

Board of Zoning Adjustment
Staff Report
May 6, 2019



Case No.	19CUP1059
Project Name	Solid Waste Management Facility
Location	2673 Outer Loop
Owner/Applicant	Waste Management of Kentucky
Representative	Staties and Harbison PLLC
Jurisdiction	Louisville Metro
Council District	13 – Mark Fox
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Modification of a Conditional Use Permit for Earth Excavation, Filling, and Refuse Disposal Operations, Major (LDC 4.2.22)

Relief from CUP requirement limiting all deliveries of materials, filling, spreading, compacting and grading on the site to weekdays between 7:00 A.M. and 6:00 P.M. (LDC 4.2.22. F.1.C.xi.)

CASE SUMMARY/BACKGROUND

The applicant is requesting a temporary change in Hours of Operation for the facility in order to accommodate a previously-approved excavation and relocation of waste from one area of the facility to another (17CUP1004). This will allow the applicant to minimize the exposure time of the excavated waste. The specific CUP requirements applicable to this operation are those for *Any Other Landfills (Except Hazardous Materials)* (LDC 4.2.22.A.5. and F.1.C.).

Current hours of operation, as per Kentucky solid waste regulations, are Monday through Friday, 5:30 am to 5:00 pm and Saturdays 6:00 am to 12:00 pm. The applicant is requesting that these hours be amended to permit 24/7 operation for a period of 90 days in order to complete any excavation/relocation activities required to execute the request previously permitted through 17CUP1004. The applicant is required to continue to meet adopted Environmental Performance Standards (LDC 4.2.22.B.).

The balance of the original CUP application is to remain as previously approved. Operations will return to the CUP required hours at or before the end of the requested 90 day period.

STAFF FINDING

The request is necessary to complete a previously-approved operation on the site.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

No comments have been received.

PREVIOUS AND ASSOCIATED CASES ON SITE

17CUP1004: Modification of the existing CUP to permit collected gas to a new building for conversion to natural-gas-pipeline quality gas. This gas will be sold to a transmission-level pipeline owner through a connection to an existing underground on-site transmission line, allowing it to be re-used rather than flared off.

16CUP1003 Landfill Conditional Use Permit modification to relocate an existing maintenance building to allow for the next phase of waste stockpiling. The existing building will be demolished. Staff approved in February 2016.

16DEVPLAN1026 Landfill Conditional Use Permit modification to allow an existing maintenance building to be torn down and moved to a different location to allow for the next phase of waste stockpiling. Staff approved in February 2016.

15CUP1001 Landfill Conditional Use Permit modifications to construct Solid Waste Management Facility #2, a construction/demolition debris facility with grinding of asphalt shingles, and to construct Solid Waste Management Facility #4, an outdoor recycling facility (metals, cardboard, wood, etc.) in a M-3 zoning district. BOZA approved in April 2015.

14CUP1049 Modified Conditional Use Permit to add 20 compressed natural gas time fill refueling stations, add equipment to the existing equipment compound and to delineate 27 existing parking stalls as future refueling stations. BOZA approved in February 2015.

B-16307-11 Modified Conditional Use Permit to allow a proposed compressed natural gas time fill refueling station. BOZA approved in October 2011.

9-39-97CLW Change in zoning from C-2 Commercial, EZ-1, Enterprise Zone and M-2 Industrial to M-3 Industrial, a related Conditional Use Permit for a landfill and a Landscape Waiver for the required landscape material on property located at 2673 Outer Loop, 782.6 acres. Planning Commission approved in August 1997.

B-83-74 Conditional Use Permit for a borrow pit and earth excavation operation. BOZA approved in October 1974.

B- 176-89 Conditional Use Permit for a borrow pit. This request included a modification of the normal hours of operation. BOZA approved in October 1989.

B-28-85 Conditional Use Permit for the consolidation and expansion of an existing sanitary landfill. BOZA approved in April 1985.

B-9-94 Conditional Use Permit to allow a borrow pit operation. BOZA approved in February 1994.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposed modification is consistent with the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposed modification is compatible with surrounding uses and with the general character of the area.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The proposed development is consistent with expectations for the property and does not substantially increase demands on public infrastructure and facilities. The proposed modification has received preliminary approval from MSD and Transportation Planning.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.22 Earth Excavation, Filling, and Refuse Disposal Operations, Major

Excavation, Filling, and Refuse Disposal Operations, Major may be allowed in R-R, R-1, M-2 and M-3 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Defined - Any operation which involves a change in the existing ground surface, except (1) grading and shaping of land around a building or structure and except (2) minor earth excavations not constituting a quarry, borrow pit, or commercial operation and/or filling of land with non-combustible, inorganic materials (See Section 4.2.23) shall be subject to the following regulations. Such uses include but are not limited to the following:

1. Extraction and development of earth products, mineral and other natural resources, including sand, gravel pits, quarries, and borrow pits.
2. Landfills for non-combustible materials.
3. Incinerators, public/private.
4. Any other landfills (except for hazardous material).
5. Commercial composting.

STAFF: The request is associated with use A.4.

B. Other Standards - The proposed operation shall meet all requirements of the adopted Environmental Performance Standards.

STAFF: The request will continue to meet adopted Environmental Performance Standards.

C. Neighborhood Protection - The operation shall be conducted in such a manner as to offer protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby local (residential) streets.

STAFF: The request does not appear to create any lasting negative effects on the surrounding area, and the nearest residences are located approximately 0.4 miles to the east, across I-64, and 0.9 miles to the west, off of Toll Avenue.

