



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: July 19, 2018

Re: CZ #2018-5
Samuel Goodson, applicant
Parcel ID# 34700 (20-acre portion)

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on August 6, 2018.

Request

The applicant is requesting the rezoning of 20 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill (LCID) with a disposal area under two acres in size. Materials that may be accepted at an LCID landfill are limited to stumps, limbs, brush, concrete, used asphalt, brick, concrete block, uncontaminated soil, rock and gravel.

Under the state's solid management rules, an LCID landfill must be located at least 50 feet from any stream and at least 100 feet from all property lines, dwellings and wells. In the case of an LCID landfill with a disposal area of less than two acres, an operator must file a notification form with the state.

Under the Lincoln County Unified Development Ordinance, a landfill is included under the use group Waste Service, which is permitted only the I-G district as a conditional use and requires a minimum area of 20 acres.

A site plan and an operations plan have been submitted as part of the rezoning application. Also included are minutes from a community involvement meeting that was held on June 19.

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the use of the property would be limited to an LCID landfill.

Site Area & Description

The subject property, a portion of a 71-acre tract, is located at 6792 Kidville Road, about 1,200 feet south of Kidville Road, and 3,200 feet east of Beth Haven Church Road, in Catawba Springs Township. The applicant previously operated an LCID landfill on an adjoining parcel. The 71-acre tract is surrounded by properties zoned R-T. Land

uses in this area included residential and agricultural. The subject property is part of an area designated by the Land Use Plan as Large Lot Residential.

Planning Staff's Recommendation

Staff recommends approval of the rezoning request.

Under state law, prior to adopting or rejecting a zoning amendment, the Board of Commissioners must adopt one of the following statements:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the plan to meet the development needs of the community.
 - c. Why the action taken is reasonable and in the public interest.

Staff recommends that the Board of Commissioners exercise Option 3. See proposed statement on following page.



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Proposed Statement Approving Zoning Amendment, Simultaneously Amending Land Use Plan

Case No. **CZ #2015-1**

Applicant **Samuel Goodson**

Parcel ID# **34700 (20-acre portion)**

Location **6790 Kidville Road**

Proposed amendment **rezone from R-T to CZ I-G to permit a land-clearing and inert debris (LCID) landfill with a disposal area under two acres in size**

The Board of Commissioners approves this zoning amendment and hereby declares that this approval is also deemed an amendment to the Lincoln County Land Use Plan to designate this 20-acre site as an Industrial Center. In amending the Land Use Plan, the Board of Commissioners took into account the following: 1) The applicant operated an LCID landfill for many years in a nearby location on his land. 2) A permitted LCID landfill is needed in this area of the county due to continued development activity and the significantly longer travel distance to other permitted landfills.

This proposed amendment is **reasonable and in the public interest** in that:

Because this is a rezoning to a conditional zoning district, the land will be limited to a land-clearing and inert debris landfill. The disposal area is well buffered from adjoining properties. The rezoning will provide homebuilders with a closer location for disposing of land-clearing debris, helping to hold down housing costs.



Conditional Zoning District Application

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Suite A, Lincolnton, NC 28092
Phone: (704)736-8440 FAX: (704)732-9010

PART I

Applicant Name Samuel Thomas Goodson
Applicant Address 6790 Kidville Rd, Denver NC 28037
Applicant Phone Number (704) 763-6068
Property Owner Name (same as above)
Property Owner Address "
Property Owner Phone Number "

PART II

Property Location 6792 Kidville Rd., Denver NC
Property ID (10 digits) 3694021277 Property size 70.907 AC.
Parcel # (5 digits) 34700 Deed Book(s) 2337 Page(s) 730

PART III

Existing Zoning District R-T Proposed Zoning District I-a/cu

Briefly describe how the property is being used and any existing structures.

Locally owned Lincoln County beef cattle farm. The farm has the residence, farm buildings, fenced pastures and a recently close-out LCID land-fill on a separated parcel still owned by Mr. Goodson.

List the proposed use or uses of the property.

