



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

115 W. MAIN ST., LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: February 5, 2021

Re: CZ #2020-7
Tony Davis, applicant
Parcel ID# 101744 and 101745

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on March 1, 2021.

Request

The applicant is requesting the rezoning of 27 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 of approximately 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 waste 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 in 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 in this info packet are minutes from a virtual community involvement meeting that was held on January 12. In lieu of participating in the meeting, owners of property in the surrounding area were informed that they could provide comments by phone or email. Those comments are included with the minutes.

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 is located on the east side of Camp Creek Road about 4,000 feet south of its intersection with Furnace Road in Ironton Township. It is surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Land Use Plan as Large Lot Residential, suitable primarily for single-family detached homes.

Planning Staff's Recommendation

Staff recommends disapproval of the rezoning request. See proposed statement on following page.



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Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness

Case No. **CZ #2020-7**

Applicant **Tony Davis**

Parcel ID# **101744 and 101745**

Location **Camp Creek 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 approximately two acres in size**

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Land Use Plan as Large Lot Residential, suitable for residential uses.

This proposed amendment **is not reasonable and is not in the public interest** in that:

This property is surrounded by properties zoned residential. This proposed spot zoning would potentially be detrimental to the value of other properties in the area.



Conditional Zoning District Application

Lincoln County Planning and Inspections Department
Zoning Administrator
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440

PART I

Applicant Name Tony L. Davis

Applicant Address 756 Camp Creek Rd, Iron Station, NC 28080

Applicant Phone Number (980) 241-9565

Property Owner Name Juanita Davis Life Estate

Property Owner Address 876 Camp Creek Rd, Iron Station, NC 28080

Property Owner Phone Number (704) 735-2061

PART II

Property Location 1.2 miles North off Hwy 73 East on Camp Creek Rd.
36633801064

Property ID (10 digits) 366326699 Property size 1/20.955 Ac.

Parcel # (5 digits) 101744 Deed Book(s) LC 105 Page(s) 572

PART III

Existing Zoning District R-T Proposed Zoning District I-G C1

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

The existing two tracts contain a family cabin and few sheds that have been used for family farm purposes.

List the proposed use or uses of the property.

The proposed use is to develop a solid landfill for increased need from development land clearing debris on the east side of Lincolnton and Lincoln County.

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.

Tony L. Davis

Applicant's Signature

10-8-2020

Date

DAVIS LCID LANDFILL

CAMP CREEK ROAD

IRON STATION, NORTH CAROLINA

OPERATIONAL REQUIREMENTS

OCTOBER 2020

TONY LEON DAVIS

756 Camp Creek Road

Iron Station, NC 28080

Permit Prepared by:



2730 Maiden Highway

Lincolnton, NC 28092

Phone: (704) 530-7880

jdavidledford@yahoo.com

1. Description of Facility

The proposed Davis LCID Landfill site is located on 876 Camp Creek Road between NC Hwy #73 East and Furnace Road. Entrance to the site is along the eastern side of Camp Creek Road and to the east of the City of Lincolnton, North Carolina.

A. Location Map

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

B. Owner Contact Information

Tony Leon Davis
756 Camp Creek Road
Iron Station, NC 28080
(704) 732-8915 (Home)
(980) 241-9565 (Cell)

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 two tracts that combined make up a 26.955-acre tract owned by Juanita Davis Life Estate.

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 developed into future pasture area.

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 8' high tensile woven wire fencing and a proposed double 20' wide entrance swing gate along the access of Camp Creek 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 limit 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 Davis 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 maintaining 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 Davis LCID Landfill.

- B. Disposal in Water

Disposal of LCID materials within groundwater or existing streams is prohibited at the Davis 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. Fire emergencies will be directed to the Pumpkin Center Fire Department and the Lincoln County Fire Marshall. The Davis LCID Landfill is located within the jurisdiction of the Pumpkin Center Fire Department.

Community Involvement Meeting Minutes

Date: Tuesday, January 12, 2018 – 6:00 p.m.