D. Information to be Filed:

1. Drawings - A plan drawn at a scale of not less than 100 feet to the inch showing the following:
 - a. Boundaries - The exact boundaries of the site and access to public ways.
 - b. Use of Land - Present and proposed use of land, the arrangement, fully dimensioned, of all existing and proposed buildings, structures, roads, drives, parking areas, loading spaces, water, sewer, power, and other utility lines, sanitary facilities, surface drainage, landscaping, fencing, and all other features and facilities to be installed or used in connection with the proposed operation.
 - c. Contours - Show by contours of not less than 2 foot intervals (except on extremely steep slopes):
 - i. The present surface of the site and the surrounding properties within 50 feet from its boundaries by the use of dashed contours.
 - ii. The ultimate depth elevations of the area to be excavated or filled by the use of dot and dash contours.
 - iii. The ultimate finished surface of the site after all excavation and filling operations are completed by the use of solid line contours.
 - iv. If the ultimate finished surface elevation is exactly the same as the ultimate depth elevation, solid line contours alone may be used but must be so labeled in the plan legend.
 - d. Excavation Methods - Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.
 - e. Sequence of Operations - Locations where excavation and filling operations will commence and the procedural sequence of operations.
 - f. Surface Drainage - Methods to be employed for the management of quantity and quality of surface drainage during and after completion of operations.
 - g. Volumes - The volumes of materials to be excavated and filled for each location on the site where operations are to take place.
 - h. Off-Site Improvements - Improvements such as new roads and pavement to be installed off the site to enable the operation to be carried out.
 - i. Adjoining Property Owners - The plan shall show the names and addresses of the owners of the site and all adjoining properties, the name and address of the engineer who prepared the plan, scale, north point, the geographical relationship of the site to existing public ways and major or minor arterials as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

STAFF: This information was filed with the previously-approved CUP request and is not required for consideration of this request.

E. General Standards:

1. No excavation nor filling shall be made within 50 feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.
3. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of excavated areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.

4. Additional landscaping is required in the buffer areas between excavation and fill areas and buildings and structures.
5. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain or abrogate the riparian rights of any other party to a stream or drain. No operation shall begin until construction approval has been approved from the agency responsible for surface water drainage.
6. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells. In no case shall an excavation be carried to a depth below an elevation of 410 feet above mean sea level.
7. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
8. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
9. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
10. Excavation and fill materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.
11. All filling operations and final approval shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the appropriate Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
12. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or other method that meets current state standards. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
13. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.
14. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
15. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the appropriate Director of Works before public hearing.
16. No materials defined as hazardous by these regulations, by the Kentucky Cabinet for Natural Resources and Environmental Protection or Federal Environmental Protection Agency will be allowed as fill.

STAFF: This request will continue to meet these requirements for the duration of the requested modification period.

F. Standards for Specific Operations:

1. In addition to the general standards listed above, the following additional standards shall apply to:
 - a. Landfills for non-combustible material:
 - i. Fill material shall be limited to inorganic materials and other substances not subject to decomposition, combustion, or the production of odors.

- ii. Materials shall be spread and thoroughly compacted as they are deposited.

STAFF: Operations at this site do not fall under this category.

b. Incinerators, public and private:

- i. No incinerator building or structure shall be located closer than 200 feet from any site boundary line, and no other building or structure used in connection with the operation shall be located closer than 30 feet from any site boundary line.
- ii. The entire site shall be enclosed with fencing and gates as required by this Section.
- iii. All materials delivered to the site which are organic or of organic origin or other combustible materials such as paper, cardboard, rubber, plastic, wood fiber, sawdust, floor sweepings, plasterboard, framing, lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes and including metal and glass containers shall be burned in the incinerator.
- iv. All residue resulting from the burning operations and other fill materials which are inorganic or substances which are not subject to decomposition, combustion, or the production of odors shall be disposed of properly.
- v. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls, or chain link type fencing at least 6 feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator and shall be burned as soon as practicable. The slab or hopper shall be kept clear of all materials when not in active use.
- vi. There shall be no separation or picking of materials or storage for salvage thereof on the site (scavenging).
- vii. All deliveries of materials to the site, shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only, except otherwise necessitated by extraordinary circumstances.
- viii. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.
- ix. Sanitary toilet facilities shall be provided on the site in accordance with the requirements of the Department of Health.

STAFF: Operations at this site do not fall under this category.

c. Any other landfills (except hazardous materials):

- i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet to any site boundary line.
- ii. All plans shall show all pipelines used for gas collection, migration, etc. as well as the location of vents, flares, etc.
- iii. The entire site shall be enclosed with fencing and gates as required by this Section.
- iv. All materials delivered to the site which are organic in origin and all paper, cardboard, plastic, metal and glass containers, wood fiber, sawdust, floor sweepings, plaster board, framing lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes shall be deposited and thoroughly compacted in layers not to exceed two feet in depth. Rubber tires, dead animals, and by-product wastes of a gaseous, liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers may be permitted as fill material after the Kentucky Natural Resources and Environmental Protection Cabinet issues permission, unless specifically prohibited by the Board of Zoning Adjustment. Each day's deposit, after compaction, shall be covered with a layer of earth at least 6 inches in thickness after compaction. The face of the fill as well as the horizontal surface shall be covered

with a layer of earth to prevent any movement of fill by wind or water erosion. Alternative methods may be allowed if approved by the Kentucky Natural Resources and Environmental Protection Cabinet and the Board.

v. There shall be no separation or picking of materials or storage for the salvage thereof (scavenging) on the site. All unacceptable fill materials as noted above shall be removed from the premises immediately after delivery.

vi. Water lines shall be installed, connected to a public water supply, or to some other source, which by use of pumps will provide water in sufficient quantity to combat fires or settle dust.

vii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

viii. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

ix. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

x. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other method that meets current state standards.

xi. All deliveries of materials to the site, filling, spreading, compacting, and grading shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only.

xii. Filling operations shall begin immediately upon the issuance of a permit. All areas shall be refilled to finish grades as shown on the topographic map filed with the application within a period of five years after commencement of operations. The Board may extend such time limit after a public hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

xiii. No filling activities shall occur within 200 feet of a residential structure existing at the time of issuance of the Conditional Use Permit.

