

Board Chair:
Rodney Cheek

Planning Director:
Matthew Hoagland



Commissioners' Meeting Room
124 W Elm Street
Graham, NC 27253
March 14, 2024 at 7:00 PM

ALAMANCE COUNTY PLANNING BOARD MINUTES

Virtual-

<https://www.youtube.com/channel/UC1QADkhkyUpac9rMs42imjA>

Members Present

Rodney Cheek
Vaughn Willoughby
Ernest Bare
Bill Poe
Amie Perkins
Stephen Dodson
Anthony Pierce
Lee Isley
Henry Vines
John Paisley

Members Absent

Staff Present

Matthew Hoagland, *Planning Director*
Ian Shannon, *Planner II*
Rik Stevens, *County Attorney*
Michelle Horn, *Assistant County Attorney*
Brian Baker, *Assistant County Manager*
Rob Snow, *Environmental Health Program Specialist*
Ryan Langle, *Environmental Health Program Specialist*

I. CALL TO ORDER

Called to order at 7:00 pm.

II. ROLL CALL

Roll call handled by staff via in-person roster.

III. APPROVAL OF PLANNING BOARD MINUTES

1. February 8, 2024 Regular Meeting

Motion to accept: Ernest Bare
Second: Vaughn Willoughby
Vote: Unanimous

IV. PUBLIC COMMENTS*

Philip Morgan: I did not really prepare anything, this was more last minute. I've heard the board talk a lot about protecting farmers, cones of influence on wells. It looks like the only people farmers need protection from are those that want 2, 5, or 10 acre lots. I'm not here to be arbitrary but I've heard the board use a lot of scare tactics like the cones of influence. A well can go dry but we also have huge wells that cities pump out and you don't see sinkholes.

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We're changing something that doesn't need to be changed and it would be good for the public to see something legitimate instead of just scare tactics.

Jeff Allred: I want to speak from the position of the property owner. It's your job to protect the residents of Alamance County. Let's say for example I have a 200 acre farm my in-laws deeded to me or my in-laws have to sell. Let's say we get 200 lots out of it right now. With this proposal you would only get 100 lots. Where are you protecting the residents of Alamance County. Either the land price is gonna go way down or the lot price is gonna go way up. What you're gonna end up doing is if the lot prices go way up for a 2 acre lot versus a 1 acre lot then basically you're saying you don't want poor people in Alamance County. There's already no affordable housing. I'm a surveyor by trade and you're seeing a lot of tiny homes, mobile homes, rv parks. If you go to a 2 acre minimum then that will be a huge detriment to development. If you're truly being loyal to the citizens then you need to protect the land owners.

Kristen Foust: I'm a contractor and developer doing business in the county and the surrounding counties. My husband is a septic tank contractor so we work around this on a daily basis. We've been listening to the meetings and trying to keep up with everything trying to take place here. We understand that a concern has been wells drying up and the size of septic repair areas. Our opinion is that Environmental Health evaluates these lots so they're going to know what is acceptable and suitable. We've had to combine some lots in subdivisions in the past to meet their standards so they are covering you guys in that. Jumping from 30,000 square feet to 2 acres is excessive and to us it is not in the best interests of the citizens of Alamance County. The 30,000 is a minimum. On average these lots are around an acre, sometimes an acre and a half. We feel like an acre would be a good medium but 2 acres is too much. The board needs to represent the entire county not just a few people and not for personal agendas. I do not believe there has been consensus among the board here to recommend to commissioners. I would like to see the board have more discussions and get more input from the public.

Nathan Sawyer: I've been in the Triad since 2007 and probably built over 400 houses in Alamance County and plan on continuing to do so. I'm bringing this up as a point of affordability. There is no affordable housing now in the county. Tiny homes and townhomes are the only available forms of affordable housing today. I'm selling 1,500 square foot vinyl boxes for \$375,000. I cannot double my land price, that won't sell. They won't appraise hardly at that price now. I implore you to consider that this will have a negative impact on the growth of Alamance County. My business partner is a developer and over the last 12 plus years he has developed over 2,600 lots in the county. He has land holdings to probably develop another 1,500 lots. That's land that is purchased but not yet approved. He is buying that land at a premium rate based on how much density he would be able to get. Passing this would be financially detrimental, cutting his value in half.

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V. BOARD/COMMISSIONER RESPONSES

None at this time.

VI. OLD BUSINESS

1. Oaths of Office (A. Pierce and S. Dodson)

Oaths were given by Ernest Bare, Mayor of Ossipee.

2. Consideration of Clarifying UDO Article 2 Amendments

Matthew Hoagland told the board that some additional proposed language had been added to the Article 2 amendments to re-include the language for the Historic Properties Commission. He mentioned that the reason this addition was so lengthy was because the HPC is governed by a specific section of 160d and there is a lot of procedure for how they go about conducting business and determining historic properties.