Location: Lincoln County Planning Conference Room – Zoom Meeting Format

Purpose: Lincoln County Community Involvement Meeting to Provide Information Regarding the Conditional Rezoning Project for Tony David on Camp Creek Road in Iron Station, NC

David Ledford, RLA, introduced himself representing Tony David and presenting the Conditional Rezoning Application of 26.955 acres within Parcels # 101744 and # 101745 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. ID stands for Inert Debris such as concrete, block, gravel, used asphalt and dirt. The Operation Requirement Document was presented to participants of the meeting to provide information on the operation and maintenance requirements of LCID Landfill Operation.

Attendees asked the following questions and/or statements:

With the current zoning in the area being Residential, the rezoning of the property to Industrial would be a negative impact to the surrounding neighborhood and would be consider Spot Zoning.

Comments and reference to publications of the issue of neighboring property values being affected by a landfill in a negative way.

Concerns that Camp Creek Road and the bridge is not set up to handle the type and volume of traffic the site will generate.

Staff responded with the statement that the site is a low volume traffic producer and no TIA has been requested. Mr. Davis gave information that the NCDOT was questioned about the road and bridge. NCDOT stated that the road and bridge are designed to handle legal maximum load weights and volume of traffic.

Concerns were expressed on the environmental impacts from the site on the adjacent stream (Leepers Creek) and wells along with the flora and fauna habitat in the area.

Mr. Ledford commented that the site has been designed per state and local guidelines to meet all current environmental regulations.

Concerns were expressed over the dumping of asphalt and concrete within a LCID landfill and where it would be coming from.

Questions of concern over past dumpage of debris from a burnt house across the road and two others being demolished and the burning of debris. Also, was the site cited by the NC DENR Air Quality or Solid Waste?

Staff responded that the quantity of debris during inspection was not to a volume that would be consistent with the demo of the number of houses mentioned. Debris items included a metal bed spring, ringer washer machine, sheetrock, vinyl siding and natural material (limbs and stumps). Mr. Davis commented that he was requested by NC DENR Solid Waste to dispose of the material present during their inspection. He stated that the vinyl siding and sheetrock came from a small remodeling project of his daughter's bathroom and he was unaware the sheetrock could not be dumped on-site. Mr. Davis also asked NC Forestry permission to burn the limbs and debris from timbering of the site and obtained a burning permit. NC DENR Air Quality did cite Mr. Davis during inspection. However, NC DENR Solid Waste did not. No fines were levied.

Questions of concern that the landfill, if approved, could it be expanded or be used for other industrial uses in the future?

Staff responded that the landfill could not be expanded without going through the same approval process currently being used with community involvement. In addition, Mr. Davis has expressed that when the site is completed that it will be rezoned back to residential zoning and be used for pasture area.

Staff was questioned on the inspection of the site during operation.

Staff responded that the site would be inspected by zoning staff 1 to 2 times per year along with the inspection from complaints if any. Mr. Ledford stated in addition the Natural Resource Department and NC DENR Solid Waste will be regularly inspecting the site.

Requests from participants for recommendation that the proposed LCID landfill be instead opened on current county airport property. This would benefit all residents not just one.

Staff responded that this recommendation would be forwarded to other county staff and management for consideration.

Comments received by phone in advance of meeting

Caller who identified himself as Camp Creek Road resident:

In the past year, a house burned across the road from the site of the proposed landfill. The house was demolished and the debris was trucked across the road and dumped in the gully at the proposed site.

Muddy tracks were left on the road as the trucks went back and forth. That's what's going to happen if the proposed landfill is approved.

Also, the proposed entrance is in a curve on a hill.

Camp Creek Road is a favorite shortcut between the N.C. 150 area and N.C. 27. It's also a shortcut to go the airport convenience site. There's too much traffic now for the size of the road.

There are 46 homes on the road. Why should the wishes of one person put a burden on all the others.

In addition, the natural grade of the land is a concern. It's just a steep grade and it goes down to the creek.

Property owner who resides downstream from the subject property:

He's already operating a landfill.

There's no commercial property at all in this area. This would change the character of the area.

I'm concerned about runoff into Leepers Creek. What's going to stop tires and other stuff from being dumped?

Mr. Randy Hawkins
Lincoln County Zoning Administrator
302 North Academy Street
Lincolnton NC, 28092

Mr. Hawkins,

I am forwarding this letter to you in light of the Rezoning Request CZ #2020-7. I am not sure if I can get on the Zoom meeting so I ask this letter be entered into the meeting.