STAFF: The applicant is requesting temporary relief from Requirement xi.

d. Borrow pits and Earth Excavations:

i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet from any site boundary line.

ii. Areas where excavations have been made and are taking place shall be enclosed with fencing as required above.

iii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

iv. A watchman shall be stationed at the site at all times when active operations are taking place for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

v. No excavation, screening, stockpiling, filling or hauling shall be done except between the hours of 7:00 A.M. and 6:00 P.M. on weekdays.

vi. Re-filling operations as required shall begin immediately on areas when excavations have been made to the ultimate depth and such areas shall be refilled to finish grade as shown on the topographic map filed with the application within a period of five years after commencement of excavation operations. The Board may extend such time limit after a hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

STAFF: Operations at this site do not fall under this category.

G. Guarantee:

To insure the strict compliance with all of the above conditions and requirements, the applicant shall deposit with the Board a bond through an instrument satisfactory to the Board. The amount of the instrument shall be 150% of the estimate for remediation obtained from a qualified engineer licensed in the Commonwealth of Kentucky.

STAFF: It is unclear whether this requirement is necessary for the requested amendment.

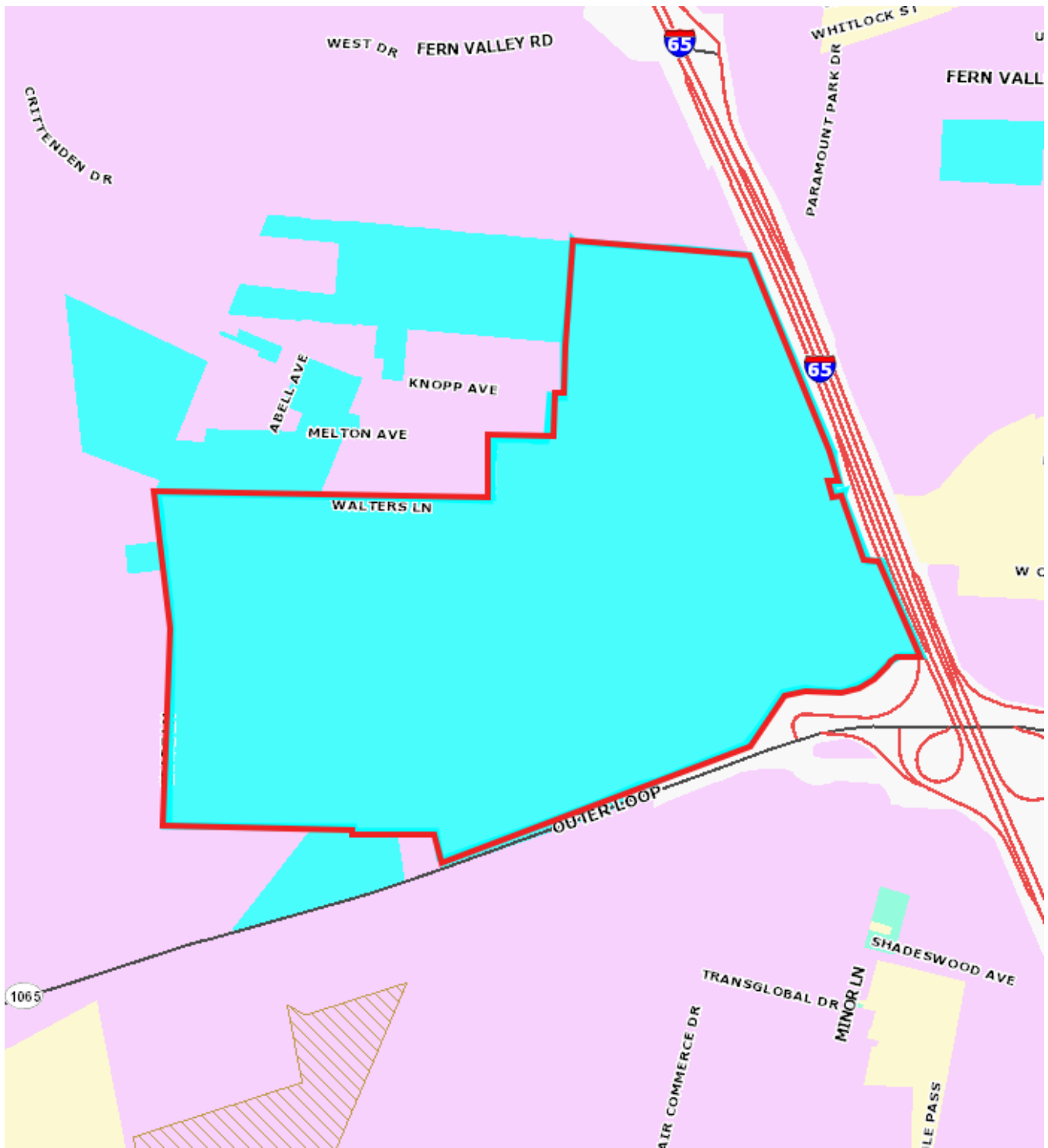
NOTIFICATION

Date	Purpose of Notice	Recipients
--	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 18
--	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 18 Sign Posting