Develop a new LCID land-fill area in the SW portion of the tract. This area is currently acceptable by NC DENR for this use. It allows the owner to continue the LCID land-fill operation on his farm occurring for the past 20 years.

APPLICATION FEE (less than 2 acres \$400, 2-5 acres \$800, 5+ acre \$1,200)

MUST BE RECEIVED BEFORE PROCESSING.

I hereby certify that all knowledge of the information provided for this application and attachments is true and correct to the best of my knowledge.

Samuel Thomas Goodson

Applicant's Signature

5-30-18

Date

GOODSON LCID LANDFILL

DENVER, NORTH CAROLINA

OPERATIONAL REQUIREMENTS

JUNE 2018

SAMUEL THOMAS GOODSON

6792 Kidville Road

Denver, NC 28037

Permit Prepared by:



2730 Maiden Highway

Lincolnton, NC 28092

Phone: (704) 530-7880

j.davidledford@yahoo.com

1. Description of Facility

The proposed Goodson LCID Landfill site is located on 6790 Kidville Road between Beth Haven Church Road and North Little Egypt Road. Entrance to the site is along the southern side of Kidville Road and to the southwest of the Town of Denver, North Carolina.

A. Location Map

Refer to Site Plans for a copy of the Site Location Map.

B. Owner Contact Information

Samuel Thomas Goodson
6790 Kidville Road
Denver, NC 28037
(704) 763-6068

C. Summary: disposal area, operation, and closure

Disposal Area: The disposal area shall include approximately 2.0-acres of property located within the rezoned boundaries of a 20-acre area which is a portion of the 70-acre tract owned by Sam Goodson.

Operation: The site will be operated as a commercial Land Clearing and Inert Debris Landfill receiving materials predominately from grading contractors doing residential land clearing for the construction of new homes in the area. Hours of operations will be from 8:00 am to 8:00 pm Monday thru Friday and 8:00 am to noon on Saturday. The Operations will conform to all of the requirements of the approved Operations Plan.

Closure: Within 120 days of the completion of the final disposal operations, the disposal area shall receive a minimum of 4-foot of suitable soil cover. The cover shall be sloped to allow surface water runoff in a controlled manner. Adequate ground cover shall be provided to restrain erosion within 14 working days of the completion of waste disposal site. Additional cover and groundcover requirements are in Section #4 and #5 of this manual.

Post-Closure Use: The site will be seeded as required to Close Out the Landfill per NC DEMLR Solid Waste Section and to provide adequate erosion control. No additional use is proposed but will continue to be a beef and horse farm operation.

2. Description of Waste

A. Types of Waste Accepted at Facility

The facility shall accept selected waste materials from Section .0560 Land Clearing and Inert Debris (LCID) Landfills of the Solid Waste Management Rules. The owner has chosen to limit the items accepted as follows:

- 1) Land Clearing Debris: Stumps, trees, limbs, and other natural occurring vegetation.
- 2) Inert Debris: Concrete, concrete block, gravel, rock and dirt.
- 3) Used Asphalt

3. Working Face

A. General Description

The working face shall at all times be kept to the minimal widths that are practicable. The overall width should not exceed 80-feet unless specific conditions warrant such and the working face shall be kept at less than 50- feet in width.

4. Operational Cover Requirements

A. Monthly Cover Requirements

Adequate soil cover shall be placed over the LCID materials at a frequency not less than once per two weeks. In addition, should an active working area exceed 1-acre in size, adequate soil cover shall be placed over the materials.

B. Final Cover Requirements

Four foot of cover with suitable soils shall be provided over all areas of disposal to be closed.

5. Sedimentation Control Measures

A. General Description

The site topography generally falls to the south. The key erosion control device is a sediment basin with skimmer device and associated sediment baffles. The Facility must comply with the approved Erosion and Sedimentation Control Plan for the site.

6. Facility Security Measures

A. General Description

B. The site includes existing fencing and a 16' entrance swing gate along the access of Kidville Road. The gate shall remain closed when the facility is not being used. Existing fencing around the perimeter of the entire tract along and the natural buffers limits accessibility in these areas. A sign will be placed at the entrance gate with the Facility name, Permit Number and Owner Contact Information for ease of identification.