My name is Dean Stroupe. My wife Sharon and I live at 969 Duncan Lane and our property is directly to the east of Mr. Davis' property. We will be looking out our door directly at Mr. Davis' proposed dump. UNOBSTRUCTED.

Article 2 in zoning is not really clear on dumps and does not go into detail on rules and requirements for dumps. According to Lincoln County, it can accept brick, concrete, limbs, wood, dirt, etc.

I am a person who believes nothing I hear and half of what I see, so forgive me if I have absolutely no comfort level that only stumps and limbs will be dumped there. I can only trust what I have witnessed so far.

I have witnessed one house and half of another be torn down, hauled across the street, and dumped in the gulley and burned. I am willing to sign an affidavit to that. I am also told that a third house was burned earlier. We, as well as our neighbors, spent weeks breathing in the smoke from the fires, not knowing what we were inhaling. We even left town for a week just to get away from it.

Mr. Davis has been canvassing the neighborhood for affidavits stating that he has not burned housing materials at the site. Again, I offer an affidavit, and believe others that have witnessed this, may also offer affidavits attesting to seeing a house and a half hauled across Camp Creek Road and burned over a period of weeks. One of those houses was fire damaged and had sat directly in front of the dump site for months.

In addition, this land was recently logged. During this time, creeks were crossed with heavy equipment. We are getting sediment runoff, limbs, and so on, washed into Leepers Creek. The water runoff keeps getting worse on Leepers Creek and we keep having flooding. Now we are seeing a large increase in water and sediment from the logging. Anything brought in and dumped will wash into Leepers Creek untested.

We live on a tar and gravel road. Camp Creek Road was not originally built for large vehicles carrying heavy payloads. Also, we have a small bridge not designed to accommodate said weight. It has settled before and had ramps re-asphalted to fill it in.

This zoning is for 27 acres Industrial, while only 2½ acres are initially being used for this purpose. We are greatly expanding our residential housing in this area and certainly do not need to make it undesirable with this dump. We chose to live in the country for a reason: Peace.

This is a small curved road that will be unsafe for cars, pedestrians, and kids out playing. If approved, who does the traffic study, keeps dust down, washes the road of dirt and mud daily, and studies the air quality? North Carolina Water Quality needs to be contacted to study the immense impact of logging and runoff into Leepers Creek, which my grandkids play in all the time. My great concern is who tests debris coming in. Concrete could come from chemical plants, fueling facilities, or other contaminated sources and in turn wash into Leepers Creek. The proposed dump ravine flows directly into Leepers Creek. Who will certify that the bridge and road will hold up to traffic as we have already seen road damage from logging operations? Why are all 27 acres being rezoned for 2½ acres? This area will flow through a wet creek down directly to Leepers Creek.