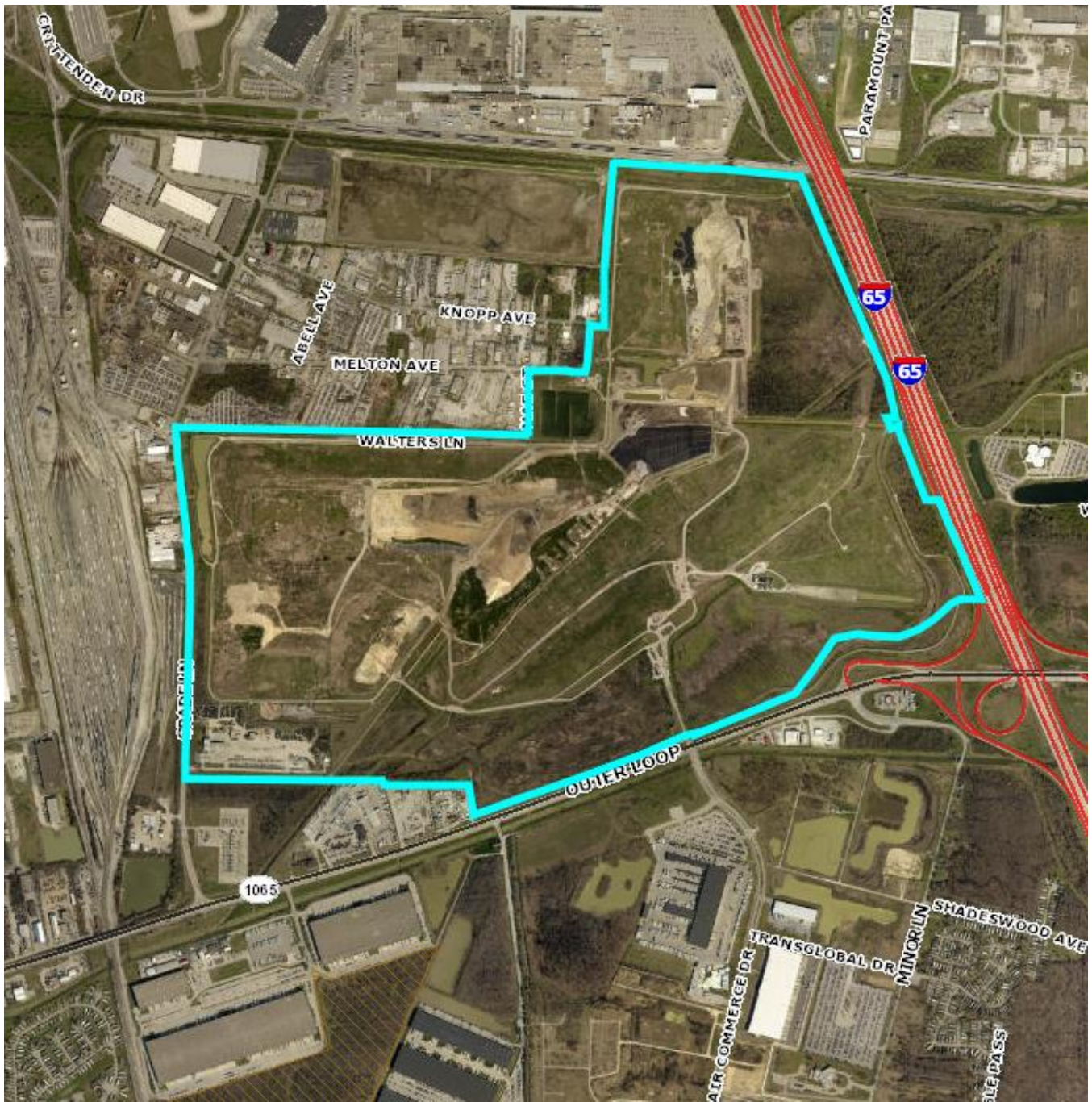
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Area of Site Work to be Completed (17CUP1004)
4. Cornerstone 2020 Checklist
5. Existing Conditions of Approval
6. Proposed Conditions of Approval

