ALBEMARLE COUNTY
ZONING TEXT AMENDMENT
STAFF REPORT SUMMARY

Project Name: ZTA202000003 Recycling and Materials Recovery Facilities in Industrial Zoning Districts	**Staff:** Rebecca Ragsdale, Principal Planner
Planning Commission (PC) Work Session: October 13, 2020 **Planning Commission (PC) Public Hearing:** November 11, 2020 (tentative)	**Board of Supervisors (BOS) Resolution of Intent:** June 3, 2020 **Board of Supervisors (BOS) Hearing:** December 16, 2020 (tentative)
Estimate of Affected Acreage (source GIS): Heavy Industrial (HI) Zoning- 105 acres Light Industrial (LI) Zoning- 1,018 acres	**Future Land Use:** Multiple, including Rural Area, Light Industrial, and Heavy Industrial

Proposal: Consider feedback related to potential ordinance changes to County Code §§ 18-5.1.51 and 18-5.1.52 related to recycling/materials recovery facilities with outdoor activities and outdoor storage.

Discussion/Recommendation: Staff asks that the Commission review the attached background information and provide comments to staff on the questions below.

1. ***Should Section 5.1.51(a) be amended to allow processing of recyclable materials outside a completely enclosed building? -****NOT RECOMMENDED BY STAFF*

2. ***Should Section 5.1.51(b) be amended to reduce the required 100 foot setback to a residential or agricultural district property line for outdoor activities, including access roads, for recycling facilities? -****NOT RECOMMENDED BY STAFF*

3. ***Should Section 5.1.52(a) be amended to allow more flexibility in types of screening of outdoor storage in industrial districts? -****RECOMMENDED BY STAFF*

4. ***Should Section 5.1.52(d) be amended to reduce the required 50 foot setback to a residential or agricultural district property line for outdoor storage? -****NOT RECOMMENDED BY STAFF*

5. ***Should Section 5.1.52 e be amended to allow outdoor storage of materials at a recycling/processing facility subject to certain performance standards?-*** *RECOMMENDED ONLY FOR INERT MATERIALS BY STAFF*

STAFF CONTACT: Rebecca Ragsdale, Principal Planner
PLANNING COMMISSION: October 13, 2020

ZTA: ZTA202000003 Recycling and Materials Recovery Facilities in Industrial Zoning Districts

BACKGROUND:
The Board of Supervisors endorsed the Community Development 2020 Work Program on March 4, 2020 which included a zoning text amendment (ZTA) to revisit recycling and materials recovery regulations in the Industrial zoning districts to encourage more recycling uses without the need for special exceptions. This ZTA is identified as a "nimble" project with a focused scope and streamlined process to move more quickly with limited staff resources. On June 3, 2020 the Board of Supervisors adopted a resolution of intent to consider amending the Zoning Ordinance §§ 18-5.1.51 and 18-5.1.52 as they relate to materials recovery facilities outdoor activities and outdoor storage. (Attachment A)

CLIMATE ACTION PLAN:

> **Sustainable Materials Management Goal**: Increase the amount of recyclable materials put to positive use and diverted from landfills.

COMPREHENSIVE PLAN:
Attachment B contains content from the Comprehensive Plan staff considered during review of potential ordinance changes to Industrial district regulations.

DISCUSSION: The permitted uses and supplemental zoning regulations for the Industrial districts were comprehensively updated in 2012. With that update, several HI uses were added to the LI Zoning District by special use permit, including Materials Recovery Facilities and Recycling Processing Centers, as indicated in the table below.

	LI Light Industrial	**HI Heavy Industrial**	**PDIP-1 Planned Development Industrial Park**	**PDIP-2 Planned Development Industrial Park**
Recycling Processing Center	SP	BR	SP	BR
Materials Recover Facilities (private)	SP	BR	SP	BR

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. (Attachment A)

Since adoption of these regulations, a materials recovery facility was proposed in an HI zoning district. The facility processes materials such as concrete, asphalt and masonry products. The products are primarily from demolition sites and are brought to the site. 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 QUESTIONS FOR THE COMMISSION:
Staff recommends that the Commission review the attached background information and provide direction to staff on the questions below.

1. ***Should Section 5.1.51(a) be amended to allow processing of recyclable materials outside a completely enclosed building?***

   Existing Ordinance Provision: All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building.

   Staff Comment: The purpose of this regulation is to mitigate noise and other impacts to surrounding properties. There are a number of HI and LI Zoned properties located in the Rural area and adjacent to residential zoned properties. Also, the majority of HI and LI zoned properties, 90 acres or 85% and 748 acres or 73%, are located in the Entrance Corridor Overlay District. Staff believes there are too many variables and impacts that can occur to residential neighbors or protected resources which is why relief from this requirement should only be granted through the special exception process, allowing careful review and conditions to mitigate impacts.