C. Landfill Attendant

The Goodson LCID Landfill is a commercial disposal facility and will be manned by the Owner (or his designee) at all times the landfill is open.

7. Leachate Management

A. Description of Best Management Practices

The disposal area base grades shall remain a minimum of 4-foot vertically separated from seasonal high groundwater elevations. The disposal area shall receive both intermediate and final cover as required by Section .0566 of the Solid Waste Management Rules. In addition, the landfill side slopes shall be maintained to both promote runoff from the disposal area and direct it to the erosion control sediment basin while also maintain stability and ground cover. The side slopes shall be no steeper than 3:1. Buffers from waters of the State and property lines shall be maintained as required by Section .0564(9) of the Solid Waste Management Rules.

8. Prohibited Operations

A. Open Burning

Open burning is prohibited at the Goodson LCID Landfill.

B. Disposal in Water

Disposal of LCID materials within groundwater or existing streams is prohibited at the Goodson LCID Landfill.

9. Emergency Contingency Plan

The entrance sign shall include the name of the facility, permit number, owner contact information and contact numbers for emergencies.

The Goodson LCID Landfill is located within the jurisdiction of the Denver Fire Department. Fire emergencies will be directed to the Denver Fire Department and the Lincoln County Fire Marshall.

Community Involvement Meeting Minutes

Date: Tuesday, June 19, 2018 – 7:00 p.m.

Location: Denver Fire Department, Denver, NC

Purpose: Lincoln County Community Involvement Meeting to Provide Information Regarding the Conditional Rezoning Project for Samuel Goodson on Kidville Road in Denver, NC

David Ledford, RLA introduced himself representing Samuel Goodson and presenting the Conditional Rezoning Application of a 20 acre portion of Parcel 34700 to allow for a 2 acre Individual Land Clearing and Inert Debris (LCID) Landfill. David described the Conditional Zoning definition as being limited to requested use only on the permit application. He also described the definition of a LCID Landfill. LC stands for land clearing debris such as stumps, limbs, and other natural vegetation. Where, ID stands for Inert Debris such as concrete, block, gravel, used asphalt and dirt. Samuel Goodson has operated a recently closed- out LCID Landfill on some of his property for the past 20 years and would like to fill an additional 2 acre area with the proposed rezoning application.

Attendees asked the following questions:

Have there been any previous infractions on the Closed-Out LCID Landfill?

The State DEMRL Office was not aware of any previous violations. There was a complaint for cloudy water on the site many years back to the County. County staff inspected the site and requested a minor repair. It was completed as needed.

Where was the location of the previous LCID Landfill on the parcel?

It is located on the north east portion of land owned by Samuel Goodson. Shown as the 10 acre tract on the Proposed Site Plan. It has been vegetated as a current hayfield.

What will keep or stop Mr. Goodson from expanding from 2 acres to 20 acres?

Since the maximum area on the NC DEMRL notification permit for a LCID Landfill is 2 acres, he would need to reapply to both the State and the County since the area is restricted by each to only consist of 2 acres per the permit and the conditional use requirements under the rezoning.

The property is a hole or ravine which slopes downhill to a stream and he wants to fill it?

Yes, it is an existing ravine approximately 700' from the existing stream that will require an Erosion Control Plan approval by Lincoln County Natural Resources. Measures will be in use during the entire landfill project to prevent sediment and debris losses. Water will be detained from 2-5 days to allow for time to settle out sediment and debris.

Will the landfill have any inspections?

After the site becomes active, it will be inspected at a minimum of every 9-12 months from NC DEMLR Office and then every 3-4 months by Lincoln County Natural Resource Dept.

Will this project interfere with the proposed natural gas line project?

Mr. Goodson commented that the gas line is being proposed to go further east on Kidville Road and it will have no effect.

What is the timeframe of the project occurring?

If approved by the County and after the State's review the application it should be by or before the end of the year.

Have there been any dirt or mud issues on the road from the previous landfill?