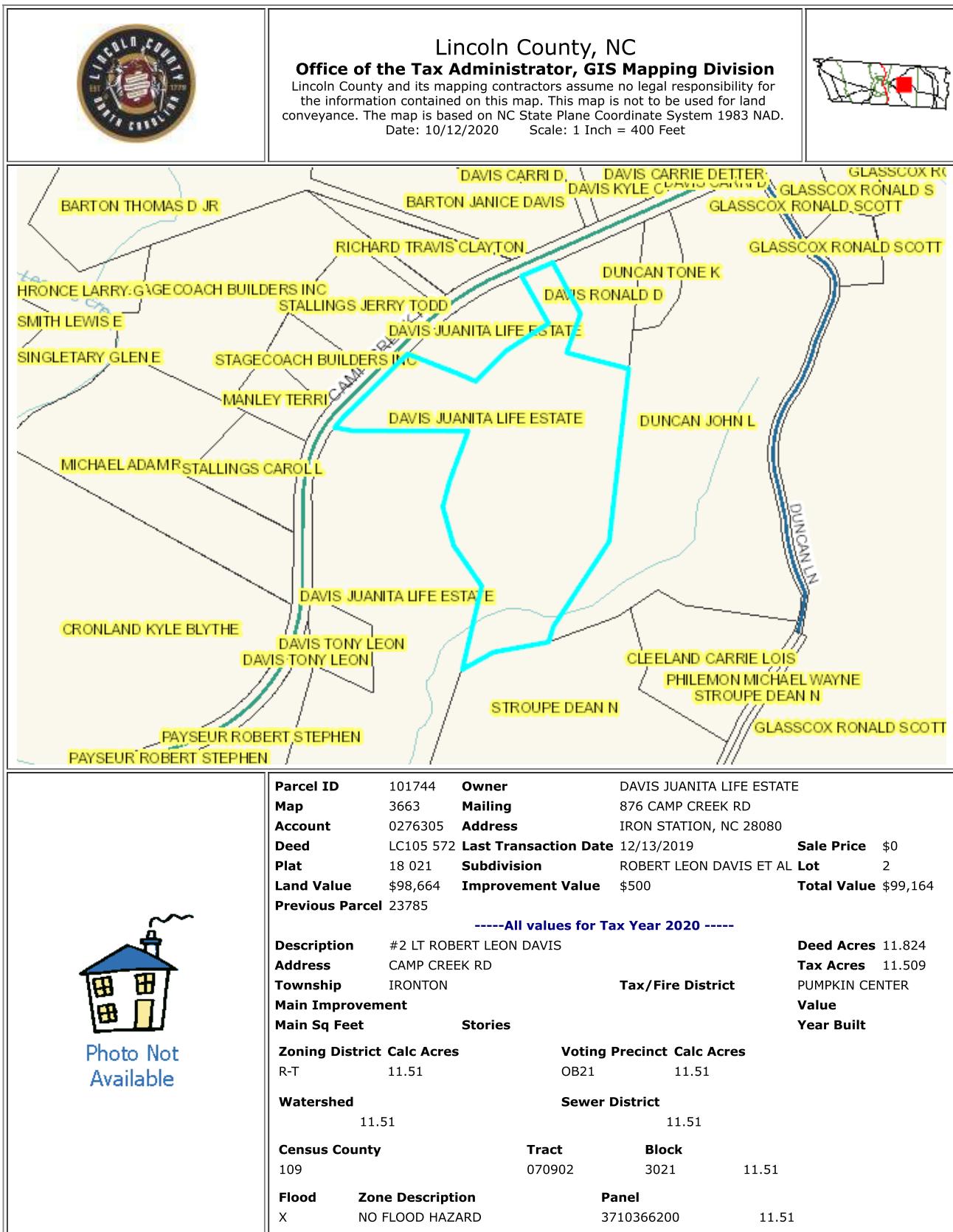
The mailing postmark on the Lincoln County mail out is December 3, 2020, which only gives us two weeks to respond. I would hope if you lean toward approval, you will allow time for residents to get necessary legal counsel to present our objections.

For the above reasons, we strongly oppose this rezoning of residential land to a dump site. We hope you would consider this as if it were your back yard in your discussions. Please have the environment and North Carolina Water Quality assessment with environmental damage addressed for future generations. This cannot be undone once the horse is out of the barn.

In closing, we already have a taxpayer funded Lincoln County dump to handle this material safely, and in many cases make it reusable and recyclable.

