



VANCE COUNTY  
PLANNING & DEVELOPMENT OFFICE

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Planning Board Minutes

July 11, 2019

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**TO:** Vance County Planning Board  
**FROM:** Angie Blount  
**SUBJECT:** Discussion – LCID Landfills – Text Amendments  
**DATE:** July 11, 2019

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**Board Members Present:** Thomas Shaw III, Chair, Agnes T. Harvin, Phyllis Stainback, Ruxton Bobbitt, Logan Darensburg and Robin Liggon

**Board Members Absent:** Blake Haley, Alvin Johnson, Jr., Ruth Jones

**County Staff:** Sam Hobgood, Director, Planning & Development, Angie Blount, Planner, Jonathan Care, County Attorney

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**Those signed up for Public Comment:**

Tom Terrell, Jr., Attorney at law, Fox Rothschild LLP

Vance Moore, Engineer

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Chairperson Shaw called to order the July 11, 2019 meeting of the Vance County Planning Board. He announced the first order of business would be to approve the minutes from the June 13, 2019 meeting. Chairperson Shaw asked if there were any corrections or changes to the minutes. Board member Mrs. Agnes Harvin submitted corrections. Board member Ruxton Bobbitt made a motion that the minutes be approved with corrections. Board member Logan Darensburg seconded the motion. A unanimous vote was taken to approve the minutes with corrections.

Chairperson Shaw announced the next order of business was to open discussion regarding amending the current ordinance text to allow LCID Landfills within the county zoning jurisdiction. Chairperson Shaw asked Planning Staff to explain. Angie Blount, Planner for Vance County Planning and Development, explained that LCID Landfills are regulated by the state, but that local government can place restrictions regarding the areas they are allowed to operate within. She explained that the current ordinance does not adequately define LCID landfills and that it is not listed in the table of permitted uses. Mrs. Blount stated that it is the opinion of staff that LCID Landfills, minor and major need to be added to the ordinance definitions as well as the permitted use table. Board member Mrs. Harvin proposed that the current definition of “Demolition Landfill” be used for “LCID Landfill” in the ordinance and that a new definition be used for “Demolition Landfill”. Mrs. Harvin added that the zoning districts that “Demolition Landfill” are allowed in remain the same for “LCID Landfill”, and that they only be allowed with a Conditional Use Permit. Mrs. Blount added that there should also be separate definitions for minor and major. Mrs. Blount advised the board they would also need to decide if LCID Landfills would be allowed within the Watershed Overlay District.

Mrs. Harvin asked if since this meeting was for discussion on the matter, whether or not they needed to make a formal motion. Chairperson Mr. Shaw asked Jonathan Care, County Attorney how they needed to proceed. Mr. Care advised that the board had opened the discussion and then would close for motions.

The board was given a list of LCID Landfills currently on file with the state. Board member Mrs. Phyllis Stainback asked if they were classified as minor or major. Mrs. Blount answered that only one was on file with the Register of Deeds office and it did not specify. Mr. Care stated that they were probably established prior to Vance County having a zoning ordinance and therefor grandfathered in. He stated further that the only regulation they would have to follow would be from the state, not local.

Mrs. Harvin asked if the state already banned LCID Landfills within water supply watersheds, and referred to the staff report which advised the board to decide if they would allow it. Mrs. Blount advised since the ordinance has a WOZ in the table of permitted uses, it should be indicated whether it is permitted, permitted with Conditional Use or prohibited.

Mrs. Stainback asked if the board recommends LCID Landfill to be placed in the ordinance, in the event one is established in the county, would it be for local debris only or could it come in from other places. Mr. Care answered that legally, debris can be brought in from locations outside the county. He further stated that he had talked with engineers from Wake County, and they advised that although trucking debris in from other locations is allowable, it would not be economical to do so. He advised that a landfill would most likely receive debris from within the county and possibly the northern parts of adjacent counties. He advised that a LCID Landfill is not like a regular trash landfill where it would pay to truck it in. Mr. Care advised that the board may want to hear from the engineer, Mr. Moore, who was here on behalf of the applicant, and that he could provide more information as to the radius. Mrs. Stainback asked if the applicant was interested in doing a major or minor landfill. Mr. Care answered that at this point it is not important, that for now the board needs to decide on the amendment, and then when they make application for the CUP other issues could be decided as to minor or major and other issues relevant.

Chairperson Shaw asked the board if they had no objections, Mr. Moore should take the podium for questions.

Mr. Vance Moore, Professional Engineer, took the podium and stated that he is licensed in the State of North Carolina and is President of Garrett and Moore Engineering. Board Member Mr. Ruxton Bobbitt asked Mr. Moore if he would agree that there were about six private sites currently operating in the county at this time, established prior to the zoning ordinance, and were they closed to the public or just for the use of the owner? Mr. Moore advised it would depend on how they were permitted and, on the ordinances governing them within the jurisdiction in which they were established. Mr. Moore stated that he did not have intimate knowledge of the facilities within Vance County, but he stated that in general LCID Landfills are generally established by those individuals who are in the business of generating inert debris and in need of a place to dispose of it, for example a landscaping business. Mr. Moore stated that because it is for their business, they tend to reserve the capacity of the facility for their own use because it is a necessary part of their own business and they want to have use of it for as long as possible. He further stated that others have adequate capacity for their own use and choose to open it up and charge for others to use it. Mr. Moore stated that there is a cost in transporting and a cost in disposal and that the total of the two is what decides the fee to be charged. Mr. Bobbitt asked if there are facilities that recycle waste in the form of mulch. Mr. Moore advised that the facilities that he is involved with do recycle waste as much as they can. Mr. Moore stated that some facilities recycle waste in the form of mulch to be reused in their business such as in landscaping. Mr. Moore stated that he has seen the recycling of waste more than straight disposal as a trend in the last ten years.