   Changes are not recommended by staff.

2. ***Should Section 5.1.51(b) be amended to reduce the required 100 foot setback to a residential or agricultural district property line for outdoor activities, including access roads, for recycling facilities? -****NOT RECOMMENDED BY STAFF*

   Existing Ordinance: No outdoor activity, including the location of internal access roads, shall be established, conducted or used within **100 feet** of a residential or agricultural district.

   Staff Comment: For the same reasons cited above, staff does not recommend a change to this section of the ordinance. For reference staff has provided a comparison of various setbacks provided in § 18-5 of the zoning ordinance. Industrial uses are the most intense uses allowed in the ordinance. Staff believes it is not appropriate to reduce setbacks below those imposed in the ordinance for less intense uses. (Attachment C)

   Changes are not recommended by staff.

3. ***Should Section 5.1.52(a) be amended to allow more flexibility in types of screening of outdoor storage in industrial districts?***

   Existing Ordinance: Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven feet nor more than ten feet in height.

   Staff Comment: Staff believes that this regulation was intended to address both security concerns and establish screening requirements. Staff believes that the provisions should be separated and reworded.

   Staff recommends that the types of screening permitted should be expanded and provide flexibility. Staff recommends this section be revised to be consistent with screening requirements in Section 32 and allow types of screening to include a planting strip, existing vegetation, berms, existing topography, a solid wall or fence, or a combination thereof, to the reasonable satisfaction of the agent. Staff believes this section should also be combined with Section 5.1.52(c). Amendments to this section will result in the need to also amend Section 5.1.52(a). Outdoor storage of parts, materials and equipment shall not be stacked higher than the screening provided. Staff believes that the screening requirements of Section 5.1.52(a) should be combined with (c).

   Staff recommends the security fencing requirement be reworded for consistency with requirements

for construction yards or junkyards. Staff recommends that the zoning administrator may require fencing around a yard if the yard will be located adjacent to a residential zoning district.

Changes are recommended by staff.

4. ***Should Section 5.1.52(d) be amended to reduce the required 50 foot setback to a residential or agricultural district property line for outdoor storage?***

Existing Ordinance: No outdoor storage shall be located within **50** feet of a residential or agricultural district.

Staff Comment: For the same reasons cited above, staff does not recommend a change to this section of the ordinance. For reference staff has provided a comparison of various setbacks provided in § 18-5 of the zoning ordinance. Industrial uses are the most intense uses allowed in the zoning ordinance. Staff believes it is not appropriate to reduce setbacks below those imposed in the ordinance for less intense uses. (Attachment C)

Changes are not recommended by staff.

5. ***Should Section 5.1.52 be amended to allow outdoor storage of materials at a recycling/processing facility subject to certain performance standards?***

Existing Ordinance: The outdoor storage of recyclable materials at a recycling collection or recycling processing center is prohibited.

Staff Comment: Staff believes that outdoor storage of inert materials, as listed in the definition of inert waste material, if properly setback and screened from adjacent properties and the EC would not cause negative impacts. Staff believes the provision should be consistent with supplemental regulations for sawmills and include the following:

- No storage of inert materials shall be located closer than 100 feet to any lot line.
- Trees and vegetation within the 100 foot setback shall be maintained as a buffer to abutting properties

Staff does not support outdoor storage of other recyclable materials (plastic, glass, etc.) because of environmental concerns.

Changes are recommended by staff.

Special Exceptions

Special exceptions will remain possible for these regulations in Sections 5.1.51 and 5.1.52. Staff is recommending the use of the special exception process continue for any modifications or waivers. This is a discretionary process similar to the special use permit process. However, the special exception process allows for a more expedited review within 90 days. Staff is proposing the inclusion of a provision that will require notice to abutting owners of a special exception request to these regulations. This would be consistent with the recently adopted provisions for fill and waste and homestays.

RECOMMENDED ACTION:

Staff recommends that the Planning Commission review and discuss the above background information and attached summaries and provide input to staff on the questions above. Staff will be working to develop a draft of ordinance changes in the coming weeks and welcomes additional suggestions from

the Planning Commission. Staff recommended changes are summarized in Attachment D.

ATTACHMENTS:

A. June 3, 2020 Executive Summary and Resolution of Intent and Industrial District Regulations
B. Comprehensive Plan
C. Summary of Setback, Buffer, and Screening Requirements in the Zoning Ordinance
D. Staff recommended Changes to Sections 5.1.51 and 5.1.52