

Ensuring Your New/Upgraded Facility Meets Necessary Codes/Regulations

Understanding processes for different levels of jurisdiction will make a difference in the length of time devoted to the design and construction of your facility

■ By Jeff Eriks and Evan Williams

Construction projects, whether they are new builds or upgrades, require compliance with federal, state, county and even local regulations. Each one of these entities may require different levels of approval and follow different processes. The earlier you involve the code officials in your process, the more likely you are to have a smooth transition through the stages of your project. These are many of the regulations and codes, different types of permits and the timelines that may be required.

Regulations and Codes

There are a patchwork of different policies, codes, best practices, requirements and laws that govern site development and construction. At the federal level, the ADA governs accessibility to and within a building. Every state has unique building code amendments and land use requirements. At the local level, municipalities and counties inject their own specific requirements. These are often the most variable and include unique zoning and land-use requirements, local utility and connection requirements, bulk design and aesthetic requirements,

as well as local customs and opinions/rules. What is essential to remember about code officers as a property owner? Code officials deal with these codes/rules/policies every day; it is their everyday reality and the responsibility of the property owner (or their developer and representatives) to either know all the requirements, or to engage project team members, who will involve the necessary parties to ensure that all of the requirements are being addressed.

The result of these variable code and regulation overlays is that it is rare to design a facility once and use it repeatedly, nor can you expect to eliminate or shorten the permitting process by using a design previously approved in another area. Every project is reviewed individually and has its own unique characteristics. They all must go through the normal process required by the local municipality or governing jurisdiction and must be approved on its own merit.

As an owner, you must engage a team that has knowledge of the local process that can help manage it for you from start to finish. However, they also must understand the operations, goals, budget, schedule requirements and everything else that makes your project unique.

It is best to build a team early in the project development process and schedule a meeting with the local authorities to make the personal introductions. While you are there, find out what their specific process looks like, understand what they are looking for, figure out where they draw the line when it comes to design and site permitting requirements, and where you can “push back” to avoid any costly impacts including aesthetics, site layout, etc. This initial meeting should be used to ask questions and learn the process. Let the local code officials talk so you can learn. Do not push back at this meeting but hear what they are saying and ask clarifying questions, so you absolutely understand the fine line between a “requirement” and a “recommendation”. Sometimes “recommendations” or “preferences” are used like “requirements” and if you do not clearly understand the difference, it may end up costing additional money.

Different Permits = Different Approval Processes and Timeframes

Just as each county has its own requirements, each type of permit that is needed for a building or facility has a different approval process. Some of the common approval process items are as follows.

Solid Waste

Depending on the type of facility and the requirements of your



Work with Code Enforcers to ensure all items on your checklist are complete.

Photo courtesy of <http://clipartmag.com/checklist-clipart#checklist-clipart-16.jpg>.

state's environmental agency, you may need to secure solid waste permits. This will typically apply to transfer stations and recycling centers, but not hauling companies. This first step must include the involvement of an experienced permitting consultant to guide the process through the required state agencies and prepare and submit the required paperwork. This process will take many months and should be complete or largely complete prior to proceeding with the rest of the project development and permitting, as the environmental reviews can have major impacts on the site and building design.

Land Use/Zoning

For a new project, this is the process where they determine if your project meets the requirements of the current zoning of the property. If it does not, you must either work with officials to get the zoning changed or find a new piece of property. This process can be very time consuming and detailed depending on the jurisdiction. It is important in this phase to have a land use attorney or a civil engineer that is very familiar with the specific local requirements to guide you through the local process.

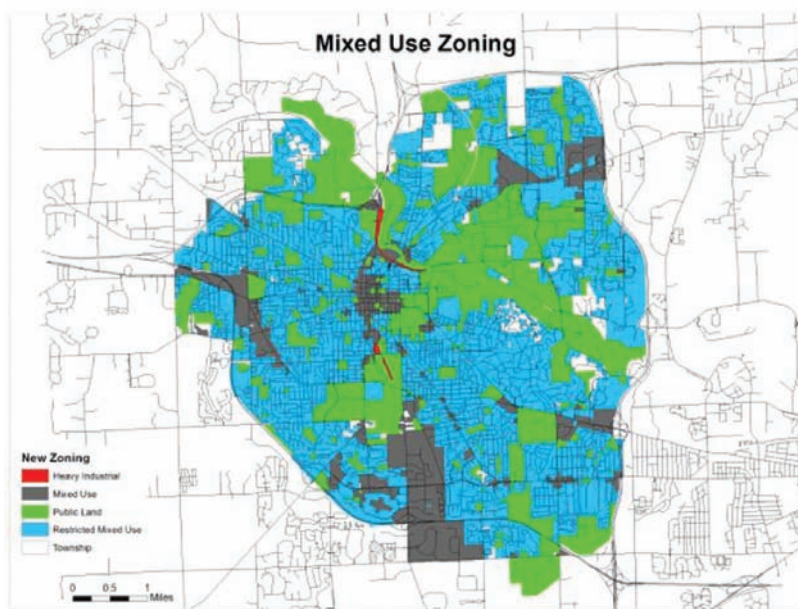
If you have an existing facility, the land use and zoning process can still have an impact on your plans. Many jurisdictions are adopting more restrictive land use and zoning requirements on a regular basis. Existing facilities are usually grandfathered in, so this would not be an issue. Owners that are looking at major improvements to the site or significant building additions can trigger a need to bring the site into alignment with the new requirements. Often, there can be a reasonable accommodation for sites where new requirements would present a real hardship, but will take a sustained effort of discussion, design and coordination with the local jurisdiction.

