councils and the County in the mid-1980s. The County (Public Health) took over operation of all County yard waste sites

in 1990-91. These sites accepted leaves, grass clippings, and other soft-bodied plant material for composting.

In 1994, at the request of the District Five Planning Council, the County purchased land to create the Frank & Sims site, including the yard waste drop-off area at the time plus surrounding land. Included was the sizable buffer area to the north and west to ensure compliance with City municipal yard waste requirements; that area has now evolved into the Big Urban Woods educational area as a service to the nearby community.

The Midway site, leased from the BN, was moved by the railroad in 1997 to its current site, from a site ¼ mile east; both site areas are on the north side of Pierce Butler Route. The BN sold the site to Ramsey County in 2003.

In fall of 2003 the County Board sought to add acceptance of tree and shrub waste and processing into wood chips at four sites, including two in Saint Paul, the Midway and Frank & Sims sites. When Ramsey County in early 2004 sought to add tree and shrub waste for these two sites, the City required the County to apply for a Conditional Use Permit (CUP) and Determination of Similar Use (DSU) for each site. The City of Saint Paul Planning Commission approved Zoning File No. 04-033-328 for the Frank & Sims site (referred to as "xxCase") and Zoning File No. 04-035-391 for the Midway site (referred to as "xxPrior Ave. N"), each with several conditions, including a requirement that the Planning Commission review both permits in one year. In 2005 the Planning Commission confirmed the CUP/DSU for each site in Zoning File No. 05-059-402 (Case) and 05-059-403 (Prior).

In 2006 the City approved the Phalen/Atlantic plan amendment to the Phalen Corridor Development Strategy, including some zoning changes affecting the Frank & Sims yard waste site. Formerly a conforming conditional use, the site is now a legal nonconforming use. At the same time the City approved an amendment to the zoning code, currently listed as Section 62.106 (q), which allows existing municipal yard waste sites that are legally nonconforming in the light industrial restricted district to expand as a conditional use, even though new municipal yard waste sites are not permitted in such districts. A January 27, 2006, letter from Brian Alton, Chair of the Saint Paul Planning Commission, to the Ramsey County Board chair and County commissioners, states in part, "the amendment in Section 6[2].106 (q) will allow the yard waste site to expand subject to the standards under the conditional use process, thus providing the flexibility that County staff has sought. The yard waste site is highly regarded. There is nothing in the Phalen/Atlantic plan amendment or zoning study that is intended to detract from its ability to operate."

In 2013 the City has undertaken a study resulting in the West Midway Industrial Strategy, currently listed on a City web page as a draft document. While the Midway yard waste site is included in the boundaries of the study area, it is not apparent that any specific strategies would affect the site, other than continued designation as industrial for the portion containing the Midway site.

Since 2004 the Midway site has averaged about 116,000 site visits per year (ranging from about 105,000 to 139,000), and the Frank & Sims site has averaged about 73,000 site visits per year (ranging from about 61,000 to 87,000).

Addressing Conditions

CUP General Standards

Section 61.501 of the Saint Paul Zoning Code includes five general standards, each of which is addressed below. Ramsey County continues to operate in compliance with the CUP/DSI permits for the Midway and Frank & Sims sites, and the operations are essentially the same as they were in 2004 and 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations. The 2006 Phalen/Atlantic plan amendment and zoning changes affected the Frank & Sims site by changing its status to a nonconforming use; however, the provisions of the 2004-5 CUP/DSU for the site has continued, and Section 62.206 (q) allows expansion of the conditional use. The 2010 *Saint Paul Comprehensive Plan* does mention an upcoming west Midway area industrial study; the draft 2013 West Midway Industrial Strategy does not appear to have a direct impact on the Midway yard waste site except to continue the current industrial designation.

The 2010 *Saint Paul Comprehensive Plan* includes mention of Sustainable Saint Paul. Addition of SSO drop-off areas at the County's yard waste sites in the City is consistent with one of the focal points of Sustainable Saint Paul, recycling and waste reduction. Since then the City has undertaken its *Recycle it Forward* process in 2012-13, which has led to upcoming changes to expand the City's recycling program, including in 2014, "Increase backyard composting education and expand organics drop off sites."

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

Ramsey County continues to operate the Midway and Frank & Sims sites as efficiently as possible in terms of traffic flow, especially during busy times in spring and fall when large numbers of residents seek to use the sites. Addition of the SSO drop-off area is not expected to increase traffic significantly, as the number of households dropping off SSO is expected to be relatively small (an estimated 200 households using each site at least somewhat regularly), and some SSO drop-off site users may already be using the sites to drop off yard waste. (The Midway and Frank & Sims sites average about 116,000 and 73,000 site visits per year, respectively.)