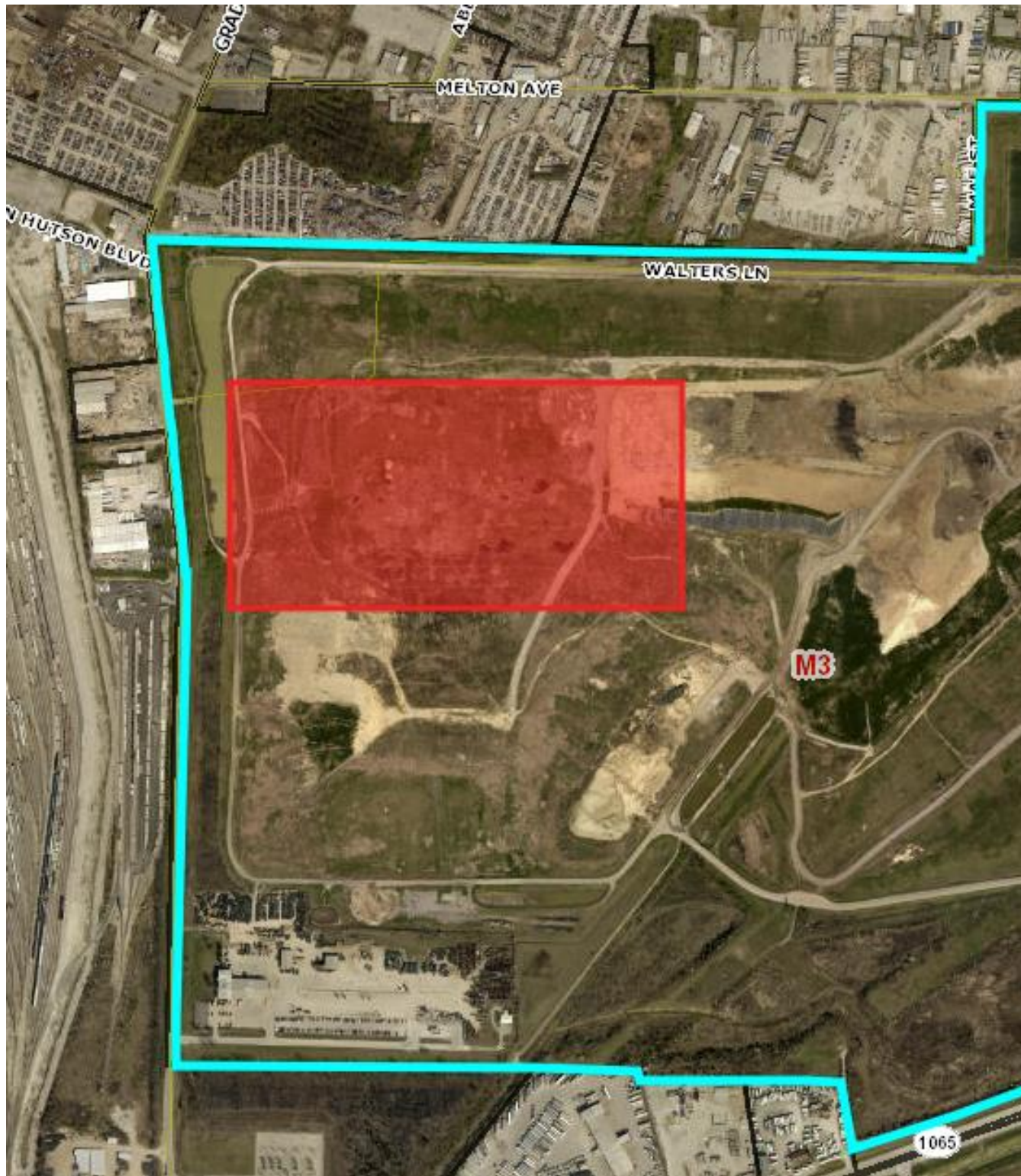
1. Zoning Map



2. Aerial Photograph



3. Aerial of Site Work



4. Cornerstone 2020 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	✓	
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of Plan 2040 goals, objectives and policies. Specific recommendations found in plans and strategies adopted after Plan 2040 are intended to take precedence over more general guidelines of the Comprehensive Plan.	✓	
2.5	Plans, studies and strategies adopted subsequent to Cornerstone 2020 but prior to Plan 2040 may continue to represent specific application of Plan 2040. The Planning Director or their designee shall make a formal determination in cases where the plan has not been re-adopted by the affected legislative body.	NA	
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plans are updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.	NA	
3.1.1	Downtown (1.3.1.1, page 40)	NA	
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)	NA	
3.1.3	Neighborhood (1.3.1.3, page 41)	NA	
3.1.4	Village (1.3.1.4, page 41-42)	NA	
3.1.5	Town Center (1.3.1.5, page 42)	NA	
3.1.6	Regional Centers (1.3.1.6, page 42-43)	NA	
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)	NA	
3.1.8	Suburban Marketplace Corridors (1.3.1.8, page 43-44)	NA	
3.1.9	Traditional Workplace (1.3.1.9, page 44)	NA	
3.1.10	Suburban Workplace (1.3.1.10, page 44)	✓	
3.1.11	Campus (1.3.1.11, page 44)	NA	
3.1.12	Urban Center Neighborhood (1.3.1.10, page 44-45)	NA	
3.1.13	Conservation (3.1.13, page 45)	NA	
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
5.	Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	NA	
6.	Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	NA	
7.	Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	
8.	Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	✓	
9.	Ensure an appropriate transition between uses substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	
10.	Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners.	✓	
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	NA	
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	NA	
13.	Integrate parking garage facilities into their surroundings and provide an active, inviting street-level appearance.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	NA	
15.	When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	NA	
16.	Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	NA	
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	NA	
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	NA	
20.	Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.	NA	
21.	Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	
22.	Require industrial development to store, handle and dispose of all hazardous materials in a safe and environmentally sound manner and to meet all air emission, industrial and solid waste disposal standards and to prevent contamination of groundwater and surface streams.	✓	
23.	Mitigate adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/ buffering, greater distance separation, changes in elevation such as placing the facility below grade. Establish and enforce accepted standards to protect residential areas from adverse impacts of noise, lighting and other nuisances. Design transportation facilities, including rail lines and aviation facilities, to mitigate adverse noise, lighting and other nuisance impacts on residential uses.	NA	
28.	Promote mixed use development especially when redevelopment of large office and retail centers are being redeveloped. Redevelopment of these sites may include residential uses and prioritize pedestrians, bicyclists and transit users to minimize automobile usage	NA	
Community Form: Goal 2			
1.	Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
2.	Encourage development of non-residential and mixed uses in designated activity centers provided: 2.1. proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or 2.2. when a proposed use requires a special location in or near a specific land use, transportation facility, or when a use does not fit well into a compact center (e.g., car dealerships or lumberyards).	NA	
3.	Allow centers in new development in Traditional Neighborhood, Neighborhood and Village Form Districts that serve the day-to-day needs of nearby residents and are designed to minimize impacts on nearby residents.	NA	
4.	Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	NA	
6.	Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	NA	
7.	Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	NA	
8.	Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multistory retail buildings.	NA	
9.	Encourage new development and rehabilitation of buildings that provide commercial, office and/or residential uses.	NA	
10.	Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure, provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood, and Village Form Districts to ensure compatibility with nearby residences.	NA	
11.	Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.	NA	
12.	Encourage large developments in activity centers to be compact, multipurpose centers designed with public spaces including green spaces and plazas with artistic amenities.	NA	
14.	Encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking.	NA	
15.	Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations	NA	
16.	Encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes.	NA	
17.	Design and locate utility easements to provide access for maintenance and repair. Encourage adjacent development sites to share site and building features such as utility hookups and service entrances. Place, to the extent possible, utility lines in common easements. Minimize the aesthetic and physical impacts of utilities, e.g., by placing utilities underground and screening utility equipment.	NA	
Community Form: Goal 3			
4.	Ensure that transitions between existing public parks and new development minimize impacts and provide access.	NA	
5.	Provide access to greenways whenever possible.	NA	
6.	Encourage open space in new development to help meet the recreation needs of the community.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
7.	Encourage natural features to be integrated within the prescribed pattern of development.	NA	
8.	Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space.	NA	
9.	Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	
10.	Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	NA	
11.	Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants, in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	
12.	When reviewing proposed development consider changes to flood prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	NA	
13.	Provide for the continuing maintenance of common open space. Provisions may include joint ownership by all residents in a homeowners' association, donation of open space or conservation easements to a land trust or government entity or other measures.	NA	
Community Form: Goal 4			
1.	Preserve buildings, sites, districts and landscapes recognized as having historic or architectural value. Ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	NA	
2.	Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	
3.	Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	NA	

