

**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
March 12, 2026 at 7:00 PM

# ALAMANCE COUNTY PLANNING BOARD AGENDA

Livestream: <https://tinyurl.com/22kb3exe>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**  
February 12, 2026 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  1. Second Consideration of Draft UDO Article 6.14 Amendments
  2. Second Consideration of Draft UDO Article 7 Amendments
- VII. NEW BUSINESS**
  1. Phillippie LCID Landfill Intent-to-Construct Permit Public Hearing
  2. Draft Rules of Procedure Amendment (Section 1.2 Regular Meetings time)
  3. Consideration of UDO Article 6.5 Road Access and related amendments
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

*(Public Comments Procedures)*

1. *Those wishing to make public comments should sign-in prior to the meeting.*
2. *In order to be fair and ensure that all citizens wishing to speak may be heard, the Chair may place time limits on public comments.*
3. *Any further discussion by the public on a given agenda item is subject to the discretion of the Chair of the Planning Board.*

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# ALAMANCE COUNTY PLANNING BOARD

## February 12, 2026 Planning Board Meeting Minutes

**Members Present:** Rodney Cheek, Amie Perkins, Lee Isley, Lee Kimrey, Richard Tom King, Henry Chandler, Mac Jordan

**Members Absent:** Ernest Bare, Stephen Dodson

**Staff Present:** Planning Director Matthew Hoagland, Planner 1: Keyshawn Haith, Assistant County Manager: Brian Baker, County Attorney: Rik Stevens, Assistant County Attorney: Kwame Opatá.

### **I. CALL TO ORDER**

The meeting was called to order by chair Rodney Cheek at 7 p.m.

### **II. ROLL CALL**

### **III. APPROVAL OF PLANNING BOARD MINUTES**

January 8, 2026 Regular Meeting

Mr. Isley motioned to approve the minutes. Seconded by Tom King and approved unanimously.

### **IV. PUBLIC COMMENTS\***

Matt Kirkpatrick addressed the board regarding concerns related to a proposed LCID landfill application in the Coble Township area. He stated that residents remain opposed to the proposed use and expressed concerns about truck traffic, roadway classifications, and public safety along local roads. Mr. Kirkpatrick referenced prior discussions about potentially amending the Unified Development Ordinance (UDO) to restrict heavy industrial uses from accessing lower-classification local roads. He requested clarification on the process for initiating such an ordinance amendment and asked whether the matter could be expedited outside of the broader UDO revision process.

### **V. BOARD/COMMISSIONER RESPONSES**

Chair Rodney Cheek responded to Mr. Kirkpatrick's comments and explained that while the board understands the concerns raised, amendments to the UDO must follow a structured review process. He noted that the Planning Board meets once per month and does not impose formal time limits on its meetings but must carefully manage the volume and sequencing of ordinance revisions currently under review. He emphasized the importance of allowing staff to present where the board currently stands in the broader revision process, how the board arrived at that point, and what steps remain. The Chair acknowledged that residents may be seeking an immediate resolution; however, he clarified that no final action or definitive resolution could be provided at that meeting. He stated that the board would continue to follow the required amendment procedures under state law, which

include Planning Board review, recommendation, public hearing, and final consideration by the Board of Commissioners.

Mr. Lee Isley made a motion to amend the agenda by moving the Announcements and Discussion section to take place prior to Old Business so that Mr. Hoagland may address some of the UDO revision issues raised. The motion was seconded by Mr. Tom King. Upon a vote, the motion carried unanimously. The agenda was amended accordingly.

## **VI. ANNOUNCEMENTS/DISCUSSION**

Planning Director Matthew Hoagland then presented an informational recap of the Unified Development Ordinance (UDO) revision process and timeline. He noted that several Planning Board members are relatively new and that the board began the comprehensive review process in January 2024. He stated that the purpose of the presentation was to provide context regarding how the Board arrived at its current position in the review process and to outline the anticipated path forward. He further explained that, because state law requires a public hearing before the board of Commissioners for each UDO amendment, staff has intentionally retained all proposed changes in draft form. The intent is to present a consolidated final document for a single public hearing rather than requiring multiple hearings for individual amendments.

Board members discussed various aspects of the review process and Mr. Hoagland introduced the idea of creating a subcommittee to finish the process in the interest of time. He also introduced the idea of moving the board's meeting start time earlier so that they may have more time for review each meeting and hopefully not go so late into the night. Board members hesitated on the idea of a sub-committee as a few would feel more comfortable if all members actively worked on the UDO revisions. They did not immediately approve of the time change idea, but Mr. Jordan and Mr. Cheek floated around the idea of moving the meeting earlier during the winter months and keeping the time the same during the summer months. They asked Mr. Hoagland to draft a proposed change for meeting times and bring it back for consideration at the next meeting.