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The Frank & Sims site has been in its current location since the mid-1980s. The current Midway yard waste site has been in its current location since 1997, and the previous location ¼ mile east was in operation from the mid-1980s until 1997. Since the County took over operation of its yard waste sites in 1990-91 the County has sought to be a good neighbor at these and other yard waste sites. The County has been in compliance with the CUPs for both sites since the City approved and reviewed the

CUPs/DSUs for both sites in 2004-5. Addition of the SSO drop-off area will not have any detrimental effect on the immediate neighborhood, nor will it endanger the public health, safety and general welfare. Instead, the SSO drop-off area will offer residents an opportunity to help manage their organic waste in a productive manner instead of putting it in the trash. Any potential for odor production will be minimized because all SSO brought to the site must be in compostable bags, the bags will be placed in an enclosed container prior to pick-up, and the containers will be collected and transported to a SSO processing facility on a regular basis.

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The current use as a yard waste site has been compatible with surrounding property at both sites for many years. Addition of the SSO drop-off area at each site will not have an impact on development and improvement of surrounding properties.

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations.

Municipal yard waste site standards

The Midway and Frank & Sims sites continue to operate in accordance with all the requirements of Section 65.331, Yard waste site, municipal, which are also mirrored in the CUP conditions for each site.

Section 65.331 (a) requires that only yard waste and no other types of solid waste be accepted. City staff has indicated that it is seeking to have this provision amended to allow for acceptance of SSO at municipal yard waste sites, and managed on-site separately from yard waste.

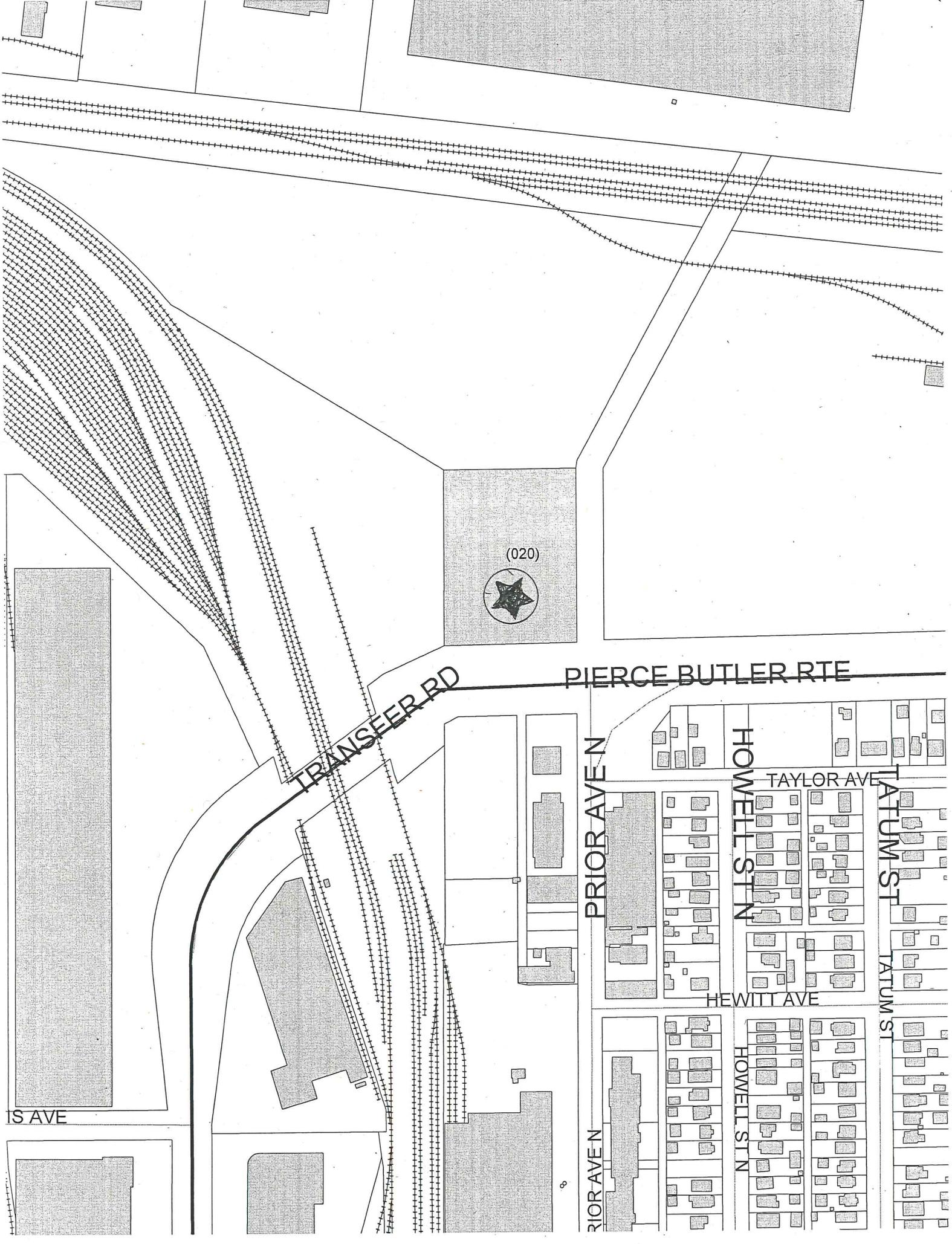
GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard Show Reference Map







