AGENDA DATE: 6/3/2020

TITLE: Resolution of Intent for Recycling and Materials Recovery Facilities in Industrial Zoning Districts

SUBJECT/PROPOSAL/REQUEST: Proposed resolution of intent to amend Albemarle County Code Chapter 18, Zoning Ordinance, to amend Supplemental Zoning Regulations related to Materials Recovery and Recycling Uses.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, McCulley, Svoboda, Ragsdale

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board of Supervisors endorsed the Community Development 2020 Work Program on March 4, 2020. This included the "nimble" project to develop a zoning text amendment to revisit recycling and materials recovery regulations in the Industrial zoning districts to encourage more recycling uses without the need for special exceptions. The "nimble" projects are so named because their focused scope and streamlined process allow us to move more quickly with limited staff resources. Staff noted that the identified nimble projects could be completed without detracting from more substantive work program projects.

STRATEGIC PLAN: Climate Action Planning Sustainable Materials Management Goal: *Increase the amount of recyclable materials put to positive use and diverted from landfills.*

DISCUSSION: The permitted uses and supplemental zoning regulations for the Industrial districts were comprehensively updated in 2012. With that update, Materials Recovery Facilities and Recycling Processing Centers became by-right uses in the Heavy Industrial (HI) and Planned Development Industrial Park 2 (PDIP-2) zoning districts and by special use permit in the (LI) Light Industrial and (PDIP-1) zoning districts. Supplemental regulations were added to County Code § 18-5.1.51 and § 18- 5.1.52 that included regulations pertaining to outdoor activities and outdoor storage in Industrial districts. Since adoption of these regulations, a materials recovery facility was established in an HI zoning district. The facility processes and recycles concrete, asphalt and masonry products. The products are primarily from demolition sites and are brought to the site for recycling into marketable products. In order to establish that facility, a number of special exceptions were approved by the Board to allow that use. During review of that proposal, and during review of the Climate Action Plan, the Board has expressed interest in revisiting supplemental regulations applicable to materials recovery and recycling facilities.

Staff recommends that the scope of this proposed text amendment be limited to consideration of updates to County Code §§ 18-5.1.51 and 18-5.1.52 as they relate to materials recovery facilities outdoor activities and outdoor storage. This may include:

- Waiver of the requirement that all processing be within an enclosed building, subject to certain performance standards.
- Reduction in setback requirements to a Residentially or Rural Area zoned property line, subject to certain performance standards.
- Modification of the required screening requirements for outdoor storage areas to allow more flexibility in types of screening.
- Modification of the height limit of materials in outdoor storage areas, if screening or visual mitigation is maintained.
- Waiver to allow outdoor storage of materials at a recycling/processing facility, which is currently prohibited, subject to certain performance standards.

Any updates considered to these sections will not only consider Climate Action Plan goals and Economic Development goals, but will also consider Scenic Resource goals and impacts to adjoining Residential or Rural Areas.

Staff recommends the following tentative schedule and public engagement for this text amendment:

July-August	Stakeholder and public engagement; draft ordinance
September	Planning Commission work session
October	Planning Commission public hearing
November/December	Board of Supervisors public hearing

These dates can shift slightly, depending on the time necessary to incorporate input at various stages.

Staff recommends utilizing the County website and A-mail to provide information about the proposed amendment. In addition, staff will seek input directly from relevant industry stakeholders.

BUDGET IMPACT: There is no identified budget impact. Reducing the number of special exceptions that must be processed will save staff time.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment B).

ATTACHMENTS:

Attachment A – Current Industrial Districts Zoning Regulations
Attachment B – Resolution of Intent