Mobility: Goal 1			
1.	To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate, by including: 1.1. bicycle and pedestrian facilities between closely related land uses (e.g., from residential areas to neighborhood centers, recreation areas, greenways, schools, shopping facilities and from office/industrial and retail employment centers to retail/service uses); 1.2. pedestrian facilities between retail land uses and major concentrations of pedestrian activity, particularly in the Louisville Central Business District and other activity centers; 1.3. street-level pedestrian connections between all principal buildings within a unified development site including commercial to office and residential to commercial uses; 1.4. sidewalks along the streets of all developments; 1.5. walkways between residential areas and nearby neighborhoods, schools, public recreation facilities, parks, office/industrial and retail/ service uses; 1.6. direct, accessible walkways to public transportation stops; and 1.7. retail and office uses, especially in the Urban Center Neighborhood, Traditional Neighborhood, Village, Traditional Marketplace Corridor, Traditional Workplace Form Districts that are located close to the roadway to minimize the distance pedestrians and transit users have to travel.	NA	
6.	For developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Provide transit amenities such as boarding areas, benches, shelters, park and ride facilities, and lighting in accordance with the Transit Design Standards Manual.	NA	
Mobility: Goal 2			
1.	Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts.	NA	
2.	Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users.	NA	
4.	Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	NA	
5.	Provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes in road design.	NA	
6.	Ensure that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development.	NA	
7.	The design of all new and improved transportation facilities should be accessible and: 7.1. Review and consider Complete Streets principles and the most current version of the Complete Streets Design Manual; 7.2. Be context sensitive by ensuring that proposals are compatible with the surrounding development and provide an aesthetically pleasing visual experience to the user and to adjacent areas; 7.3. Encourage the acquisition or dedication of whole parcels if the residual not used for the transportation facility would create a nuisance; and 7.4. Ensure that adequate measures will be taken to reduce glare, vibration, air pollution, odor, and visual intrusion.	NA	
8.	Protect and/or enhance environmentally sensitive areas through responsible and sustainable best practices in the planning and design of transportation network projects.	NA	
Mobility: Goal 3			
2.	To improve mobility and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	NA	

3.	Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	NA	
5.	Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	NA	
7.	All new and substantially improved development should be consistent with applicable standards for rights-of-way and designed to reserve these rights-of-way for further dedication and/or acquisition.	NA	
8.	The Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code. Dedication of street rights-of-way should ensure that transit service can be provided where appropriate.	NA	
9.	When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	NA	
10.	Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	NA	
11.	Provide street improvements and/ or transit solutions to mitigate the impacts of development and redevelopment. Improvements may include, but not be limited to, the following: 11.1. on-site road system construction; 11.2. off-site shoulder improvements and pavement widening; 11.3. addition of acceleration and deceleration lanes; 11.4. addition of turn lanes or traffic signals on streets bordering the site to street; 11.5. intersection widening completely off-site; 11.6. right-of-way donation; 11.7. addition and/or widening of on-site or off-site sidewalks; 11.8. installation of bicycle facilities; 11.9. installation of new transit stops and amenities; and 11.10. improvement of existing transit stops and amenities.	NA	
12.	Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments.	NA	
13.	Allow cul-de-sacs as short side streets or where natural features limit development of "through" roads.	NA	
17.	Require cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards.	NA	
18.	Minimize access points, connections and median openings within 1/4 mile of an interchange area to reduce safety hazards and improve flow of traffic onto and off the interchange.	NA	
20.	Promote joint access and circulation systems for development sites comprised of more than one building site or lot.	NA	
21.	Prevent safety hazards caused by direct residential access to high speed roadways.	NA	
Community Facilities: Goal 1			
1.	Locate community facilities that have a large daily or periodic attendance of users on or near an arterial roadway and a transit route.	NA	
2.	Design community facilities intended for public use so that they are accessible to all citizens with multimodal transportation options.	NA	
3.	Provide secure, convenient and appropriate bicycle storage opportunities in community facilities that are open to the public.	NA	

Community Facilities: Goal 2			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	NA	
2.	Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	NA	
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	NA	
4.	Locate or expand community facilities in areas with a demonstrated or anticipated need for the facility, to avoid duplication of services, and to provide convenient access to the area that the facility is intended to serve.	NA	
5.	Locate, where possible, community facilities on a shared site with other compatible facilities and land uses.	NA	
Community Facilities: Goal 3			
4.	Ensure that there is sufficient area on-site for equipment maneuvering and storage when necessary and feasible.	✓	
Economic Development: Goal 1			
1.	Limit land uses in Workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and its employees.	NA	
2.	Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	
3.	Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial, and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	NA	
4.	Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	NA	
5.	Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	
Economic Development: Goal 2			
1.	Ensure direct, safe, accessible and convenient multi-modal access between designated employment and population centers.	NA	
2.	Provide opportunities for the adaptive re-use of older industrial land and encourage infill development through flexible land use regulations, when such projects would not result in the proliferation of incompatible land uses.	NA	
Livability: Goal 1			
5.	Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	NA	
7.	Ensure appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas.	NA	
9.	Encourage access to public waterways when new developments, community facilities, and other public improvements are proposed.	NA	
10.	Mitigate negative development impacts to the watershed and its capacity to transport stormwater by discouraging changes to stream channels and natural drainage features. Use, where available, Metropolitan Sewer District's watershed plans as a guideline for development suitability. Consider special districts to assist in efforts to enhance watersheds.	NA	
11.	Protect solid blue-line streams as defined by the current floodplain management ordinances from channelization, stripping, relocation or other alterations. Ensure a vegetative buffer on the banks of blue-line streams to protect the functional integrity of the channel.	NA	

