

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: April 5, 2010

SUBJECT: Public Hearing on Text Amendment (TX-2010-01) County Owned and Operated Solid Waste Facility

ATTACHMENTS:

1. Draft Text Amendment
2. Solid Waste Facility Site Plan
3. Certification of Public Notice
4. PowerPoint

SUMMARY OF REQUEST:

The County's Solid Waste Plan proposes to consolidate and relocate the current uses within the boundaries of the landfill site to provide better customer service and to address public safety and traffic concerns. To move forward with the implementation of the Solid Waste Plan, it is both necessary and beneficial to add a new use to the LDC to specifically regulate County Owned and Operated Solid Waste Facilities and to separate privately owned solid waste facilities from County owned facilities.

The proposed text amendment (TX-2010-01) would provide a definition and supplemental requirement standards specifically for a County Owned/Operated Solid Waste Facility. The intent of the LDC is not to limit the County's solid waste functions nor is it meant to exclude the County from minimum requirements. The solid waste operations at the site represent critical public infrastructure that improves public health and safety.

The Planning Board reviewed the proposed text amendment on February 18, 2010 and voted unanimously (7-0) to recommend that the Board of Commissioners approve text amendment TX-2010-01. Before taking action on the text amendment, the Board of Commissioners must hold a public hearing.

PUBLIC NOTICE:

In accordance with §200A-314(B) and 200A-338(A) of the Henderson County Land Development Code and State Law, notices of the April 5, 2010 public hearing regarding text amendment (TX-2010-01), were published in the Hendersonville Times-News on March 17, 2010 and March 24, 2010 (See Attachment 3).

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board of Commissioners approve text amendment (TX-2010-01). The following motion has been provided if the Board supports the proposed regulations and text amendment to the LDC.

Suggested Motion:

I move that the Board approve text amendment (TX-2010-01) for County Owned and Operated Solid Waste Facility and that it is both consistent and in general compliance with the Henderson County 2020 Comprehensive Plan.

Text Amendment (TX-2010-01) County Owned/Operated Solid Waste Facility

Summary:

Henderson County currently has one county owned and operated solid waste facility located at Stoney Mountain Road near the intersection of Stoney Mountain Road and Mountain Road. This site has historically been the location of the county C&D (construction and demolition) and municipal waste landfills, which has been closed out and is no longer in use. The County currently transfers non-recyclable household and non-residential garbage (municipal waste) to an active landfill outside of the County. This site also serves as the location of the County's solid waste transfer facility, recycling center, animal shelter, bus maintenance garage, inert debris storage and disposal, and the office for the Solid Waste Division of the Engineering Department.

The County's Solid Waste Plan proposes to consolidate and relocate the current uses within the boundaries of the landfill site to provide better customer service and to address public safety and traffic concerns. Due to the number of services located at this one site, the LDC does not have a specific and defined use for this type of operation.

To move forward with the implementation of the Solid Waste Plan, it is both necessary and beneficial to add a new use to the LDC to specifically regulate County Owned and Operated Solid Waste Facilities and to separate privately owned solid waste facilities from County owned facilities. The intent of the LDC is not to limit the County's solid waste functions nor is it meant to exclude the County from minimum requirements. The solid waste operations at the site represent a critical piece of public infrastructure that improves public health and safety. A definition and SR standards specifically for a County Owned/Operated Solid Waste Facility are provided below.

New Definition:

Solid Waste Facility, County Owned/Operated. A facility that is owned and operated by Henderson County Government for the purpose of disposing of and/or transferring solid waste. This establishment is primarily engaged in one or more of the following: (1) collecting and/or hauling waste and/or recyclable materials; (2) operating waste transfer stations; (3) disposal of solid waste on land in a sanitary manner; (4) storing solid waste resulting solely from land-clearing activities; (5) receiving recyclable materials via drop-off or by commercial waste haulers; and/or (6) separating and sorting recyclable material from non-hazardous waste streams (excluding sewage and human waste) and where co-mingled recyclable materials are sorted into distinct categories. Accessory uses and structures such as scale houses, loading docks, office buildings associated with the solid waste facility, and any related accessory use or structure are allowed under this definition.

