

DEPARTMENT OF PLANNING & DEVELOPMENT

Planning Board – Staff Report



PLANNING STAFF REPORT

Text Amendment Case # TA20190613 - 1

STAFF PROJECT CONTACT: Angie Blount

June 13, 2019

EXPLANATION OF THE REQUEST

This is a request to amend the text in the Vance County Zoning Ordinance to include *Land Clearing Inert Debris (LCID)* (major and minor) to the Permitted uses table, **Section 3, 3.2.14**, to add to **Section 12** the definition for *Land Clearing Inert Debris Major*, and *Land Clearing Inert Debris Minor*, and to amend **Section 6.10**, adding a new subsection 3, Land Clearing Inert Debris (LCID), regulations a. and b.

OWNER/APPLICANT

Applicant: K & K Organics LLC
1028 Old Keith Rd
Wake Forest, NC 27587

IMPACTS

Adding Land Clearing Inert Debris Landfills (LCID) (major and minor) to the Table of Permitted Uses for Vance County would allow a minor, (under 2 acres), to be operated within the AR, LI and IM zoning districts by right. Major LCID landfills, (more than two acres), would be allowed to operate within the AR, LI and IM districts after obtaining a Conditional Use Permit from the Board of Adjustment.

STAFF COMMENTS

Vance County does not have an ordinance which addresses Land Clearing Inert Debris Landfills. Most of the regulation for these is issued by the state. Within Vance County they would be allowed in designated zoning districts, and would be identified in two categories, minor (less than 2 acres) allowed in the AR, LI and IM districts by right, or major (greater than 2 acres), requiring a Conditional Use Permit in AR, LI and IM districts. Approval from NC DEQ would be required. Staff believes it is reasonable to add these to the definitions and to the permitted use table. It is a use that the public has expressed interest in, but our ordinance did not speak to it specifically. Planning Board needs to consider if it should be allowed within the Watershed area, allowed with Conditional Use Permit, or prohibited.

The planning board should consider the following factors in deciding this case:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

Attachments: Zoning Text Amendment Petition, Exhibit A, justification of request

PLANNING BOARD RECOMMENDATION:

Recommended Amendments (in red):

	AR	R30	R20	R10	RMHC	HC	GC	LI	IM	EIA	OI	OS	WOZ
INDUSTRIAL USES													
Land Clearing Inert Debris Landfill (minor) less than 2 acres	P	X	X	X	X	X	X	P	P	X	X	X	?
Land Clearing Inert Debris Landfill (major) greater than 2 acres	CU	X	X	X	X	X	X	CU	CU	X	X	X	?

Added to Section 6.10 (G) to add new subsection 3, as stated below:

3. Land Clearing Inert Debris (LCID).
 - a. A copy of the Facility Plan approved by NCDEQ shall be filed with the county planning department.
 - b. Facilities may not operate prior to 7:00 a.m. or after 7:00 p.m. unless allowed by the county manager to respond To excessive debris from natural disasters.

Added to Section 12, the following definition: “Landfill, Land Clearing Inert Debris, (LCID) minor”, A landfill facility, less than two acres, limited to land clearing waste, inert debris, untreated wood, and yard trash, as defined in 15A NCAC 13B.0563 (1).

Added to Section 12, the following definition: “Landfill, Land Clearing Inert Debris, (LCID) major”, A landfill facility, greater than two acres, limited to land clearing waste, inert debris, untreated wood, and yard trash, as defined in 15A NCAC 13B.0563 (2).