Mr. Goodson typically shuts down the site to prevent trucks from being stuck and tracking mud on the road. The proposed landfill location is approximately 1,500 more feet into his property on gravel/asphalt drive which greatly decrease any sediment loss potential.

Will there be any environmental impacts from the landfill?

The State requires buffers on all LCID Landfill to protect and prevent against any environmental impacts. The buffers are as follows: 50' Stream Buffer, 100' Well Buffer, 100' Residence/Structure Buffer and a 100' Landfill Site Perimeter Buffer. All these per the Proposed Site Plan are met several times over with the size of the overall tract of land.

Can the County Commissioners limit the landfill to 2 acres as part of the conditions for rezoning?

Since the board would be approving the Proposed Site Plan as part of the rezoning, Randy Hawkins commented that it would be limited to 2 acres. In addition, the State Permit also limits this type landfill to 2 acres.

What will stop all the drainage from the south end of the landfill?

As before mentioned, the sediment basin (42'x300'x3' deep) will be required during the entire time of the project and will detain drainage to the normal flow conditions.

What are the anticipated depths of the landfill and the fill depth over the debris?

The depth should be a maximum of 20' deep and will be layered with 6' of debris and then 2' of dirt cover and will finally be capped off with 4' of dirt cover when areas are completed. This prevents smoldering or fires during the composting cycle.

What is the emergency plan if it starts to burn?

Contact both the Denver Fire Dept. and the Lincoln County Fire Marshall.

If the site caught on fire is the smoke toxic?

It would be similar to someone burning limbs in there yard or like having a campfire.

Who oversees what they dump like asbestos and other items?

Both the State DEMLR Office and The County Zoning Department have oversite on the materials being dumped. If for any instance it is inspected and unpermitted items are found then the site will be closed and removal will be required.

How long will it take to fill the proposed landfill?

With the typical volume per year from the previous landfill, it will take about 10-20 years for the site to be completely filled.

Are the terms Conditional and Inert used as legal terms with respect to the site? Will any chemicals such as benzene, arsenic or anything else be allowed in the landfill?

The landfill will be limited to the NC DEMLR LCID Permit and will not allow for any construction debris which typically contains these chemicals to be disposed of. Also, Mr. Goodson has limited himself to the items mentioned before under the definition of a LCID Landfill.

What if a contractor brings in unpermitted items?

The site will be manned and inspected to limit any possibilities of items not allowed and he will be turned away to the County Landfill or other approved location.

What will be the noise impact from the site?

There is always a level of noise from anything. With this type operation you may hear trucks dumping and equipment running during the covering process. However, neither are continuous and are only when open.

Will this project make the site unbuildable?

Yes, along with the required perimeter buffer around the actual landfill site.

What are the hours of operation for the site?

Mr. Goodson stated that his normal time of operation is 8 am – 5 pm Monday-Friday and 8 am – 12 noon on Saturday. He would also consider listing the hours of operation in the rezoning application to insure the County there would be no issues with the County Noise Ordinance or etc.

David thanked the residents of Lincoln County for coming to the meeting with their questions and the meeting was adjourned if there were no further comments.