Subdivision/Aesthetic Approvals

Depending on where your facility is located, you may be subject to local requirements when it comes to exterior materials, façade and undulation requirements, setbacks and other items that would need to be approved before you even begin the design process. This is especially the case with solid waste type occupancies. Pay close attention to the local bulk design standards, as often these occupancies may be required to construct facilities out of more costly materials, or exterior storage could be limited or require extensive screening.

Storm Water Management

This is an important consideration on solid waste facilities, as you will need to devote an area for storm water controls. Most storm water regulations are descended from the EPA's NPDES (National Pollutant Discharge Elimination System), which set out a framework for minimizing storm water velocity off sites, as well as improving its quality. While the framework is somewhat flexible, typical approaches require a storm water detention pond, an outfall restrictor and BMP's (Best Management Practices) to improve storm water quality. This



A Possible Zoning Plan

Sample Zoning Map

Photo courtesy of www.mixeduseparty.com/wp/?page_id=127.

can have a big impact on your site layout if you have limits in your site area. If there is no room for a dedicated storm water basin, sub-grade detention or using a parking lot for detention are options. Both have practical and cost-based drawbacks, so if a more standard basin is an option, it should be considered. An existing site without storm water controls can have a huge impact on future development plans. At a minimum, not only will you likely need to provide storm water controls for any new additions or site pavement areas, but you may also be required to provide comprehensive storm water controls for the entire site. This should be determined as early in the project as possible to include in the site design as well as costing.

Site Plan Approval

This approval includes items such as pedestrian, truck, fire department and employee access, parking requirements, landscaping, setbacks and other specific items. This is often a point where the local jurisdiction may place requirements on your project for improvements in the right-of-way as conditions for development. These can include bus stop facilities, utility line replacement, bridge/culvert replacement, curbing and sidewalks, and many other similar improvements.

Fire Marshal Review

In short, this is the safety review for the facility. It includes items within the building such as exit paths, points of egress, fire sprinkler reviews, fire wall locations, etc. This review also includes exterior items around the building to identify points of entry to the site, turn radii, hydrant connections, fire lane identification, water availability and other life safety items.



Fire Marshall review.

Photo courtesy of www.ocfa.org/AboutUs/Departments/CommunityRiskReductionDirectory/PlanningAndDevelopment.aspx.

Building Permits

Typically, building permits are the last and final step in the process. So, it should be easy, right? Not always. This is where the building department examines the final permit drawings to ensure that all aspects of the building meet the various codes they are enforcing. This could be one simple review or could be multiple rounds. It depends on how many departments are involved as well as how many people within the departments review them. It could also be a third-party reviewer assigned to your project, such as an outside consultant. It is different everywhere you go. While not present everywhere, many building departments offer an expedited review for an additional fee. Depending on the project schedule and the amount of the fee, this may be a worthwhile option.

Some local jurisdictions even require set scales on sheets, north arrow orientation requirements, sheet size dimensions, etc. It is surprising the detail that goes into setting application requirements.

Do Not Get Discouraged

It can be a daunting process gathering all the information that the local jurisdiction may require, and you need to make sure you have the proper people in place to pull it all together and manage it in a cost-conscious, results-oriented and time sensitive manner. As owners understand, most projects are contingent on a Return on Investment (ROI) calculation prior to approval, which includes cost and time to construct. If the permitting/approval process drags on, it will delay your facility opening, which will delay your revenue generation and decreases ROI for the initial years of operation. To help reduce

or eliminate this possibility, it is important to develop an accurate understanding of the process and timelines prior to completing your proforma calculation.

We've seen permitting processes take as long as 10 months and some completed in as little as a couple days. It all depends on how the local jurisdiction is governed and staffed as well as how many layers of reviews and processes the project needs to go through. The most important part of that process is understanding all of the requirements up front and to incorporate the requirements and timelines into the project development schedules. Nothing in life or permitting is ever guaranteed, but understanding the process will allow the project team to set realistic goals and timeframes to start your project on the right foot, right out of the gate. | **WA**

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