12.	Minimize impervious surface area and take advantage of soil saturation capacities.	NA	
13.	Protect surface and subsurface areas within and surrounding new and existing developments that have the potential to be used as sources for community water supply systems.	NA	
14.	Include greenways as integral components of a comprehensive water quality program (consistent with the Multi-Objective Stream Corridor/Greenways Plan).	NA	
15.	Ensure that standards for evaluating development proposals meet the water quality goals for the affected watershed. Encourage the use of green infrastructure to protect and enhance water quality	NA	
17.	Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Mitigate potential hazards to such systems resulting from the project.	NA	
18.	Protect groundwater resources by controlling the types of activities that can occur within established Wellhead Protection Areas. Implement source control design standards for activities that pose potential threats, including septic system failure, to groundwater quality in these areas.	NA	
21.	Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	NA	
24.	Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain, ensure that they are designed, located and operated to minimize loss of services during flood events and limit, to the extent possible, floodplain disturbance.	NA	
25.	Ensure that sufficient emergency vehicle access is provided for developments proposed in or through the floodplain. Access should be provided above flood levels or through other means to minimize potential hazards for any development that is proposed in or through the regulatory floodplain.	NA	
28.	When development proposals increase runoff, provide onsite management and treatment of stormwater. Ensure that peak stormwater runoff rates or volumes after development are consistent with regional and watershed plans. If not, they are to be mitigated onsite. Encourage the use of green infrastructure practices to minimize runoff. Mitigation measures shall be implemented in a manner that is acceptable to the Metropolitan Sewer District.	NA	
29.	Utilize Best Management Practices (BMPs) to preserve or restore stream banks/corridors.	NA	
30.	Use appropriate Best Management Practices (BMPs) that account for varied site conditions and construction activities to maintain appropriate water quality levels, prevent erosion, and control sedimentation.	NA	
31.	Consider the impact of traffic from proposed development on air quality	NA	
32.	Mitigate sources of pollution through measures that reduce traffic congestion, promote the use of multi-modal transportation options, and implement land use strategies and policies that encourage transit-oriented development to achieve compliance with air quality standards.	NA	
33.	Continue to modify existing roads, particularly at intersections, to alleviate traffic congestion and enhance mobility for all users. When making road-widening decisions, ensure that road projects are sensitive to impacts on air quality and surrounding land uses as well as factor in the impact of such projects on induced travel demand.	NA	
35.	Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multimodal transportation options.	NA	

5. Existing Conditions of Approval

Conditions of Approval for a Borrow Pit and Earth Excavation (B-83-74)

1. An hourly inspection is to be made by a patrol during the hours the operation is closed.
2. Saturday hours of 7 a.m. to 5 p.m.
3. No fencing be required along the portion of the site abutting the Southern Ditch.
4. That the Water Management Section of the Jefferson County Department of Public Works be advised of the sale of fill material exceeding 100 cubic yards to an individual buyer and the buyer's stated usage for this material.
5. Compliance with all regulations of all agencies having jurisdiction over said use.

Conditions of Approval for Consolidation and Expansion of Landfill (B-28-85)

The Board does hereby WAIVE Section IV, D., 27., Items b.; b., (3); c., (1); d., (1), ©, xi.; and item d., reviewed at 5 year intervals, however, no public hearing shall be required on the occasion of each 5 year review unless requested by the Zoning Enforcement Officer.

1. The landfill shall be operated in strict compliance with all applicable listed requirements of section IV, D., 27 of the Zoning district Regulations, unless a specific waiver of the requirement has been granted by the Board of Zoning Adjustment.
2. The landfill shall be operated in strict compliance with the approved site development plan and the Environmental Impact Report and Operating Plan submitted by the applicant. The November, 1984, Environmental Impact Report and Operating Plan shall be considered a part of the approved site development plan.
3. The landfill shall be operated in strict compliance with all applicable Federal, State, and local regulations applicable to any portion of the operation.
4. All drainage improvements and the operation of the landfill shall be in conformance with all conditions of approval by the Jefferson County Public Works and Transportation Cabinet Water Management Engineering Section and the Louisville District Army Corps of Engineers.
- 5a. SCA Services shall maintain all perimeter ditches and sedimentation basins. This maintenance shall be performed annually or within 30 days of written notice from the Jefferson County Department of Public Works and Transportation.
- b. SCA Services shall provide construction plans for and construct a five foot wide flat bottom ditch in the 60' right-of-way north of the Grade Lane tract at such time as the right-of-way is converted to provide use for drainage purposes. Additionally SCA Services shall remove overfill from adjoining tracts where permission of effected property owners is obtainable.
- c. SCA Services provide construction plans and construct a perimeter ditch parallel with the south property line of the Grade Lane tract. This perimeter ditch shall be installed only if the Grade Lane tract is creating a drainage problem for the adjacent property to the south. The construction of this ditch shall be completed within ninety days of written notice from the Jefferson County Department of Public works and Transportation.
6. No fill materials shall be accepted which are classified as hazardous or toxic waste.

Conditions of Approval for a Borrow Pit (B-176-89)

1. The filling operation shall be conducted in strict compliance with the listed requirements of Section, D., 6. And the approved site plan. No deviation from the excavation and refilling plan submitted shall be allowed without prior review and approval by the Board.

2. The name, address, and telephone number of the person, company, corporation or other party responsible for the operation of the filing of the site shall be submitted to the staff of the board prior to the commencement of the filing operation and no later than 30 days from the Board's final action on this case.
3. All filling will be conducted in compliance with any requirements of the Metropolitan Sewer District.
4. The refilling operation shall be completed within 5 years of this approval by the Board.
5. The applicant shall deposit with the Board a guarantee in the amount of \$250,000.00 to insure strict compliance with all conditions and requirements of the Conditional Use Permit.
6. A 6 foot chain link fence shall be installed around the borrow area as shown on the site plan prior to any excavation occurring on the site.
7. A truck wash shall be installed before the refilling operation begins.
8. Construction approval shall be obtained from the Metropolitan Sewer District prior to excavation and refilling.
9. The types of refill material shall be limited to soil, rock, concrete, asphalt, and sand.