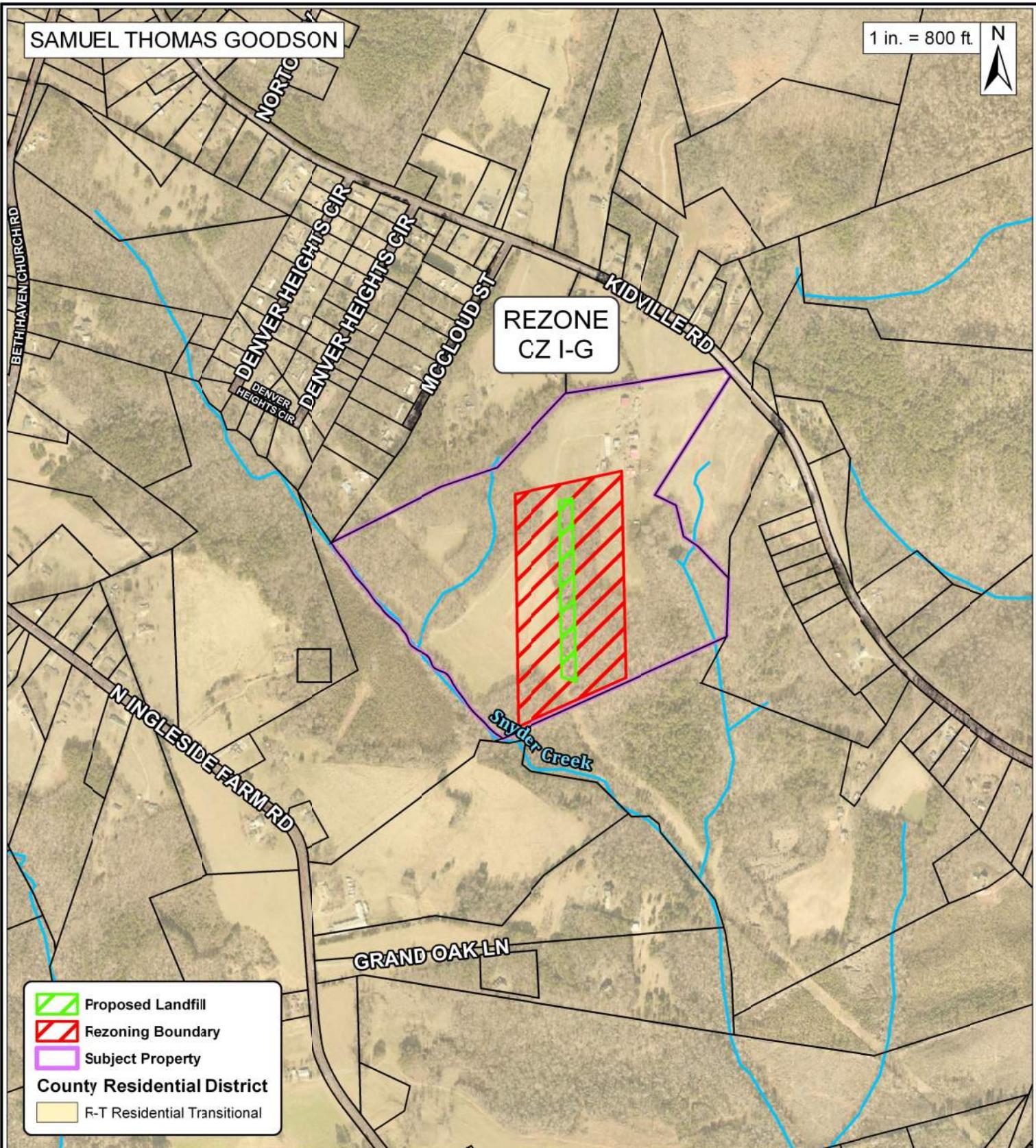
CZ #2018-5 Samuel Goodson, applicant
proposed land-clearing and inert debris landfill
06/19/2018 community involvement meeting

Attendees	Name:	Address:	Please Print	Phone #:	E-Mail:
Chadwick Vaughn	6781 Kidwell Rd	Denver, NC 27041-4911	8773 Chadwick@outlook.co	8773	
Don Dow	Kidwell Rd			704-763-6068	
William Reeves	3705 Blue Sky Dr.			704-479-1854	
John Dice	3645 Blue Sky Dr			812-573-3459	
Elin Doe	3695 Blue Sky Dr			352-214-2145	
Fatalie Hatten	3688 Blue Sky Dr				
Megan Hobson	3704 Blue Sky Dr.			951-544-5879	
Gary Patterson	3688 Blue Sky Dr.			513.218.4926	
B-11 T, ST LK	623 Park Circuit			705 500 0200	
Jamilia Griner	9033 Cinder Lane			704 701 4011	
Danielle Choate	9033 Cinder Lane			704 712 9075	
Jared Griner	9033 Cinder Lane			704 728 8786	