## **VII. OLD BUSINESS\***

1. Second Consideration of UDO Article 6.12 Amendments
2. Second Consideration of UDO Article 6.13 Amendments

(Abandoned, Junked, Nuisance Motor Vehicles & Auto Graveyards)

Mr. Hoagland confirmed that this was the second consideration of proposed amendments to Articles 6.12 and 6.13 of the UDO, relating to abandoned, junked, and nuisance motor vehicles and automobile graveyards. For the benefit of newer board members, Mr. Hoagland explained the draft formatting conventions used throughout the UDO revision process. He stated that any proposed new text will appear underlined, while text proposed for deletion appears with strikethrough formatting. He reiterated that all revisions remain in draft form and will be consolidated into a final document for a single vote at the conclusion of the review process. Mr. Hoagland explained that the draft before them combines the current Part 12 and Part 13 into a single consolidated section, as both addresses abandoned, junked, nuisance motor vehicles, and auto graveyards.

Mr. Hoagland outlined the revisions made since the board's previous consideration:

- Section 6.12.8 – A newly underlined paragraph was added to clarify regulatory language.
- Subsection 6.12.8.2(A) – The required fence height was increased from six (6) feet to ten (10) feet.
- Section 6.12.9 (Stream Buffers and Flood Zones) – New language was added prohibiting the storage of automobiles or automotive parts within any portion of a Special Flood Hazard Area, as defined by the ordinance, when junkyards or auto graveyards operate on such properties.

Mr. Lee Kimrey referenced Section 6.12.2 and raised a question regarding the provision allowing individuals to store up to three (3) junked motor vehicles on their property. He asked how that allowance would apply to properties located within a Special Flood Hazard Area. Mr. Hoagland responded that, as currently written, the ordinance does allow individuals to store up to three (3) junked or hobby vehicles on their property, including within areas that may be designated as flood-prone. He clarified that the existing regulatory framework separates individual vehicle storage from business operations.

He explained that Article 6.12 primarily addresses the storage of junked or hobby vehicles on individual residential properties, whereas Article 6.13 governs commercial operations such as auto graveyards and junkyards. The newly proposed prohibition on storage within Special Flood Hazard Areas applies specifically to commercial junkyard and auto graveyard operations.

Mr. Kimrey also inquired about the exemption language for antique motor vehicles included within the ordinance. He asked what age threshold qualifies a vehicle as an antique motor vehicle under the current regulations. Mr. Hoagland responded that the definition of an antique motor vehicle is contained in Article 7 of the UDO. Reading from that section, he said they are defined as a motor vehicle, not including a reproduction, that was manufactured more than twenty-five (25) years prior to the current year. He further noted that antique motor vehicles are typically registered as such with the County Tax Office and maintained on file accordingly. He acknowledged that staff have previously addressed compliance issues involving antique motor vehicles on private properties and indicated that tax registration status is one factor considered in determining whether a vehicle qualifies for the exemption. Mr. Kimrey asked whether, under the current language, an individual could theoretically store an unlimited number of antique motor vehicles on a property located within a Special Flood Hazard Area. Mr. Hoagland responded that, hypothetically, if the vehicles meet the definition of antique motor vehicles—being more than twenty-five (25) years old and properly registered with the County Tax Office—and appear to be undergoing restoration, they could qualify under the exemption. Board members noted that the requirement that vehicles be “undergoing restoration” introduces a degree of subjectivity in enforcement. It was observed that determinations regarding whether a vehicle is actively being restored can be difficult to verify and may rely heavily on individual interpretation. Members further acknowledged that property owners often believe their vehicles to be valuable, which could complicate consistent enforcement. The discussion highlighted a potential regulatory gap whereby multiple antique vehicles could be stored within flood-prone areas without triggering the same restrictions applicable to commercial junkyard operations.

Mr. Tom King suggested that the issue could potentially be addressed within the County’s flood damage prevention regulations. He asked whether the County could specify certain materials or items that are prohibited from being placed within Special Flood Hazard Areas. Mr. King noted that other jurisdictions have adopted provisions identifying specific items that may not be located within flood-prone areas. He suggested that the County could consider whether junked or inoperable vehicles should be explicitly prohibited within Special Flood Hazard Areas, regardless of antique classification.

Ms. Perkins asked what practical difference exists, in the event of a flood, between a junked vehicle and a non-junked vehicle. She questioned whether floodwaters would treat both similarly and

whether the environmental risks differ based solely on a vehicle's operational status. She referenced prior flood events, noting that after a significant storm event like Tropical Storm Chantal, junkyards located near flood-prone areas experienced substantial disruption and debris issues. She observed that those situations involved significantly more vehicles than the three-vehicle allowance for individuals but raised the broader question of whether regulating only junked vehicles in flood zones would create inconsistency. Mr. Hoagland responded that the general assumption may be that operable vehicles are typically parked closer to the residence or under some form of shelter. He noted that, in anticipation of a storm event, a vehicle owner would likely move or park an operable vehicle in a safer location. He contrasted that with situations involving older or inoperable vehicles—such as a classic vehicle stored farther back on a property—which may not be relocated prior to a storm. He suggested that this practical difference may be part of the reasoning behind distinguishing between regularly used vehicles and those stored long-term.

