



# Planning and Inspections Department

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## MEMO

**To:** Honorable Mayor and City Council  
**Thru:** Brad Corcoran, City Manager  
**From:** Kelly K. Stultz, AICP, Director  
**Subject:** **Zoning Case Z-15-02**  
**Text Amendment**  
**Date:** May 6, 2015

The City has received a zoning text amendment request filed by the City Council to amend Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the Industrial-2 zoning district.

The Planning and Inspections Department recommends approval of the text amendment request.

At their May 5, 2015 special meeting, the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

If you have any questions, please contact this office.

**PLANNING AND INSPECTIONS DEPARTMENT  
ZONING CASE REPORT  
March 2, 2015**

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**CASE NUMBER:** Z-15-02

**REQUESTED ACTION:** To amend Section 11.24 (o)(1) to allow permanent storage of coal combustion residuals

**APPLICANT:** Eden City Council

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**EXISTING TEXT**

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**SECTION 11.24 (o) Industrial-2**

(1) **Permitted Uses**

None

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**PROPOSED TEXT**

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**SECTION 11.24 (o) Industrial-2**

(1) **Permitted Uses**

Permanent Storage of Coal Combustion Residuals (but excluding any such material that was not generated on the site of a former coal fired utility plant located within the planning jurisdiction of the City of Eden. Such property will be identified by its tax parcel number as of January 1, 2015. The storage shall be permitted by the State of North Carolina as a Coal Ash Landfill and shall be subject to all such rules and regulations.)

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**GENERAL INFORMATION**

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This request was submitted by the Eden City Council.

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**STAFF ANALYSIS**

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The storage of coal combustion residuals (coal ash) has been in the forefront of the minds of our citizens for more than a year. The best possible outcome for our community is for the ash that was generated by the former coal fired Dan River Steam Station to be stored onsite. The coal fired facility is now offline and the owner of the property has constructed a new natural gas powered plant for the generation of electricity.

Coal combustion residuals (coal ash) have been stored on the site of the former Dan River Steam Station since the late 1940's. The purpose of this amendment is to allow for the most environmentally sound permanent storage of the materials. The State of North Carolina regulates such storage as coal ash landfills and any such activity will have to meet all of the statutory requirements.

Based upon the foregoing information, staff recommends in favor of the text amendment.

**STAFF RECOMMENDATION:**

**Approval of the text amendment.**

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF EDEN

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BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, Section 11.24(o)(1) I-2 Industrial District of the Zoning Ordinance of the City of Eden is hereby amended by adding the following Permitted Use:

Permanent Storage of Coal Combustion Residuals (but excluding any such material that was not generated on the site of a former coal fired utility plant located within the planning jurisdiction of the City of Eden. Such property will be identified by its tax parcel number as of January 1, 2015. The storage shall be permitted by the State of North Carolina as a Coal Ash Landfill and shall be subject to all such rules and regulations.)

APPROVED, ADOPTED AND EFFECTIVE, this 19th day of May, 2015.

CITY OF EDEN

BY: \_\_\_\_\_  
Wayne R. Tuggle, Sr., Mayor

ATTEST:

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Sheralene Thompson, CMC  
City Clerk

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
**CASE NUMBER Z-15-02**  
**SECTION 11.24**

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the I-2 Industrial Zoning District;

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend **Section 11.24(o) District Regulations** to allow permanent storage of coal combustion residuals as a permitted use in the I-2 Industrial District.

STATEMENT OF NEED:

This section is amended to allow permanent storage of coal combustion residuals (but excluding any such material that was not generated on the site of a former coal fired utility plant located within the planning jurisdiction of the City of Eden) in the I-2 Industrial District. (Such property will be identified by its tax parcel number as of January 1, 2015. The storage shall be permitted by the State of North Carolina as a Coal Ash Landfill and shall be subject to all such rules and regulations.)

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.

- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

NOW THEREFORE, BE IT RESOLVED BY THE EDEN CITY COUNCIL THAT:

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 19th day of May, 2015

CITY OF EDEN

BY: \_\_\_\_\_  
Wayne R. Tuggle, Sr., Mayor

ATTEST:

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Sheralene Thompson, CMC  
City Clerk