SAMUEL THOMAS GOODSON

1 in. = 800 ft



CONDITIONAL ZONING

Application	CZ #2018-5
NCPIN#	3694-02-1277
PID#	34700

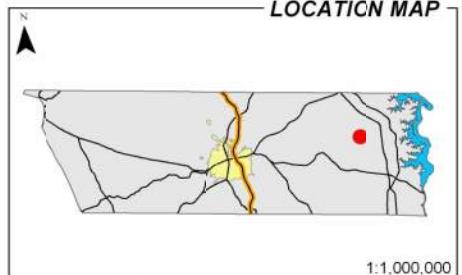
- Property Location(s)

See Attached Application for Parcel Information
Property Location(s) Outlined in Purple

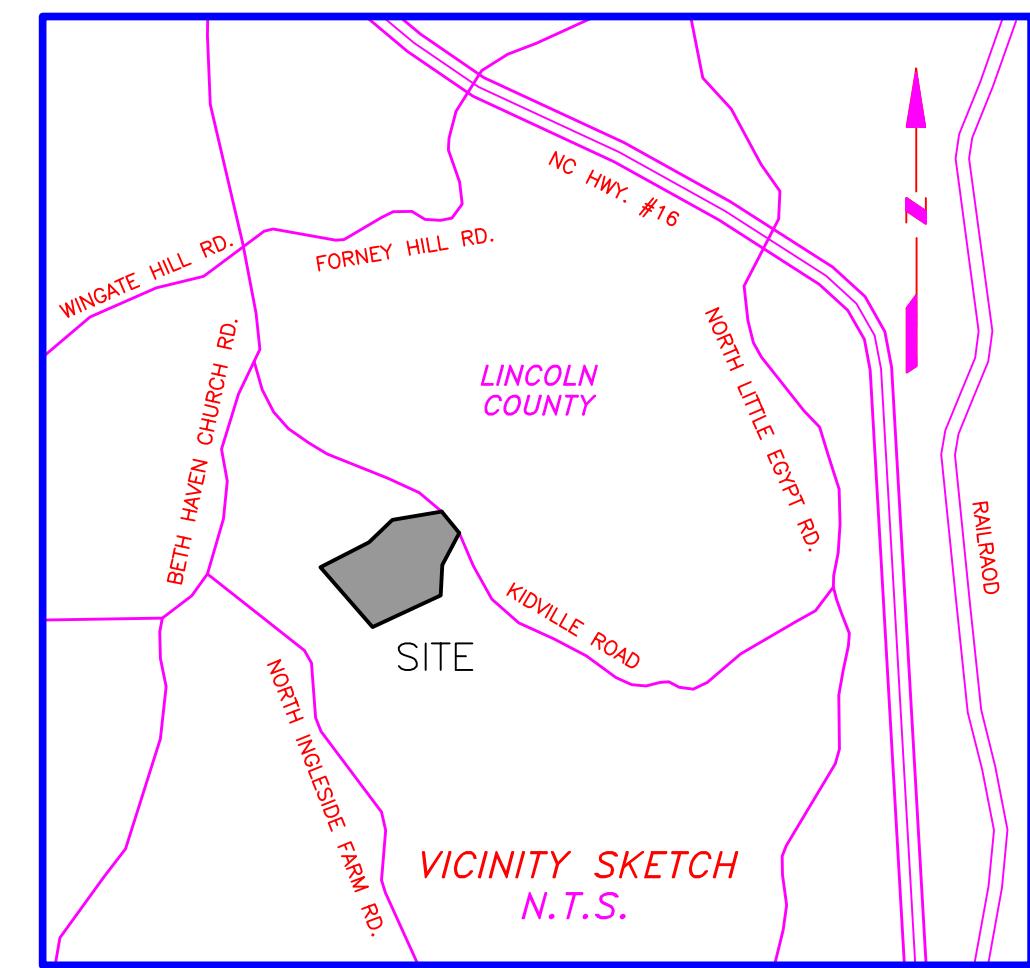


Lincoln County
Planning & Inspections
302 N. Academy St.
Suite A
Lincolnton, NC 28092

LOCATION MAP



● Property Location(s)



NOTES

CONTOUR INTERVAL = 2' LIDAR TOPOGRAPHIC DATA
SURFACE WATERS AND EXISTING WOODLAND EDGE PER LINCOLN COUNTY GIS
STRUCTURES AND WELLS PER LINCOLN COUNTY GIS AND SITE INVESTIGATION
PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAY OR
EASEMENTS NOT OBSERVED.