Chairperson Shaw commented that he had seen larger operations recycle waste on site to be used immediately instead of hauling it off for straight disposal. Mr. Moore commented that a lot of the facilities he has knowledge of are using the recycled waste into mulch and other products thereby creating a revenue stream instead of decreasing space in a landfill. Chairperson Shaw commented that concrete companies are recycling concrete as well. Mrs. Stainback asked about the major and minor LCID Landfills. She commented that the minor being under two acres she imagined there would be more requests to establish majors. Mr. Moore advised that the minor landfills were established mainly for farm usage, for debris generated when farmers cleared fields, mainly for the property owners use. He stated that was the reason for the need of two acres or less. Mrs. Stainback asked if a minor would need a permit through planning. Mrs. Blount advised that they are permitted through the state and that currently our ordinance does not have any additional regulations to add to it. Mrs. Blount advised that adding LCID Landfill, major and minor to the permitted use table would allow the county to establish where they would and would not be allowed. Mrs. Stainback asked if most of them burn the debris. Chairperson Shaw responded that there were rules and regulations set by other agencies that regulated burning.

Mrs. Harvin commented that when clear cutting takes place some of the debris is burned. Mrs. Blount advised that site preparation is not regulated by the zoning department. Mr. Care advised burning is regulated by the state. Mr. Care stated that if it is generated on the land than it can be burned on the land, but would not be allowed to bring in debris from somewhere else and burn it. Mrs. Stainback asked if a permit was required. Mr. Care advised a Vance County burning permit is required and issued by the fire marshal. Board member Mr. Robin Liggon asked if there is a cap on the amount of debris that can go into a landfill, minor or major. Mr. Moore advised that for major landfills the applicant would have to demonstrate that the bottom of the waste is above the seasonal ground water table, as required by the state. Mrs. Stainback commented that currently there is substantial concrete and asphalt that has been generated by the roadworks in the county, Mr. Moore advised that technically concrete can go into an LCID Landfill, but that the concrete and asphalt waste from the roadworks probably would have a better use than to go into a landfill, such as reuse in another road project. Mr. Moore stated that it has been his experience that concrete and asphalt from road projects are milled and reused in other projects.

Mrs. Harvin stated that the Granville County Inert Debris definition looked like one that the board may need to consider. Mrs. Blount advised that DEQ also had a clear definition if the board would like to consider both. Mr. Care advised the definition as stated in the NC State Statutes is the one the board needs to consider.

Mr. Sam Hobgood, Director of Planning and Development, advised the board that the table of permitted uses needed to be amended to reflect LCID Landfills. Mrs. Harvin advised that she felt LCID Landfills did not need to be permitted in the AR zoning district. Mr. Care asked Mrs. Harvin to provide an explanation as to why she felt they should not be allowed within the AR zoning district. Mrs. Harvin used an example of a landfill on Kelly Rd. She advised that it is in a residential area right across from a dwelling. She advised that she felt the board has allowed these uses in residential areas, such as with solar farms, and have received a lot of complaints from residents as a result. She stated that in the land use plan from the beginning was to keep agricultural land as agricultural. Chairperson Shaw commented that restricting it within the AR would prevent a landowner from disposing of debris on their own land, or from disposing of debris from another lot they may own. Mr. Care suggested allowing it within the AR but with restrictions on distance from dwellings. Mr. Bobbitt asked for an explanation of how it would be handled through a conditional use permit. Mr. Care stated that the planning board would be setting standards to be used when an individual makes application to the board of adjustment for a CUP to establish a LCID Landfill. He stated that prohibiting within the AR instead of establishing standards such as setbacks from a residence, would not be well defined. He advised at this point is where the standards for development are established so that when an applicant comes to the board there are standards set to get a project approved through a CUP process. Mr. Care advised the board to set standards that would not prohibit but instead allow with conditions. There was discussion by board members regarding the current zoning in the county and how the majority is AR. There was discussion regarding the need to update the zoning map to better reflect the current uses of property in the county.

Mrs. Stainback asked which areas LCID Landfills were going to be allowed. Mr. Care replied that Mrs. Harvin had suggested LI and IM zones. Mrs. Stainback asked if it was to be allowed within the watershed. Mrs. Blount commented that she believed it was prohibited by the state within the watershed (prohibited within critical watersheds). Mr. Bobbitt asked if development within the watershed required permission from the Watershed Review Board. Mrs. Blount advised only if the development is over the percentage allowed. Mrs. Stainback asked if buffers would be required. Mrs. Blount advised that screening and buffering would be required.

A recommendation was made by the board for the planning staff to use the states definition for LCID Landfill, Minor and Major, add to the table of permitted uses to allow LCID Landfills Minor and Major within the AR, LI and IM zoning districts with a Conditional Use Permit and to prohibit within the Watershed Overlay Zone.

Chairperson Shaw declared the July 11 2019 meeting of the Vance County Planning Board Adjourned.