



**VANCE COUNTY
PLANNING & DEVELOPMENT OFFICE**

156 Church Street, Suite 003
Henderson, NC 27536-5574
Phone: 252-738-2080
Fax: 252-738-2089

Planning Board Minutes

August 8, 2019

TO: Vance County Planning Board
FROM: Angie Blount
SUBJECT: Text Amendment – LCID Landfill
DATE: August 8, 2019

Board Members Present: Thomas Shaw III, Chair, Phyllis Stainback, Ruxton Bobbitt, Logan Darensburg, Ruth Jones

Board Members Absent: Blake Haley, Alvin Johnson, Jr., Agnes Harvin, Robin Liggon

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

Those signed up for Public Comment:

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

Vance Moore, Engineer

Chairperson Shaw opened the August 8, 2019 meeting of the Vance County Planning Board at a little past 4 p.m. He announced the first order of business would be to approve the minutes from the July 11, 2019 meeting. Board member Ms. Ruth Jones made a motion that the minutes be approved as presented. The motion was seconded by board member Mrs. Phyllis Stainback. Chairperson Shaw announced that the motion being made and duly seconded, the board would now vote. A unanimous vote was taken to approve the minutes as written.

Chairperson Shaw announced the first order of business would be to review two road name petitions. The first being brought by applicant Kasey J. Shearin and Ashlyn P. Reavis for James Lane. A motion to approve was made by board member Ms. Ruth Jones and seconded by board member Mr. Ruxton Bobbitt. A unanimous vote was taken to approve the road name.

The second road name petition was brought by Ted Frazier for Old Farm Lane. Board member Mr. Ruxton Bobbitt made a motion to approve. Board member Ms. Ruth Jones seconded the motion. A unanimous vote was taken to approve the road name.

Chairperson Shaw announced the next order of business would be case number TA20190613 – 1, adding LCID Landfills to the Vance County Zoning Ordinance, Definition to Section 12, Section 6.10 (G) 3, a. and b. and to the Table of Permitted Uses. Chairperson Shaw asked planning staff to present the report. Angie Blount, Planner, explained to the board that the Vance County Zoning Ordinance does not have an ordinance which deals with Land Clearing Inert Debris Landfills. She advised LCID Landfills are mainly regulated by the state. Mrs. Blount went on to state that the planning board requested during the last meeting that planning revise the Permitted Use Table to allow only within the AR, LI and IM zoning districts and only with a Conditional Use Permit. The board also requested they not be allowed within any Water Supply Watershed. Mrs. Blount went on the read the definition of LCID minor and major. Chairperson Shaw asked if there were any questions or comments from the board. Board member Mrs. Stainback asked for a definition of *Yard Trash*. County Attorney, Jonathan Care, provided the state statute definition for *Yard Trash*, 130A-290 (a) (45), “Solid waste resulting from landscaping and yard maintenance, including brush, grass, tree limbs and similar vegetative material”. Board member Mrs. Stainback asked if yard waste could be burned in a person’s yard with a permit. Mr. Care replied that if the yard waste is from your yard it can be burned without a permit. Board member Mrs. Stainback asked what the setbacks would be from a LCID landfill from dwellings or from other buildings and what the screening requirements would be and at what point are those requirements discussed. Mrs. Blount advised a lot of the regulations are enforced by the state, but that the LCID would be subject to the county requirements of 1000’ from a dwelling and the 10’ of vegetative buffer. Mr. Sam Hobgood, Director, Planning and Development, advised that section 4.16 of the zoning ordinance for Screening and Buffering would be applicable to LCID Landfills. Board member Mrs. Stainback commented

that she felt the buffer requirements, also as pertaining to solar farms, is that they are not being maintained as they should be. She commented that the required vegetation is not growing as it states it has to. Mrs. Stainback asked if the ordinance states the type of vegetation that is to be planted. Mr. Hobgood replied that those are considered when a Conditional Use Permit is applied for, as in the case of solar farms. Board member Mr. Bobbitt commented that the buffer at the solar farm on Jacksontown Road is one of the best he has seen. Board member Mrs. Stainback agreed that the one on Jacksontown Road was done correctly from the beginning. Mr. Hobgood advised the types of vegetation used for buffer would be addressed at the time a Conditional Use Permit was applied for. Mr. Care advised that a landscaping plan is required to be submitted by the applicant at time of application that would list the type of vegetation. Mr. Care explained that some of the earlier projects were approved under different buffer requirements than what is required now, due to ordinance amendments over the years. Board member Mrs. Stainback stated that in the minutes Mr. Care had talked about this being the time to establish standards which would apply in future cases. She asked if this is what the board is accomplishing now. Mrs. Blount advised by adding the LCID landfill definitions and uses to the ordinance the board would be establishing standards to be used when application is made in future cases, and that when application is made for a Conditional Use Permit, conditions could be placed. Board member Mr. Bobbitt commented that in the case of the solar farm at Kelly's Cross Roads, the board was allowed to add extra conditions. Mr. Care advised conditions can be placed as long as they are geared toward the five criteria that the Board of Adjustment is tasked with finding and that is the reason it is conditional. Mr. Care advised that what the board is doing now is setting up the framework. He advised that at the last meeting there were questions asked that were site specific. He advised that the board should be focusing on the use is allowed, and these are the things the applicant has to do. Mr. Care advised that the board has put these things forth to the applicant to provide as called for in the ordinance along with setbacks and screening. Board member Mrs. Stainback asked if the setbacks were to be from property lines or from dwellings. Angie Blount advised the ordinance called for 1000' from a dwelling under the current definition for landfill, Demolition or Sanitary. Mrs. Blount advised state regulation for a Major LCID Landfill would be more restrictive than what the county ordinance states. Board member Mr. Bobbitt commented that the restrictions the board might impose during a Conditional Use hearing for a landfill located directly outside the city, might be different than the ones placed in a more remote location. Board member Mr. Bobbitt added that the cases have to be considered separately.