

**VALLEY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**AMENDMENT TO THE VALLEY TOWNSHIP ZONING  
ORDINANCE FOR COMPOSTING FACILITIES**

Ordinance No. **252**

ADOPTED: August 12, 2014

EFFECTIVE: October 3, 2014

It is the intent of Valley Township to adopt reasonable regulations for land use in the Township while ensuring that no adverse effects contribute to the blighting or downgrading of property values or cause adverse effects on the public health, safety, and welfare of persons and property within the Township. The purpose of the ordinance is to preserve the quality of life in the Township.

**SECTION I: Definitions**

1. Compost means the humus-like product of the process of composting organic waste which may be used as soil conditioner.
  
2. controlled biological treatment process by which microorganisms decompose the organic fraction of waste producing compost.
  
3. Composting material means organic waste undergoing composting.
  
4. Composting operation means all composting activities conducted on a site including all composting material stored and end-product located on a site at any time.
  
5. Organic waste means non-hazardous carbonaceous (consisting of or yielding carbon) waste that is collected and processed separately from a regular waste stream.
  
6. Aerobic is a process of composting above ground using oxygen to break down waster matter.
  
7. Anaerobic is a process of composting underground without oxygen.

## **SECTION II: Zoning and Operation of Composting Facilities Requirements**

1. Minimum Lot Size: The minimum lot size of a composting facility shall be twenty (20) acres.
2. Setbacks: Active composting operations and storage of raw materials shall not be located closer than one hundred (100) feet from any boundary of the facility site. The storage of finished materials shall not be located closer than 100 feet from any adjacent right of way or twenty feet (20) feet from any interior lot line. Setbacks from composting and storage of raw and finished materials shall be increased to 500 feet from the boundary of any land in residential districts.
3. Composting Facilities shall not be allowed in any 100 year floodplain or protected wetland.

### 4. Site Plan

Composting facilities shall submit a site plan to Valley Township that contains the following information:

- a. public access routes and traffic patterns for onsite traffic circulation
- b. maintenance plan for all indoor and outdoor areas where compost materials are received, processed, cured or stored to prevent rutting that would allow ponding or puddling of water in places other than a retention basin.
- c. Written documentation of the following:
  1. hours of operation
  2. methods of controlling fugitive dust, noxious odors, noise, vibration, lights and blowing debris.
  3. method of receiving raw material
  4. method of adequately securing the facility to prevent illegal dumping at the facility.
  5. method of sorting and handling composting materials onsite
  6. measures to be taken should anaerobic conditions arise.
  7. expected frequency of removal of composted materials.
  8. fire protection measures
  9. description of daily cleanup procedures
  10. measures to be taken should surface or groundwater contamination take place
  11. the capacity of the composting facility in cubic yards and the maximum amount of material to be accepted annually.
  12. submission of a closure plan as outlined in section X

### 5. Composting Material Requirements

- a. Stockpiles of raw, in process and composted materials shall not exceed 10 feet in height.

b. Incoming raw material shall not be stored or stockpiled onsite for more than 30 days without being processed.

c. Raw materials shall not be accepted onsite in an anaerobic condition nor shall this process be used by the facility. Accidental anaerobic conditions shall be rectified immediately. Repeated incidents shall result in revocation of the special use permit for the facility.

d. Raw materials and in-process materials shall not be stored or processed in piles with footprints that exceed 5000 cubic yards per acre. Exceptions may be permitted based on the specifications of the process-specific equipment designed for the composting to be conducted.

e. The volume of finished material to be maintained at the processing facility shall not exceed more than 30% of the total volume of raw and in-process materials present on site.

## 5. Screening

Compost facilities shall be screened from view from all adjacent street right of ways and adjacent properties. Screening may consist of an enclosed facility, natural landscaping that forms a complete, year-long, opaque visual screen at least eight feet in height within three years of planting; an eight-foot tall opaque fence, wall or some combination of the above in compliance with Township standards and meeting Township approval.