Thank You for Your Consideration,

Dean and Sharon Stroupe

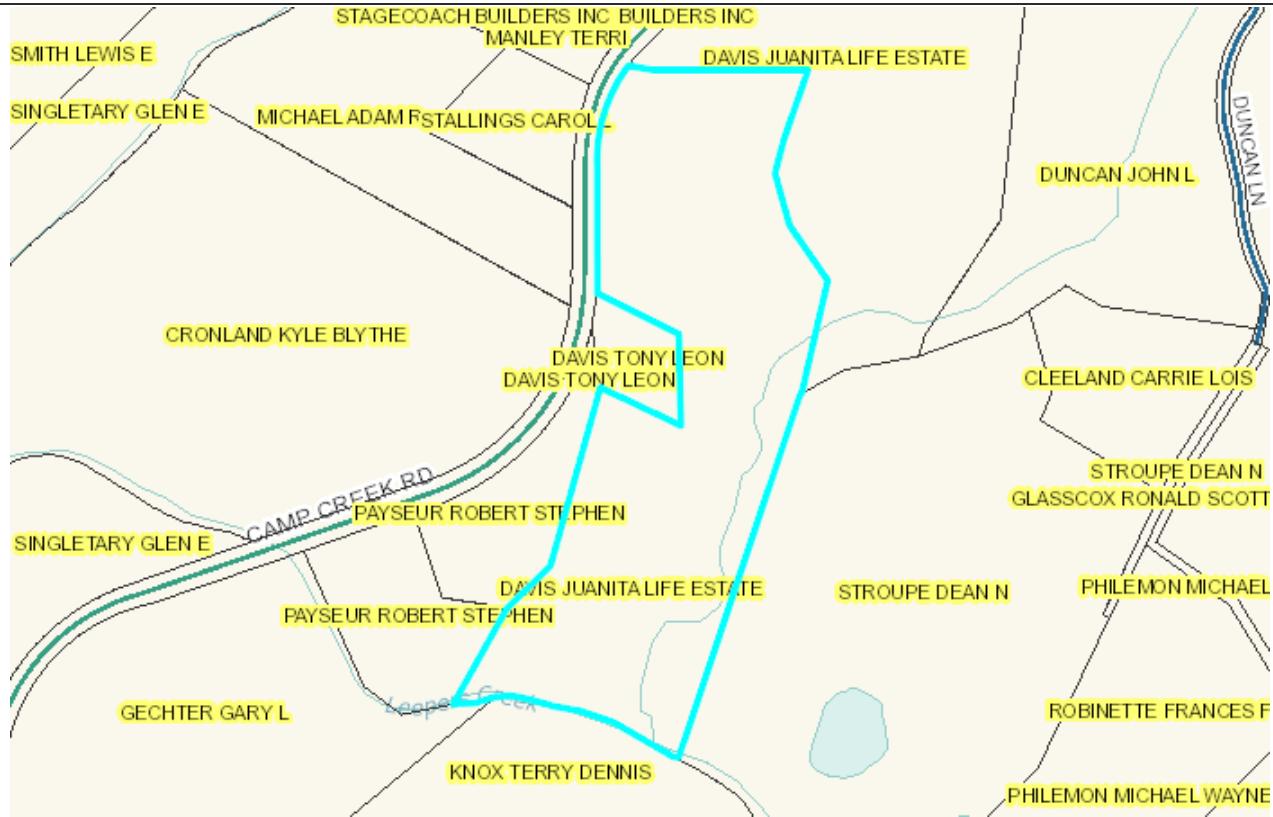




Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. Date: 10/12/2020 Scale: 1 Inch = 400 Feet