Conditions of Approval for a Borrow Pit (B-9-94)

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning district Regulations by June 1, 1994 or the approval of the proposed landfill conditional use permit, whichever comes first.
3. Prior to the use of the facility as a borrow pit, a bond of \$64,000 shall be filed with the Board of Zoning Adjustment.
4. The hours of operation of this facility shall be from 10:00 A.M. to 9:00 P.M. Monday through Saturday through September 30, 1994.
5. Prior to issuance of a permit for this site, the applicant shall provide written documentation from the U.S. Army Corps of Engineers and the Kentucky Division of Water that this project has received necessary approval from those two agencies.
6. The Conditional Use Permit shall be exercised as described in KRS.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a borrow pit without further review and approval by the Board.

6. Proposed Conditions of Approval

Conditions of Approval for a Borrow Pit and Earth Excavation (B-83-74)

1. An hourly inspection is to be made by a patrol during the hours the operation is closed.
2. Saturday hours of 7 a.m. to 5 p.m.
3. No fencing be required along the portion of the site abutting the Southern Ditch.
4. That the Water Management Section of the Jefferson County Department of Public Works be advised of the sale of fill material exceeding 100 cubic yards to an individual buyer and the buyer's stated usage for this material.
5. Compliance with all regulations of all agencies having jurisdiction over said use.

Conditions of Approval for Consolidation and Expansion of Landfill (B-28-85)

The Board does hereby WAIVE Section IV, D., 27., Items b.; b., (3); c., (1); d., (1), ©, xi.; and item d., reviewed at 5 year intervals, however, no public hearing shall be required on the occasion of each 5 year review unless requested by the Zoning Enforcement Officer.

1. The landfill shall be operated in strict compliance with all applicable listed requirements of section IV, D., 27 of the Zoning district Regulations, unless a specific waiver of the requirement has been granted by the Board of Zoning Adjustment.
2. The landfill shall be operated in strict compliance with the approved site development plan and the Environmental Impact Report and Operating Plan submitted by the applicant. The November, 1984, Environmental Impact Report and Operating Plan shall be considered a part of the approved site development plan.
3. The landfill shall be operated in strict compliance with all applicable Federal, State, and local regulations applicable to any portion of the operation.
4. All drainage improvements and the operation of the landfill shall be in conformance with all conditions of approval by the Jefferson County Public Works and Transportation Cabinet Water Management Engineering Section and the Louisville District Army Corps of Engineers.
- 5a. SCA Services shall maintain all perimeter ditches and sedimentation basins. This maintenance shall be performed annually or within 30 days of written notice from the Jefferson County Department of Public Works and Transportation.
- b. SCA Services shall provide construction plans for and construct a five foot wide flat bottom ditch in the 60' right-of-way north of the Grade Lane tract at such time as the right-of-way is converted to provide use for drainage purposes. Additionally SCA Services shall remove overfill from adjoining tracts where permission of effected property owners is obtainable.
- c. SCA Services provide construction plans and construct a perimeter ditch parallel with the south property line of the Grade Lane tract. This perimeter ditch shall be installed only if the Grade Lane tract is creating a drainage problem for the adjacent property to the south. The construction of this ditch shall be completed within ninety days of written notice from the Jefferson County Department of Public works and Transportation.
6. No fill materials shall be accepted which are classified as hazardous or toxic waste.

Conditions of Approval for a Borrow Pit (B-176-89)

1. The filling operation shall be conducted in strict compliance with the listed requirements of Section, D., 6. And the approved site plan. No deviation from the excavation and refilling plan submitted shall be allowed without prior review and approval by the Board.
2. The name, address, and telephone number of the person, company, corporation or other party responsible for the operation of the filing of the site shall be submitted to the staff of the board prior to the commencement of the filing operation and no later than 30 days from the Board's final action on this case.
3. All filling will be conducted in compliance with any requirements of the Metropolitan Sewer District.
4. The refilling operation shall be completed within 5 years of this approval by the Board.
5. The applicant shall deposit with the Board a guarantee in the amount of \$250,000.00 to insure strict compliance with all conditions and requirements of the Conditional Use Permit.
6. A 6 foot chain link fence shall be installed around the borrow area as shown on the site plan prior to any excavation occurring on the site.
7. A truck wash shall be installed before the refilling operation begins.
8. Construction approval shall be obtained from the Metropolitan Sewer District prior to excavation and refilling.
9. The types of refill material shall be limited to soil, rock, concrete, asphalt, and sand.

Conditions of Approval for a Borrow Pit (B-9-94)

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning district Regulations by June 1, 1994 or the approval of the proposed landfill conditional use permit, whichever comes first.
3. Prior to the use of the facility as a borrow pit, a bond of \$64,000 shall be filed with the Board of Zoning Adjustment.
4. The hours of operation of this facility shall be from 10:00 A.M. to 9:00 P.M. Monday through Saturday through September 30, 1994.
5. Prior to issuance of a permit for this site, the applicant shall provide written documentation from the U.S. Army Corps of Engineers and the Kentucky Division of Water that this project has received necessary approval from those two agencies.
6. The Conditional Use Permit shall be exercised as described in KRS.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a borrow pit without further review and approval by the Board.

Condition of Approval for temporary Relief from requirements regarding hours of operation (19CUP1059)

1. The Applicant shall be permitted to operate on a 24/7 basis for a continuous period of no more than 90 days for the specific purpose of completing those activities necessary to finalize the project previously approved under B-28-85.

The applicant is required to continue to meet all other requirements of the existing Conditional Use Permit related to landfill operations.

The applicant will return standard hours of operation at or before the end of a 90 day period to begin on the later of Monday, May 6, 2019 or the day of BOZA approval of the request, and to expire on the later of August 3, 2019 or 90 days after said BOZA approval.