New Use Added to Permitted Use Table:

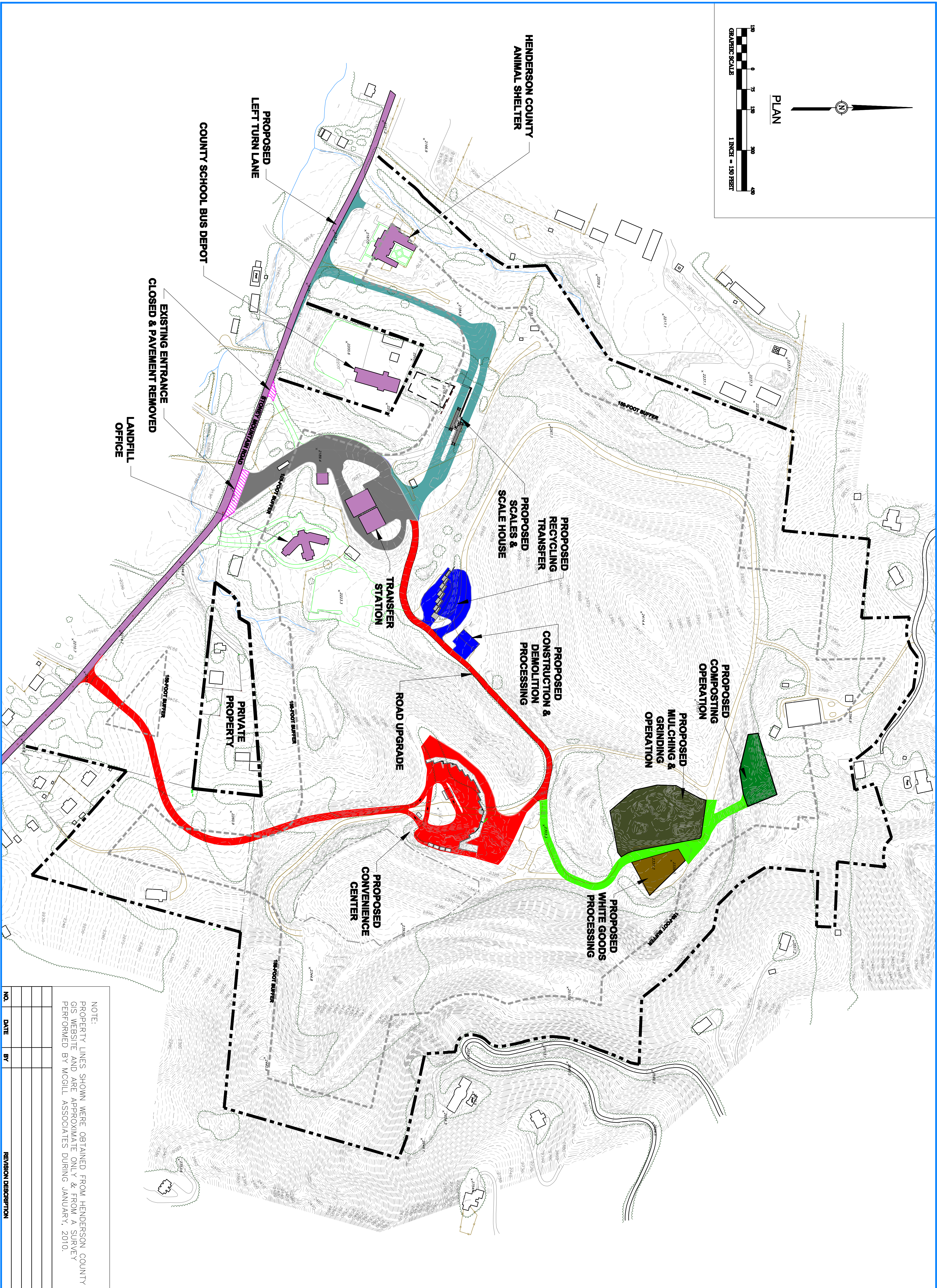
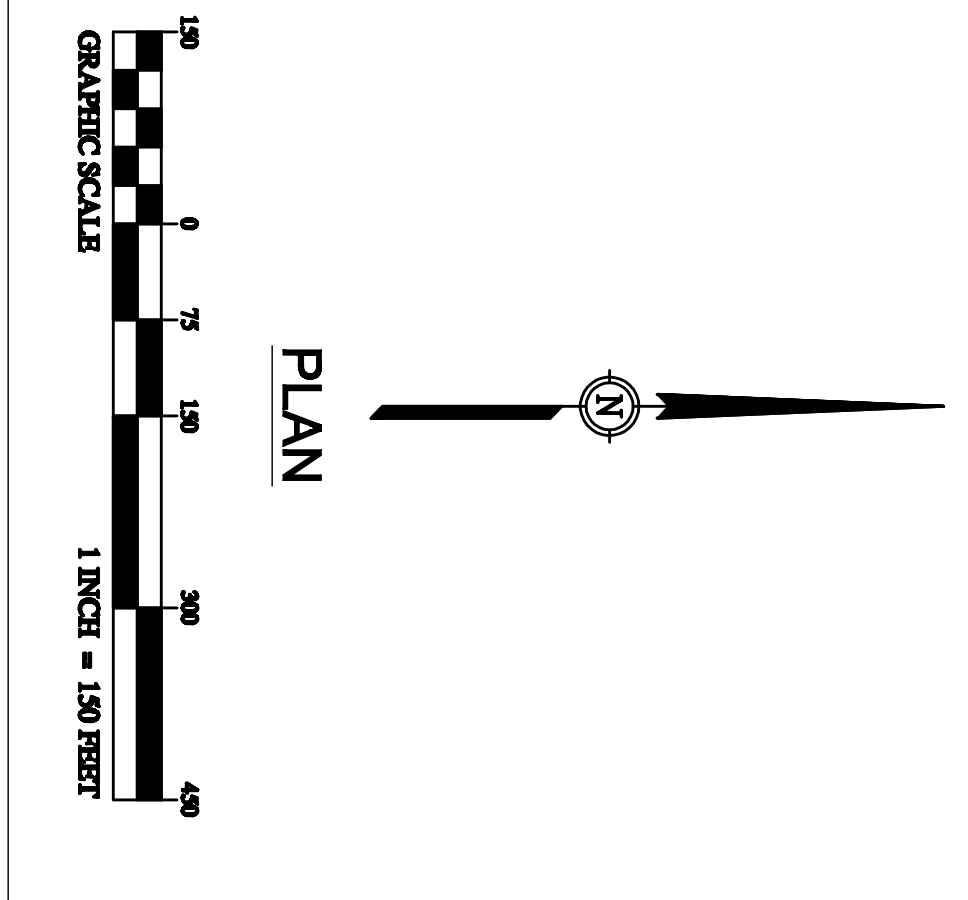
§200A-62. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
9. TRANSPORTATION, WAREHOUSING AND UTILITIES												
<i>Solid Waste Facility, County Owned/Operated</i>	P	P	P	P	P	P	P	P	P	P	P	9.10