Lee Isley raised a question about preliminary review of Board of Adjustment items under Article 2 and Mathew clarified that that was more for items like special use permits that a Planning Board would need to review before the Board of Adjustment. He added that it was language from 160d that does not currently apply to the county but would be good to still include in case any ordinance changes are made in the future. There was also a question on board members needing to be residents of the county and if the commissioners had made any clarification with that. Rik Stevens told the board that the resolution passed by commissioners was for boards in general and would not impact this section. He added that it is fine for the Planning Board to have stricter requirements and said that they felt there was more of a need for the Planning Board to require residency specifically.

Henry Vines raised a question on the number of members per township and if they should limit it to 1 person per township. Rodney Cheek told him that the old number was 3 and it had been changed to 2 per township. He then said that it could be a problem reducing that number to 1 because then no one would want to be on the board if it felt like people were asking them to.

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Anthony Pierce asked about a 90 day limit under section 2.2.7 G in regards to the Historic Properties Commission. Matthew specified that the limit would be if someone came before the HPC and applied for their property to be considered and the commission did not take action within 90 days then there could be a mutual agreement between them to extend that time limit. Amie Perkins asked about the 6 month expiration date under the same section. It was cleared up that the language specified that work would have to start withing 6 months, not actually be completed in 6 months. Rik also brought up that the language for extending the time limit upon mutual agreement could be added to this section as well.

VII. NEW BUSINESS

1. RV Park Ordinance Amendment Application

Matthew gave an overview of the proposed amendment to the board, all this would change would be changing the minimum width of the clearway in RV parks from 60 feet to 30 feet. He introduced the applicants, Anthony and Josh Moize and asked them to give some further information. Lee Isley told the board that he would be recusing himself from voting on this matter since one of the applicants was his cousin.

One of the applicants, Anthony Moize, told the board that when they were first developing their park the RV ordinance had not yet been established and that the language for the ordinance was largely written based on their park. He said he did not understand where the 60-foot clearway requirement came from but that the point of an RV park was to provide some more privacy and include more trees. He told the board that there had been no problems with getting EMTs out to the property. He added that he believed the 30-foot clearway was plenty, especially if there were two ways in and out.

There was some question from the board on the difference between clearway and travelway. Matthew told the board that the clearway was essentially the internal right of way on the property and the travelway was the actual graveled road.

Matthew then presented some pictures that he took on a site visit to the Simple Times RV park with Deputy Fire Marshal Jesse Gwyn to demonstrate how a 30-foot wide clearway would still be approvable for fire safety in an RV park.

There was some more discussion between the board and Matthew. Matthew told the board that because this wasn't something that staff could approve administratively and he did not think it would be a strong case for a variance he told the applicants that requesting a UDO amendment might be the best course of action. He told the board that he was not sure where the 60-foot requirement originally came from especially since the

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clearway for a mobile home park was 50 feet. Amie asked if this specific change needed to be addressed with all of the changes to the UDO or if it could happen separately. Matthew said it was up to the board how they wanted to handle it.

Motion to recommend changing the 60-foot clearway requirement for RV parks to 30 feet and send that to the Board of Commissioners: Henry Vines
Second: Vaughn Willoughby

John Paisley noted that Lee had asked to be recused and mentioned that a motion would be needed to officially recuse him from voting.

Motion to allow Lee Isley to recuse himself from voting on this matter: Ernest Bare
Second: Amie Perkins
Vote: Unanimous

Before the vote on the UDO amendment, Matthew read an amendment consistency statement required by 160d.

Vote on the motion for the UDO amendment: 7 in favor, 1 opposed from Amie Perkins, and 1 recusal from Lee Isley. The motion passes.

2. Consideration of Clarifying UDO Article 3 Amendments

Matthew gave a brief overview of all of the proposed language changes and corrections, including adding a larger section for non-conforming uses. He specified that a lot of this language was needed because the UDO does not really make any distinctions on use without zoning. Other changes were replacing "administrator" with "planning director or designee" and changing a section that would now need to reference the Board of Adjustment. There was also some added language for deadlines for applications for quasi-judicial hearings. There was a question on the notification procedures and it was clarified that those are only for items that require public hearings like a UDO amendment or variance case hearing.

3. Lot Size Subcommittee Report/Recommendation

Matthew started off by saying he had a brief presentation to give to the board but Environmental Health had also invited someone to come and answer some questions the board may have about well and septic.

Matthew began the presentation by going over the goal that the subcommittee had: safeguarding agricultural land, reducing environmental impacts, allowing for affordable housing options, enhancing the community, and better preserving the rural development pattern of the county. He then outlined the 4 specific recommendations from the subcommittee:

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1. Requiring a 2 acre minimum lot size standard.
2. Allowing for a cluster subdivision option to set aside open space for denser lots.
3. Allowing a Planning Board review option with conditional approval.
4. Requiring a 50-foot development buffer from farms, parks, historic districts, churches, and schools.

