

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF
COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF
ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY, and STATEMENT OF
CONSISTENCY

- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, the provisions set forth in Division 8 of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;
- WHEREAS, the Buncombe County Planning Board reviewed proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina at a number of regular meetings prior to March 7, 2011 with considerable public input, and at the March 7, 2011 regular meeting of the Planning Board;
- WHEREAS, the Planning Board found that the proposed amendments regarding the establishment of conditional use standards for asphalt plants and the addition of asphalt plants as a conditional use in the Employment District are consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2006 update (VII-2.3) indicated that "the EMP employment district is primarily intended to provide appropriately located sites for employment concentrations primarily for office type uses, industrial uses, storage and warehousing, and wholesale trade." Asphalt plants are required to meet all local, state, federal, and environmental standards. Furthermore, the setting of conditional use standards for existing conditional uses within the Zoning Ordinance such as asphalt plants as such does not contradict the Buncombe County Comprehensive Land Use Plan or updates and instead provides an opportunity to mitigate possible nuisances associated with this industrial use;
- WHEREAS, the Planning Board found that the proposed amendments to the text are reasonable and in the public interest as asphalt plants provide necessary services within the community and as a necessary nuisance should be held to standards which can help mitigate said nuisance; and

WHEREAS, it is the recommendation of the Planning Board that The Zoning Ordinance of Buncombe County be amended as follows:

Add to Sec. 78-581. Definitions.

Drop-in or short term child care center means a facility that is not located in a home, that provides care to preschool children for no more than four hours a day such as “mother’s morning out” church programs and is not licensed by the State of North Carolina.

Amend Section 78-641 (a) Permitted use table.

	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	BDM	OU
Asphalt Plants							<u>C</u>			C

Add to Sec. 78-678. Conditional use standards.

(12) Asphalt plants. Standards for asphalt plants shall be as follows:

a. The parcel on which the facility is located shall be set back at least 2,640 feet from any parcel where a hospital; hospice facility; licensed nursing home; licensed adult care home; licensed family care home; drop-in or short term child care center providing care to at least 10 preschool children; licensed child care center; private or public elementary, middle or high school; or municipal or county park or recreation facility is located.

b. The facility must comply with the Buncombe County Flood Damage and Prevention Ordinance. But in no case shall production facilities or storage of hazardous materials be located in the Special Flood Hazard Area.

c. The area of operations shall be set back from all perennial waters, as shown on the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and from all wetlands, as defined by G.S. 143-212(6) for a distance sufficient to protect surface and groundwater from spills and leaks. Said setback shall be a vegetative buffer no less than 100 feet in width, with no less than the first 50 feet from the stream or wetland being undisturbed and the remaining area consisting of managed vegetation.

d. The facility shall be served by a public water system or situated a sufficient distance from any water supply well to ensure public health and safety. In all cases, the facility shall be located no closer to a water supply well than the minimum separation distance specified by NC Department of Environment and Natural Resources.

e. There shall be sufficient access to a major highway so as to minimize truck travel through residential neighborhoods.

f. A buffer strip along all property lines shall be required that is sufficient in height, density, and foliage at all times of the year to minimize the visual impact to persons and motorists not on the property and to maximize the buffering of noise and particulate matter. Said buffer strip shall not extend into the established setback along any street. The required buffer shall be placed according to one or a combination of the following methods, as approved by the board of adjustment as fitting for the use and surrounding areas:

1. A continuous, natural and undisturbed 100 foot buffer strip of trees, shrubbery, and other natural vegetation.
2. A 100 foot planted buffer strip consisting of at least three rows of evergreen trees, whose species shall be approved by the board of adjustment, which at the time of planting shall be at least six feet in height, and which at maturity, shall be at least fifteen feet in height. In each row the trees shall be spaced no more than ten feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) five feet. The rows shall be no more than thirty feet apart and centered within the buffer strip. The buffer strip shall also contain at least two evergreen shrubs for every one tree and the shrubs shall be intermixed between the trees.
3. An earthen berm landscaped with evergreen shrubs and topped with a row of evergreen trees. The berm shall be a minimum of eight feet in height and shall have slopes that do not exceed one foot in height to three feet horizontal. The row of evergreen trees shall be at least five feet in height at the time of planting and which at maturity shall be at least ten feet in height. The trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at the time of planting. No less than two evergreen shrubs for every tree shall be planted in two rows; the first row shall be planted at the base of the berm. The second row shall be planted at the midpoint of the berm and shall be offset (staggered) from the first row.

The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Unhealthy or dead plants shall be promptly removed and replaced within one planting season.

g. A security fence shall surround the entire production area, shall be a minimum of six feet in height, and shall be located between the production area and the required buffer strip. Driveways or entranceways shall be gated during the hours when the plant is not open and operating.

h. The facility shall employ the most current, state-of-the-art methods, systems, techniques, and production processes available in order to achieve the greatest feasible air and odor emissions reductions, including fugitive emissions and fugitive dust.

i. Hours of operation, signs and exterior lighting shall be evaluated for economic, noise, vibration, glare and odor effects and shall be compatible and in harmony with surrounding properties.

NOW, THEREFORE, BE IT RESOLVED that upon motion and second, the Buncombe County Planning Board hereby finds and concludes as follows:

1. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances to incorporate these amendments.
2. This resolution is approved by unanimous vote and shall be effective upon its adoption.

This the 7th day of March, 2011.

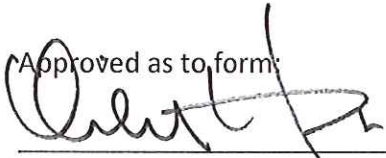
BUNCOMBE COUNTY PLANNING BOARD
By:  _____
Tom Alexander, Chairman

Consented to:

Planning Board Members:

Scott Hughes
Joe Sechler (absent)
Greg Phillips
Josh Holmes
Michelle Pace Wood
Tom Alexander
Bernie Kessel
Rod Hudgins (absent)

Jon E. Creighton, Zoning Administrator

Approved as to form:  _____
Michael C. Frue, County Attorney