New Supplemental Requirement Standards:

SR 9.10. *Solid Waste Facility, County Owned/Operated*

- (1) Site Plan. Major *Site Plan* required in accordance with §200A-299 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
- (4) Security. The operations of a waste collection and transfer facility shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.
- (5) Perimeter Setback. One hundred and fifty (150) feet from a *residential zoning district*. Necessary ingress and egress to the proposed use (s) may be located within the perimeter setback.
- (6) Perimeter Buffer. A B2 buffer as described in Article V (Landscape Design Standards), Subpart A (Buffer Requirements) is required around the perimeter boundary of the site, the operational area(s), or any combination thereof. Preserved existing trees may be credited toward the required buffer.
- (7) Sedimentation Control. Permanent control measures are required to retain all non-compacted soils on site.
- (8) Operations. Where feasible, debris reduction methods such as chipping and mulching (using portable equipment) shall be utilized to reduce the amount of debris permanently withheld on site.



NOTE:
 PROPERTY LINES SHOWN WERE OBTAINED FROM HENDERSON COUNTY GIS WEBSITE AND ARE APPROXIMATE ONLY & FROM A SURVEY PERFORMED BY MCGILL ASSOCIATES DURING JANUARY, 2010.

NO.	DATE	BY	REVISION DESCRIPTION

Certification of Notice of Public Hearing

In accordance with NCGS 153A-323 and 153A-343 the Planning Department certifies notices of the April 5, 2010 hearing regarding Text Amendment TX-2010-01, were:

1. Submitted to the Hendersonville Times-News on March 11, 2010 to be published on March 17, 2010 and March 24, 2010 by Autumn Radcliff;

The signatures herein below indicate that such notices were made as indicated herein above:

1. Autumn Radcliff

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, KATHLEEN R. SCANLAN, a Notary Public, in and for the above County and State, do hereby certify that AUTUMN RADCLIFF

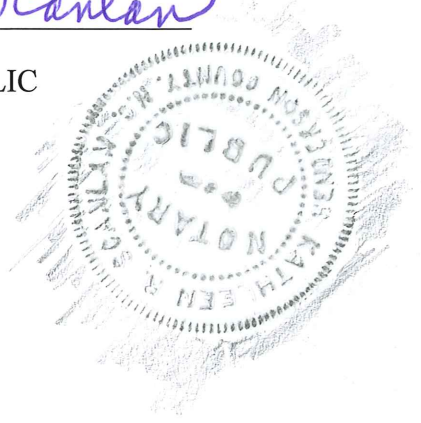
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 16 day of MARCH, 2010.

My commission expires:

10/24/2010

(SEAL)
Kathleen R. Scanlan
NOTARY PUBLIC

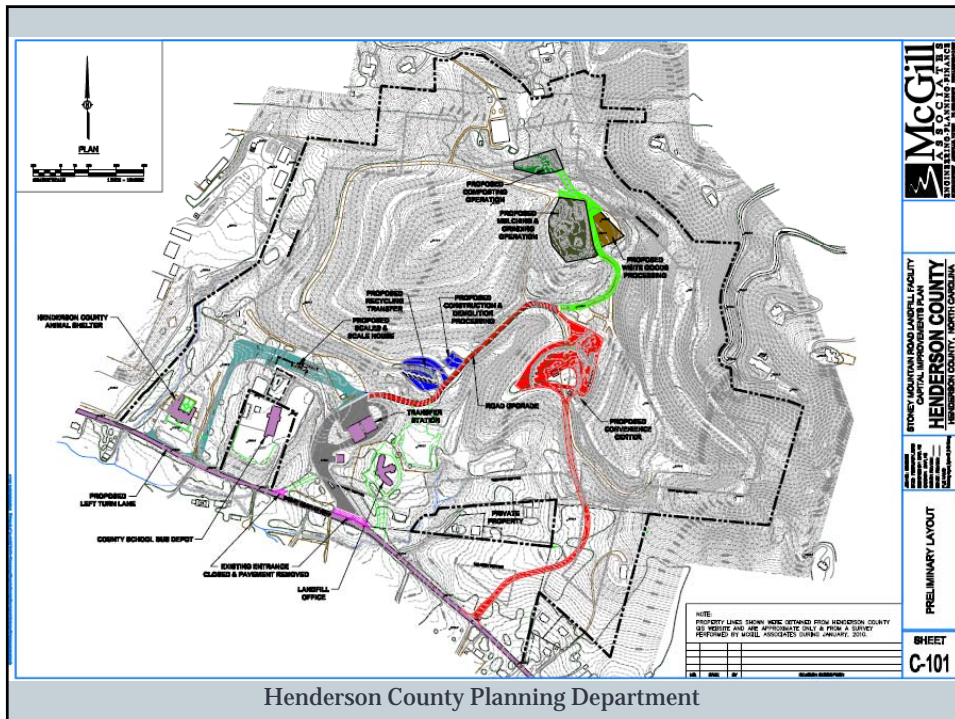


Text Amendment (TX-2010-01) County Owned & Operated Solid Waste Facility



BOARD OF COMMISSIONERS
PUBLIC HEARING
APRIL 5, 2010

Henderson County Planning Department



Henderson County Planning Department