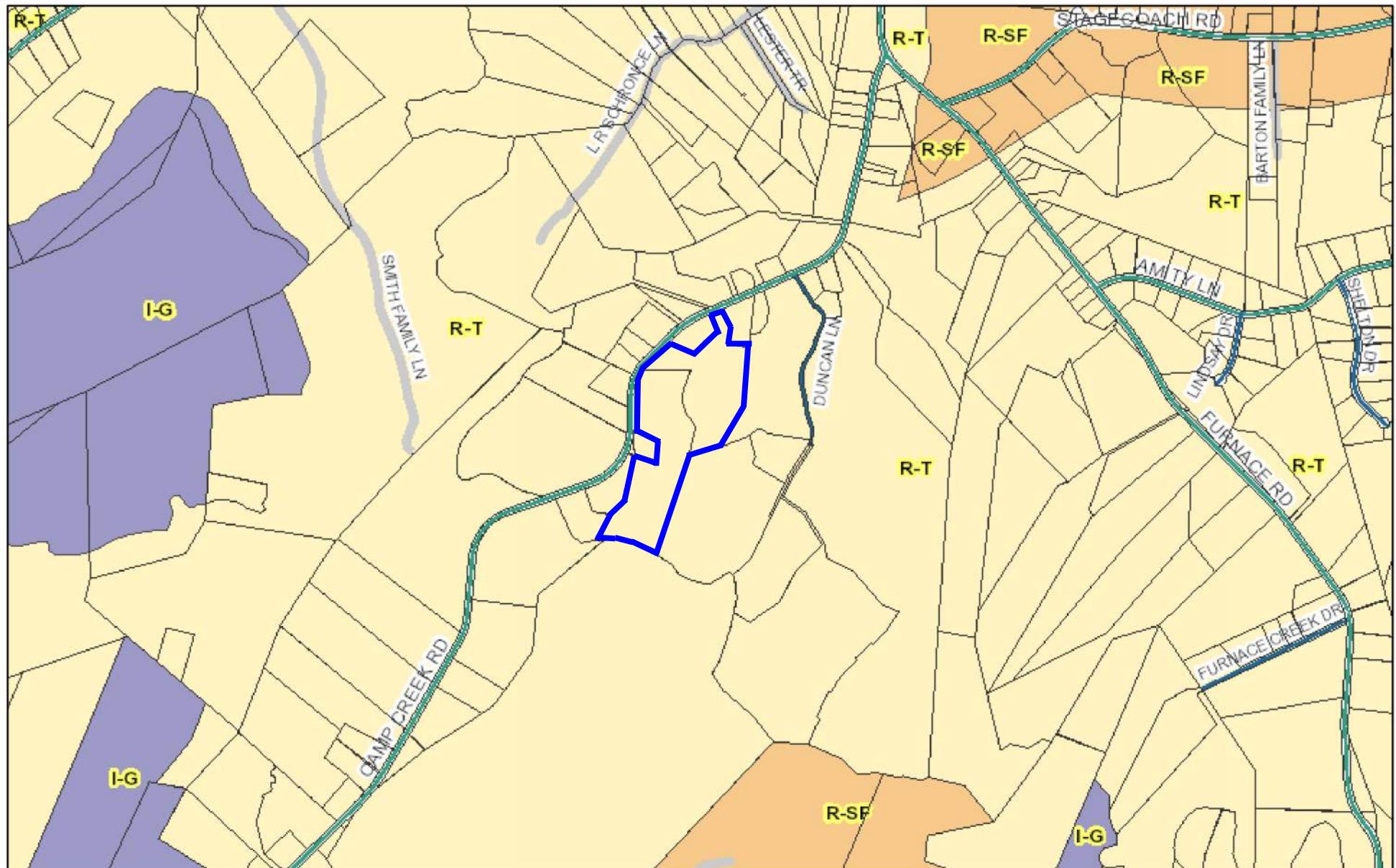


Parcel ID	101745	Owner	DAVIS JUANITA LIFE ESTATE
Map	3663	Mailing	876 CAMP CREEK RD
Account	0276305	Address	IRON STATION, NC 28080
Deed	LC105 572	Last Transaction Date	12/13/2019
Plat	18 021	Subdivision	ROBERT LEON DAVIS ET AL
Land Value	\$129,593	Improvement Value	\$52,615
Previous Parcel	23785		Total Value \$182,208
-----All values for Tax Year 2020 -----			
Description	#3 LT ROBERT LEON DAVIS	Deed Acres	15.475
Address	CAMP CREEK RD	Tax Acres	15.446
Township	IRONTON	Tax/Fire District	PUMPKIN CENTER
Main Improvement	LOG HOME	Value	\$52,615
Main Sq Feet	1200	Stories	Year Built 1996
Zoning District	Calc Acres	Voting Precinct	Calc Acres
R-T	15.45	OB21	15.45
Watershed		Sewer District	
	15.45		15.45
Census County		Tract	Block
109		070902	3021
Flood Zone Description		Panel	
X	NO FLOOD HAZARD	3710366200	14.22
AE	SPECIAL FLOOD HAZARD AREA BASE ELEVATION DETERMINED - 100 YEAR	3710366200	1.23