OWNER: EDWIN L. BLYTHE
PARCEL #: 33528
DEED: 17E - 472
ZONING: R-T
CURRENT USE: RESIDENTIAL

NOTES :

CONTOUR INTERVAL = 2' LIDAR TOPOGRAPHIC DATA

SURFACE WATERS AND EXISTING WOODLAND EDGE PER LINCOLN COUNTY GIS

STRUCTURES AND WELLS PER LINCOLN COUNTY GIS AND SITE INVESTIGATION

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS OF WAY OR EASEMENTS NOT OBSERVED.

OWNER: JIMMY E> KEEVER
PARCEL #: 33862
DEED: 922 - 575
ZONING: R-T
CURRENT USE: RESIDENTIAL

OWNER: EDWIN L. BLYTHE
PARCEL #: 33528
DEED: 17E - 472
ZONING: R-T
CURRENT USE: RESIDENTIAL

GOODSON
BK:2337-730
BY DEED REMAINING

100' MIN. STRUCTURE BUFFER

100' MIN. PROPERTY LINE

100' MIN. WELL BUFFER

NEW PAR
10.01 AC
0.32 AC WITH

EXISTING GRAVEL DRIVE (TYP.)

EXISTING GRAVEL DRIVE (TYP.)

EXISTING FARM ROAD (TYP.)

PROPOSED LCID LANDFILL BOUNDARY 2.0 ACRES

PROPOSED ZONING BOUNDARY 20.0 ACRES I-G CONDITIONAL USE

APPROX CL OF STREAM

APPROX CL OF STREAM

2 ACRES TO BE DEDICATED AS A LCID LANDFILL

50' MIN. SURFACE WATER BUFFER

EXISTING WOODLAND EDGE (TYP.)

PROPOSED WOODLAND EDGE

OWNER: THOMAS ROGER KEEVER
PARCEL #: 90727
DEED: 924 - 67
ZONING: R-T
CURRENT USE: AGRICULTURAL

OWNER: LARRY RANDOLPH NOLEN
PARCEL #: 32325
DEED: LC103 - 377
ZONING: R-T
CURRENT USE: RESIDENTIAL

OWNER INFORMATION:

SAMUEL THOMAS GOODSON
6790 KIDVILLE ROAD
DENVER, NC 28037

(784) 755-3333

PARCEL ID #: 34700
PARCEL PIN #: 3694021277
ADDRESS: 6792 KIDVILLE ROAD
DENVER, NC
LINCOLN COUNTY
TOTAL ACREAGE: +/- 70.907 AC.
DEED BOOK: 2337 DEED PAGE: 730
EXISTING ZONING: R-T
PROPOSED ZONING: R-T WITH PROPOSED 20 AC.
I-G CONDITIONAL USE AREA
WATERSHED: NOT WITHIN A WATERSHED
FLOODPLAIN: NO FLOODPLAIN ON-SITE
WETLANDS: NO WETLANDS PER NATIONAL
WETLAND INVENTORY

PLAN DESIGN INFORMATION:

SITE DEVELOPMENT:
J. DAVID LEDFORD, RLA
2730 MAIDEN HIGHWAY
LINCOLNTON, NC 28092
CONTACT: DAVID LEDFORD, RLA

BOUNDARY SURVEY:
HELTON SURVEYING
7345 FORNEY HILL ROAD
DENVER, NC 28037
CONTACT: JACOB W. HELTON, PLS
(704) 224-2254

PROPOSED SITE PLAN
GOODSON LCID LANDFILL

D, RLA IN CONTROL STORMWATER PLANNING
vldford@yahoo.com
CELL (704) 530-7880

I DAWIIDI FEDORA R

J.DAVI

LANDSCAPE ARCHITECTURE LA
2730 Maidens Highway
Lincolnton, NC 28092

PROPOSED

DRAWING
NUMBER
S1