Matthew then deferred to Rodney for an overview of the history of the subcommittee. He told the board and audience that the overall discussion had started with him. The official action at the time was to form a subcommittee to back up the concern over development with data. They understood that it was not the job of the board or subcommittee to concern themselves with environmental issues or taxes because other departments handle those. Rodney talked about how the county had 3 main categories of taxes: agricultural, commercial/industrial, and residential. Between the three of them residential was the only one that costs the county more to administer than what they take in. He said that he was not saying the county should not have no residential development but that there needed to be a balance so that the money coming in and going out balanced out. He raised concerns for school budgets, road infrastructure, and staffing and budget for EMS and the sheriff's office. He said if we aren't careful then no one would be able to afford to live here.

Matthew then went through each of the 4 recommendations with some hypothetical diagrams to highlight how different developments could look under each option. There was some interjection from the audience during the third example about how the number and size of lots shown added up to more than what was hypothetically proposed. Matthew reiterated that these diagrams were purely hypothetical and just to illustrate the proposed recommendations. Anthony asked Matthew to expand some on the option for Planning Board approval, and Matthew talked about how in some other jurisdictions the developer and the governing board come to a conditional agreement for approval instead of the developer getting administrative approval. He noted that there would have to be specific policy put in place for the Planning Board to use in this case however. In going over a proposed timeline looking at the other UDO articles that the Planning Board was discussing, Matthew said that this would likely only be seriously discussed in September or October, but the board could decide to do otherwise if they wanted.

At this point Wilson Mize with the Department of Health and Human Services introduced himself to the board saying that he had run the state's private well program since 2008 and could answer any Environmental Health related questions the board may have. Rodney asked a question about cross contamination with large numbers of wells and septic systems close to each other. Wilson responded by saying that in a lot of his work he has rarely seen contamination even with some systems that are as close as 50 feet from a well. He said that the bulk of contaminants they see state-wide are naturally occurring ones, not ones from perfectly working septic systems. The only real issues with septic systems if they are older or faulty systems. He said that at a state level he does not see a concern with smaller lot sizes.

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There was some back and forth between Wilson, the board, and some members of the audience on the approval of smaller lots. Anthony asked Wilson if multiple wells in a dense area could impact the water table. Wilson said that that is always a concern but you cannot say for sure without data and doing a study. He said that there are a lot of factors that come into play that are really dependent on the geology. Wilson added that there were some situations in Wake County with several large capacity wells that did bring the water table down and dried out shallower wells. He added that there is not as much pressure from individual wells so it is less likely to happen.

Henry Vines added input that a major point of the 2 acre minimum was to preserve the rural character of the county and he did not want to see the county over-developed on smaller lots. There was some more interjections from the audience. Henry stated that there was plenty of room in the cities for that development but people enjoy the more rural farming areas of the county and those need to be preserved. He added that there is already a 2 acre restriction for some watersheds and that the goal was to accomplish a uniform lot size. Henry asked about the maintenance of community wells and Wilson answered saying that there are specific requirements for larger community wells for testing and maintenance. Henry and Vaughn Willoughby discussed a water survey that was done out of a proposed law that would meter wells and farm ponds and any other water resource. The state said that there was a concern that agriculture was using a large amount of water but after the survey it was determined that agriculture was actually one of the smallest uses of water compared to municipalities and industry and individual homes.

Discussion returned to the 2 acre lot size. There were a few questions about pre-existing and approved lots and family subdivisions. Matthew said that those lots would be grandfathered in and there could be some language added for family subdivisions. Lee raised some concern over affordable housing and how the goal of affordable housing was being met by a larger lot size. He gave an example of some real estate work he had done trying to help a family buy a home with specific financing and there was nothing they could do even months later with a larger amount approved. Lee said that it seemed like increased lot sizes and affordable options do not go together. Stephen Dodson shared some similar troubles he had with finding affordable property. He agreed that the larger lot size seemed to be counter-intuitive to affordability. Henry stated that the land does not cost that much, maybe 1% of what the house will cost. This cause a lot of interjection from the audience who argued that his assessment was not correct. Ray Cobb spoke up and gave an example of a lot down in Snow Camp that was \$60,000 for 1 acre. He added that increasing the minimum to 1 acre sounded reasonable but 2 acres was entirely too much.

Stephen brought up a hypothetical stating that if there were 2 100-acre tracts of farmland and a developer wanted to develop 100 lots they would buy one tract and develop it. If the minimum went to 2 acres than that developer just spends more money and buys twice the land to develop the same number of lots. He suggested that if the goal was to preserve

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farmland that allowing smaller lots would mean less land gets developed overall. Rodney answered and said that that was the conundrum that they were dealing with but whether you put 100 houses on 100 acres or 200 acres there is no rural integrity in that. There was a lot more interjection from the audience. Amie made a point of order that public comment had ended. There was still some more interjection from the audience afterward. Ernest made a motion to adjourn during the interjections.

VIII. ANNOUNCEMENTS/DISCUSSION

IX. ADJOURNMENT

Motion to Adjourn: Ernest Bare

Second: Amie Perkins

Vote: Unanimous

Adjourned at 8:43pm.