

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDEN
SETTING ZONING APPLICATION FEES FOR CERTAIN USES**

WHEREAS, the City of Eden Zoning Ordinance Section 11.27(a)(3) provides that the City Council shall establish fees to be submitted upon filing of applications for amendments to the zoning map “to cover the cost of advertising and other administrative expenses involved;” and

WHEREAS, certain high intensity uses require much higher levels of review and involvement by City of Eden zoning, engineering, fire, police, public services, transportation and administrative officials to process applications and to meet with applicants and their representatives; and

WHEREAS, certain high intensity uses, by their nature, attract the interest of organizations and citizens from inside and outside the City of Eden who will make, in some cases, numerous public records requests which involve and require unbudgeted staff time and efforts; and

WHEREAS, certain high intensity uses, if approved, require higher levels of ongoing staff involvement to monitor, manage or plan city services to serve such uses; and

WHEREAS, certain high intensity uses attract the interest of citizens who may challenge the City of Eden’s decision through litigation; and

WHEREAS, certain high intensity uses may require the city of Eden to hire consultants with specific expertise to assist the City in its review of I-3 zoning district applications and requests for Special Use Permits; and

WHEREAS, it is fair and equitable to pass the reasonable costs of these activities to the applicants at the time of permit application request.

WHEREAS, the City has been required to spend, over the past 11 months, hundreds of unexpected hours of staff time dealing with the effects of a coal ash spill, and it anticipates staff time to continue to be consumed dealing with any matter related to coal ash; and

WHEREAS, the City has learned through this experience that certain industrial uses of great interest to the public and media require far more administrative time and expense than routine rezonings; and

WHEREAS, in the case of a coal ash landfill, the City reasonably expects that it may be required to deal regularly with local, state and national media; respond to numerous public records requests; conduct extra meetings with citizens and decision makers; hire consultants to assist in understanding the scientific issues underlying a request; correspond or meet with NCDENR officials; possibly be a party to litigation; and other unknown administrative costs and expenses; and

WHEREAS, NCDENR charges different application fees for solid waste facility permits, and some of these fees are tens of thousands of dollars; and

WHEREAS, it is not the intent of the City of Eden to deter the application for rezoning to certain uses but to make necessary and reasonable accommodations for the expenses likely to be incurred in reviewing and processing those applications.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that, effective upon adoption, the following application fees are necessary and reasonable and shall be required of applicants for rezoning to the I-3 Industrial District and upon applying for a special use permit for each of the following uses within the City of Eden and its extraterritorial jurisdiction:

Asphalt Paving Production and Sales	\$3,000.00
Automobile Salvage Facilities, Junkyards or the Storage of Non-operative Vehicles (not including Towing and temporary storage facilities)	\$3,000.00
Bulk Storage of Flammables - Propane, Gasoline, Crude Oil, Fuel Oil and Natural Gas	\$5,000.00
Chemical manufacturing	\$5,000.00
Coal ash landfills	\$75,000.00
Coal ash recycling	\$5,000.00
Coal ash as structural fill (as a primary use)	\$10,000.00
Coal, storage	\$5,000.00
Concrete plants	\$3,000.00
Enameling, lacquering, or the Plating of Galvanizing metals	\$3,000.00
Hazardous Waste, Infectious Waste and Toxic Substance Storage Facilities, Treatment Facilities, Transportation Facilities and/or Disposal Facilities	\$50,000.00
Hydraulic Fracturing (Fracking) or Other Oil and Gas Exploration	\$12,000.00
Mining, Extraction Operations and Quarries	\$7,500.00
Railroad freight yard and terminals	\$3,000.00
Sanitary landfills (MSW)	\$50,000.00
Sanitary Landfills (construction and demolition debris)	\$5,000.00
Saw mills	\$3,000.00
Scrap metal storage or recycling	\$3,000.00

APPROVED, ADOPTED AND EFFECTIVE this 15th day of January, 2015.

CITY OF EDEN

ATTEST:

By: _____
Wayne R. Tuggle, Sr., Mayor

Sheralene Thompson, CMC
City Clerk

ORDINANCE TO AMEND
THE 2014–2015 BUDGET ORDINANCE
FOR THE
CITY OF EDEN, NORTH CAROLINA

WHEREAS, certain high intensity uses require much higher levels of review and involvement by City of Eden zoning, engineering, fire, police, public services, transportation and administrative officials to process applications and to meet with applicants and their representatives; and

WHEREAS, certain high intensity uses, by their nature, attract the interest of organizations and citizens from inside and outside the City of Eden who will make, in some cases, numerous public records requests which involve and require unbudgeted staff time and efforts; and

WHEREAS, certain high intensity uses, if approved, require higher levels of ongoing staff involvement to monitor, manage or plan city services to serve such uses; and

WHEREAS, certain high intensity uses attract the interest of citizens who may challenge the City of Eden’s decision through litigation; and

WHEREAS, certain high intensity uses may require the city of Eden to hire consultants with specific expertises to assist the City in its review of I-3 zoning district applications and requests for Special Use Permits; and

WHEREAS, it is fair and equitable to pass the reasonable costs of these activities to the applicants at the time of permit application request.

BE IT ORDAINED by the City Council of the City of Eden, North Carolina, that Section 17, Tax and Service Rates, Sub-Section 10 Planning & Inspections, Zoning fees of the Budget Ordinance adopted May 20, 2014, is amended as follows:

1. Special Use Permit (Except WCF) \$150.00

is amended to read:

Special Use Permit (Except WCF and
I-3 Industrial District) \$150.00

2. Special Use Permit for I-3
Industrial District:

Asphalt Paving Production and Sales \$3,000.00

Automobile Salvage Facilities, Junkyards or the Storage of Non-operative Vehicles (not including Towing and temporary storage facilities)	\$3,000.00
Bulk Storage of Flammables - Propane, Gasoline, Crude Oil, Fuel Oil and Natural Gas	\$5,000.00
Chemical manufacturing	\$5,000.00
Coal ash landfills	\$75,000.00
Coal ash recycling	\$5,000.00
Coal ash as structural fill (as a primary use)	\$10,000.00
Coal, storage	\$5,000.00
Concrete plants	\$3,000.00
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