(020)



TRANSEER RD

PIERCE BUTLER RTE

PRIOR AVEN

HOWELL STN

TAYLOR AVE

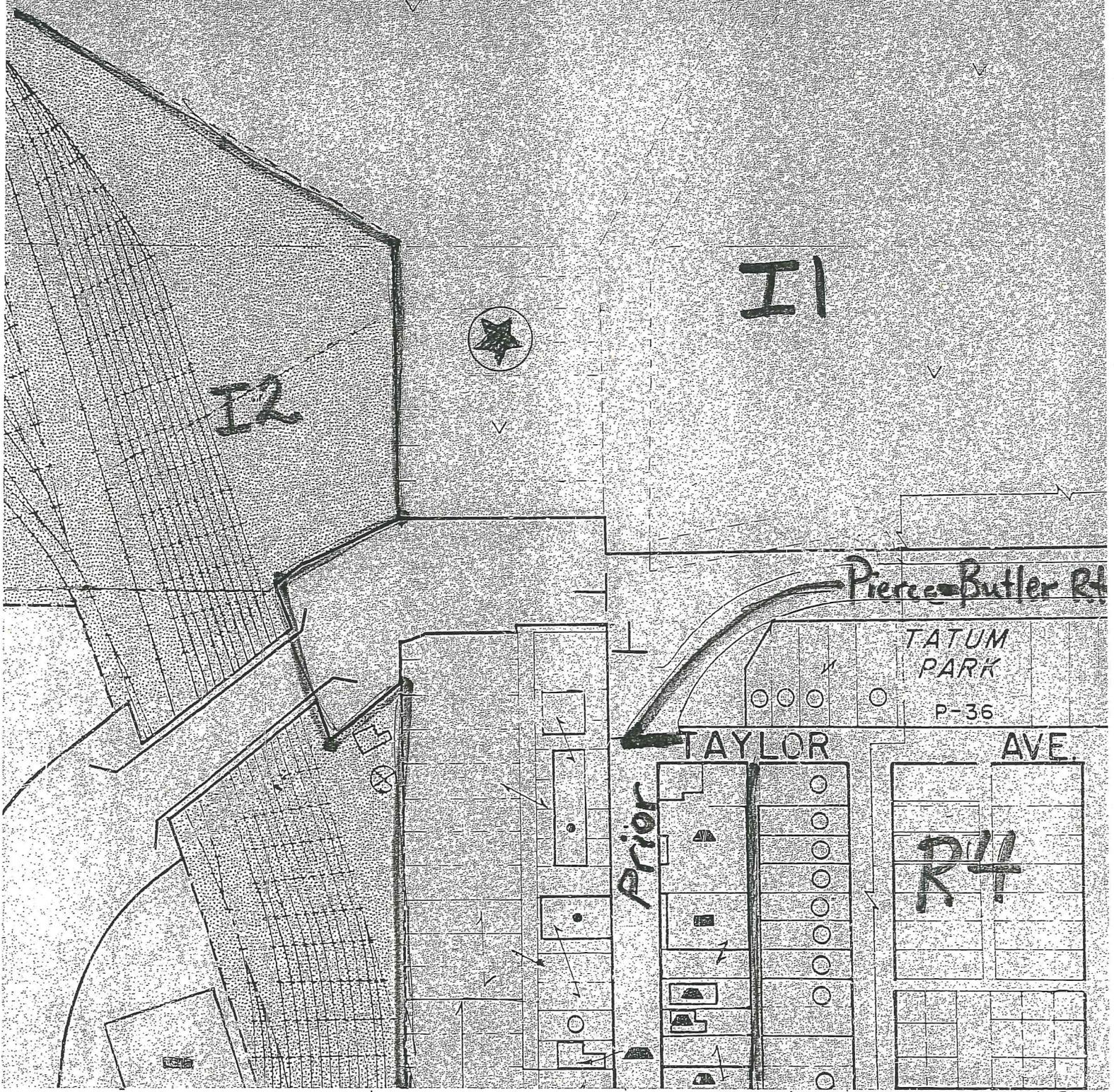
HEWITT AVE

HOWELL STN

TATUM ST

IS AVE

8



APPLICANT St Paul - Ramsey Cty Public Health

PURPOSE CUP

FILE # 13-260500 DATE 12-27-13

PLNG. DIST. 11 Land Use Map # 9

SCALE 1" = 400' Zoning Map # 7

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