## 6. Circulation and Parking

Sufficient room shall be provided onsite to accommodate anticipated stacking and parking for deliveries and pick-ups. This shall be illustrated on the site plan presented for approval. On site circulation areas shall be provided, graded, surfaced, and maintained to permit free access to emergency vehicles at all times.

## 7. Road Cleaning and Maintenance

This requirement is enacted to ensure that tracking of mud or compost materials from composting areas onto public off-site roads will be minimized and assures that mud or compost materials trucked off-site are adequately removed. At the time of site plan approval, the operator of the composting facilities shall submit an off-site road maintenance plan that addresses the following minimum provisions:

1. method of dislodging mud and/or composting materials from the vehicles or undercarriage of trucks.
2. Onsite traffic control pattern including a by-pass around the truck cleaning area if applicable.
3. method for removing soil, dust and /or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.

4. methods of cleaning trucks and off site roads as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

5. plan for ensuring that public roads used for access to the facility are maintained at least as they would have been without facility truck traffic.

Failure to satisfy the terms of this maintenance plan shall be enforced as a violation of the Zoning Ordinance and may be grounds for revoking the facility's special use permit.

## 8. Drainage

Storing or disposing of compostable materials of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. All water that comes in contact with raw or in-process materials on-site must be collected and managed within the site. Surface water detained on the site shall be purified of contaminants before leaving the site or disposed of in accordance with applicable requirements of the County and State. Any discharge of this collected water from the site must meet the MDEQ Act 307 Type B Clean-up Criteria for Groundwater. Sampling of any potential discharge shall be collected within two feet of the property line where the water leaves the site.

## 9. Performance Standards

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property or cause injurious effects to human health, safety and welfare.

a. Noise and vibration emanating from a composting facility shall not exceed standards established in ordinances, statutes and regulations of the township, county or the state.

b. Unpleasant odors generated from material processing shall not extend beyond the property line of the compost facility and linger for more than four hours. All such incidents and odor complaints shall be documented by the facility and submitted to the Township Zoning Administrator who shall confirm the presence of the unpleasant odor by standing 50 feet away from the property line. Upon confirmation of the incident, the Township shall notify the facility that they have 48 hours to resolve the complaint. Failure to do so shall be enforced as a violation of the Zoning Ordinance. Repeat offenses may be grounds for revoking the facility's special use permit.

c. Debris and litter driven by wind or flowing water emanating from a composting facility shall be collected daily. If the compost facility is unable to prevent wind or water-driven debris from leaving the site, the Zoning Administrator may require the erection of impenetrable screening to prevent scattering of debris.

If there is evidence that performance standards have not been met and/or that a problem or nuisance conditions exists as determined by the Zoning Administrator, despite compliance with the operations plan, then a revised plan shall be developed by the operator. This revised plan must be submitted within ten

working days from the date that the Zoning Administrator notifies the operator of the issues with the operations plan. The new plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will not continue.

#### 10. Operations Plan

Composting facilities shall submit an Operations Plan to Valley Township that contains methods to minimize the off-site occurrences of fugitive dust,, noxious odors, vibrations, light and blowing debris. This plan may include such measures as restricting the daily work area, refusing to accept certain compost materials, additional technology or filtering or other appropriate measures. The Township must approve this plan.

#### 11. Compliance

The composting facility shall be conducted and operated in accordance with current standards established by the United States Environmental Protection Agency, the U.S. Department of Agriculture, the state Department of Natural Resources and Department of Environmental Quality, the County Drain Commissioner , Health Department and other Federal, State and County regulatory agencies.

#### 12. Closure Plan

A closure plan shall be submitted which details the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.

- a. The plan shall describe how the existing site will be cleaned up.
- b. How and where the existing surface debris will be disposed.
- c. What the final disposition of the land will be.

In addition, the petitioner shall prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean-up should operations cease. The deposit shall be in the form of cash, certified check, irrevocable bank letter of credit or surety bond in an amount to be determined acceptable by the Township Board.based on the estimated cost of restoration of the property.

Continued violation of the performance standards shall result in the Township having the right to direct the closing or clean up of the composting facility at the expense of the owner/operator or leasee.

### **SECTION III: Repeal and Effective Date**

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.