

## **Permits Denied & Complaint Filed Against County for Construction at the Waste Transfer Site**

*With County Help, Developer Violates Local and State Ordinances on Waste Transfer Station Site*

ORANGE COUNTY, N.C. (3/1/09) -- A complaint has been filed with Orange County about a road connection to NC Highway 54 that is currently under construction and has not been permitted as required by the North Carolina Department of Transportation.

The road connection is being constructed into and across the property owned by Dennis Howell. It is the same property, known as Site 056, targeted for the County's proposed Waste Transfer Station. Nearby residents filed the complaint after learning that the state's Department of Transportation denied a driveway permit for the construction.

Orange County ordinances require subdivision site plan approval, as well as other state approvals such as the road connection permit, to be in place prior to construction. The county issued an erosion control permit for the Howell road without an approved subdivision plan in place and despite NC DOT's explicit denial of the road connection.

There are two tracts of land involved-- one which fronts on NC 54 which is 8 acres and a second which is 142 acres and has no frontage; it is located behind the first lot. Howell offered to sell 143 acres to the county for an asking price of \$3 million—despite its \$930,000 tax value. Howell is putting the road in through the front lot to enhance the value of the 142 acres, and the front lot as well.

The County has the option to condemn either or both lots, pay tax value and reimburse Howell for the work done on the road. Residents fear that Howell is cutting the road onto his property in order to secure commercial zoning on the front lot.

The state's decision to deny the permit signals that the county will incur additional costs of \$250,000 for the proposed Waste Transfer Site. The state will likely require the county to build safe turn lanes to allow the trucks to enter and exit the facility. It also prefers to align new road connections with other roads that already connect to Hwy 54.

The county's problems are further complicated because it issued an erosion control permit that does not cover the entire land disturbance which will eventually be required. The County cannot issue erosion control permits for its own construction activity. Those permits have to be issued by the North Carolina Department of Natural Resources. It appears that the construction activity on the Howell property has also violated the Orange County Tree Protection Ordinance.

Regardless of whether the waste transfer station is built, residents now fear that the damage to the property makes it easier for Howell to secure commercial zoning. "Howell could be using the proposed waste transfer station to pursue future commercial development that otherwise may not otherwise be permitted," says Michael Hughes, a civil engineer. "The road cut creates a pre-existing condition to be leveraged for zoning approval at a later time."

"These are typical of the expensive problems that the County will encounter as it pursues a waste transfer station in a rural area," explains Susan Walser of Orange County Voice. "This is why the EPA and experts suggest siting a waste transfer station in an industrial area where infrastructure is already in place."

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