

# DEPARTMENT OF PLANNING & DEVELOPMENT

## Planning Board – Staff Report



PLANNING STAFF REPORT

**Text Amendment Case # TA20190613 - 1**

STAFF PROJECT CONTACT: Angie Blount

August 8, 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) (Minor, Less and two acres and Major, greater than two acres)* to the Permitted Use Table, **Section 3, 3.2.14**, to add to **Section 12**, the definition for *Land Clearing Inert Debris, Major, greater than two acres*, and *Land Clearing Inert Debris, Minor, less than two acres*, to amend **Section 6.10, (G)**., Changing to **Landfill (demolition, sanitary or LCID)**, adding **Section 3. Licensing Requirements (a) and (b)**. The Planning Board at the July 11, 2019 meeting, requested that LCID Landfills be allowed within the Agricultural Residential, Light Industrial and Industrial Mining zoning districts with a Conditional Use Permit and that they be prohibited within the Watershed Overlay District.

### OWNER/APPLICANT

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

### IMPACTS

Adding Land Clearing Inert Debris Landfills (LCID) to the Table of Permitted Uses for Vance County would allow a LCID, under 2 acres or greater than 2 acres to be operated within the AR, LI and IM zoning districts after obtaining a Conditional Use Permit from the Board of Adjustment. The impact to the surrounding area would depend on how large the tract of land is and where on the land the landfill would be located. Screening and setback requirements for this use would apply.

### 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, less than 2 acres which the Planning Board has requested be allowed in the AR, LI and IM districts with a Conditional Use Permit, and greater than 2 acres, also requiring a Conditional Use Permit in AR, LI and IM districts, requiring licensing by the North Carolina Division of Waste Management and approval from NC DEQ. The Planning Board has requested at the July 11, 2019 meeting that they not be allowed within the Water Supply Watersheds.

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:** The Planning board voted to recommend the addition of Land Clearing Inert Debris Landfill, Minor and Major, to the Permitted Uses Table under Industrial, and to amend sections 6 and 12. The vote from the board was unanimous.

**Recommended Amendments (in red):**

	AR	R30	R20	R10	RMHC	HC	GC	LI	IM	EIA	OI	OS	WOZ
<b>INDUSTRIAL USES</b>													
<b>Land Clearing Inert Debris Landfill, Minor (less than 2 acres)</b>	<b>CU</b>	X	X	X	X	X	X	<b>CU</b>	<b>CU</b>	X	X	X	<b>X</b>
<b>Land Clearing Inert Debris Landfill, Major (greater than 2 acres)</b>	<b>CU</b>	X	X	X	X	X	X	<b>CU</b>	<b>CU</b>	X	X	X	<b>X</b>

**Change Section 6.10 (G) ~~Landfill (demolition or sanitary)~~ Landfill (demolition, sanitary, Land Clearing Inert Debris)**

**Added to Section 6.10 (G) 3. a. and b. as stated below:**

**3. Licensing Requirements**

- a. LCID (Land Clearing Inert Debris) Landfills minor, under two acres, require a copy of the Facility Plan approved by NCDEQ to be filed with the county planning department. Landfills major, greater than two acres, require a copy of the licensing issued by the North Carolina Division of Waste Management to be filed with the county planning department.
- b. LCID (Land Clearing Inert Debris) landfill facilities may not operate prior to 7:00 a.m. or after 7:00 p.m. unless allowed by the county manager in responding to excess debris resulting from a natural disaster.

**Added to Section 12,** the following definition: **“Landfill, Land Clearing Inert Debris, (LCID) minor”, A landfill facility, less than two acres, for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash as defined in 15A NCAC 13B.0101.**

**Added to Section 12,** the following definition: **“Landfill, Land Clearing Inert Debris, (LCID) major”, a landfill facility, greater than two acres, for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash., as defined in 15A NCAC 13B.0101**