101745

CZ #2020-7
subject property is outlined in blue



October 14, 2020

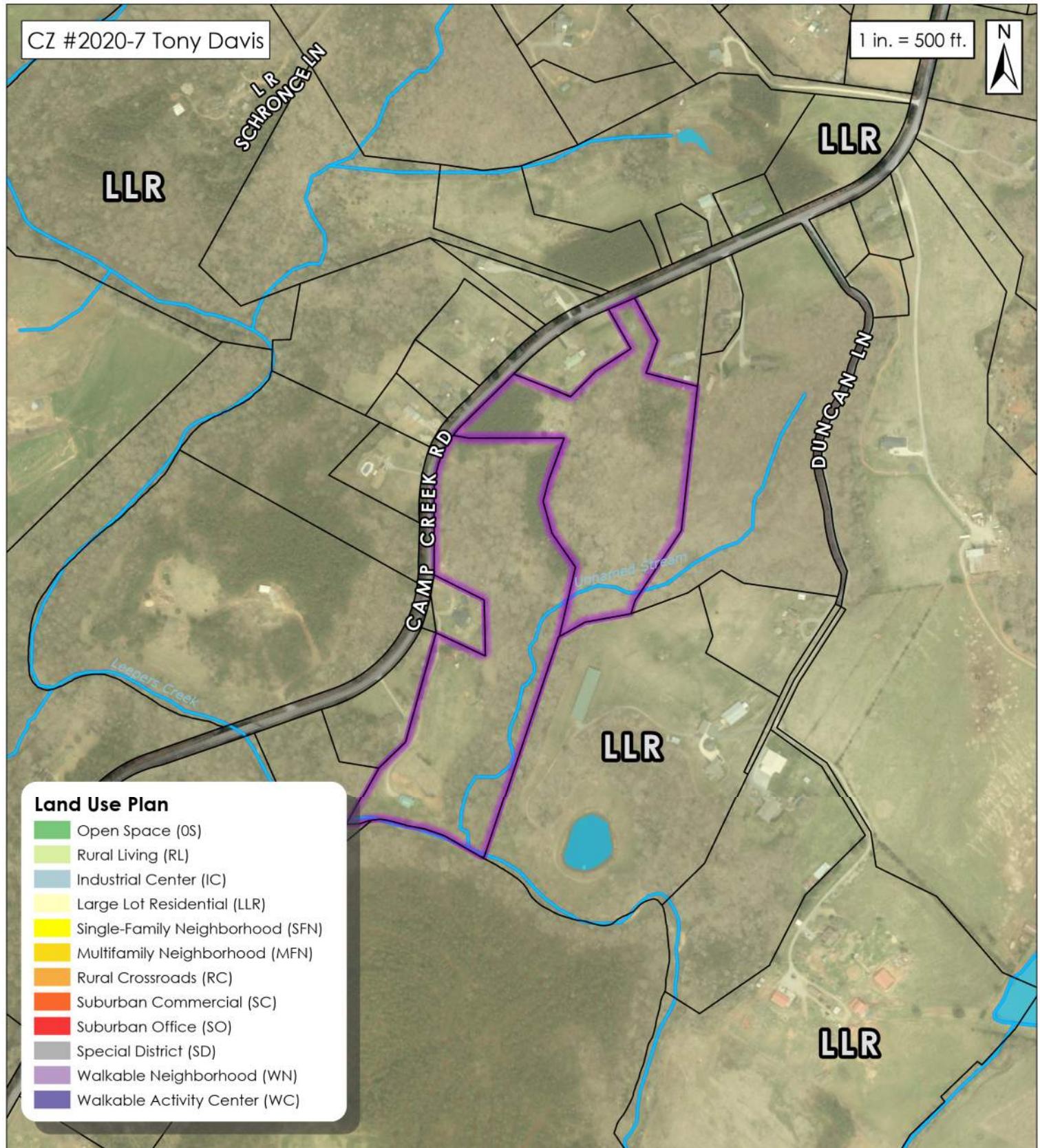
1:14,400

0 0.13 0.25 0.5 mi
0 0.17 0.35 0.7 km

Esri, Inc., Lincoln County, NC

CZ #2020-7 Tony Davis

1 in. = 500 ft.



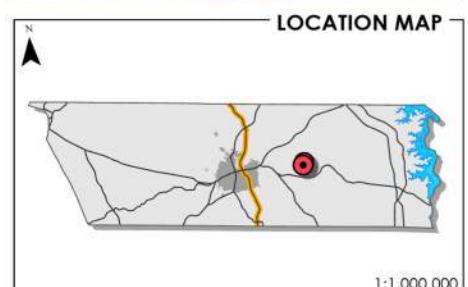
Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID# 101744 & 101745

- Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Purple.



- Property Location(s)