Mr. Jordan asked for clarification on the terminology used in the draft language, specifically the phrase “Special Flood Hazard Area.” He noted that he was more familiar with terms such as floodway, 100-year floodplain, and 500-year floodplain, and asked whether “flood-prone” or “Special Flood Hazard Area” was defined within the ordinance. Mr. Jordan commented that floodways typically involve high-velocity water where development is strongly restricted, and he wanted to better understand how the term “Special Flood Hazard Area” compares to those more commonly referenced floodplain designations. Mr. Hoagland clarified that “Special Flood Hazard Area” is a specific, defined term used in the County's Flood Damage Prevention Ordinance and is derived from state's model ordinance. That model ordinance is what the county used to craft ours.

Mr. Hoagland referred the board to Article 6.4 of the draft UDO and summarized how “Special Flood Hazard Area” is defined and applied within the Flood Damage Prevention Ordinance.

He explained that the section applies to all Special Flood Hazard Areas within the jurisdiction of Alamance County and any municipalities that adopt the County's regulations. He noted that these areas are identified through FEMA's Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRMs), which are adopted by reference as part of the ordinance. He further stated that future map revisions that do not change flood hazard data are also adopted by reference.

Mr. Hoagland explained that the ordinance requires a certificate of compliance with the County's flood damage prevention regulations before any building permit or other development permit may be issued for structures located within designated flood hazard zones. He stated that the purpose of these provisions is to protect public health, safety, and general welfare and to minimize public and private losses due to flood conditions. He then asked whether that clarification addressed the board's questions regarding the terminology. Mr. Kimrey stated that, in his view, the discussion should focus specifically on junked vehicles rather than all automobiles. He noted that attempting to regulate all vehicles within flood-prone areas could create enforcement challenges, particularly when a vehicle is registered, tagged, and otherwise operable. He emphasized that his primary concern was with junked vehicles, especially in flood-prone areas. Mr. Kimrey expressed concern that, under the current language, antique vehicles could be stored in unlimited numbers so long as they meet the 25-year age requirement and are registered with the Tax Department.

County Attorney Stevens provided additional context regarding antique vehicle classification and tax valuation. He noted that the Tax Department does not determine status based on whether a vehicle is considered “antique” for zoning purposes but rather assigns value according to its established valuation schedules. Mr. Stevens explained that vehicles over a certain age and in certain conditions are often assigned very low taxable values. He referenced a prior situation involving an older model vehicle that was valued at approximately \$500 for tax purposes. He stated that, as a practical matter, if a vehicle meets the UDO's definition of an antique motor vehicle (25 years or older) and is registered for tax purposes—even at a minimal value—it could qualify under

the current exemption language. He acknowledged that this could, in theory, allow a property owner to maintain multiple such vehicles on a property, including within a flood-prone area.

Mr. Hoagland said he can add a provision to the draft to exclude both junked motor vehicles and antique motor vehicles from flood zones in the final draft. Mr. Kimrey agreed that he would like to see that language added. There were no objections to Mr. Hoagland adding that language.

Mr. Cheek acknowledged the board would now move onto New Business.

## VIII. NEW BUSINESS

### 1. Consideration of Draft UDO Article 6.14 Amendments

Mr. Hoagland introduced proposed revisions to Article 6.14 of the Unified Development Ordinance relating to Recreational Vehicles and RV Parks. He started by explaining that the draft proposes renaming the section simply “Recreational Vehicles” to better capture the broader range of uses addressed within the ordinance. An index has also been added at the beginning of the section for clarity and ease of navigation and explained the following for each draft section:

Purpose and Applicability: He stated that Section 6.14.1 is a new section establishing purpose and applicability. He explained that this addition clarifies what the ordinance regulates and why, consistent with formatting updates for all previous sections in the UDO.

RV Park Development Standards (6.14.2): He noted that Section 6.14.2 has been renamed “RV Park Development Standards.” Dimensional requirements were rewritten for clarity, and watershed standards were revised to align with existing watershed regulations. He explained that the current language appears to shift between RV park standards and mobile home park standards and he wasn’t really sure why. The revised draft simplifies this by applying the same built-upon area limits that apply to other nonresidential developments in watershed areas, consistent with the county’s watershed ordinance. Under ‘Road Standards,’ the language was clarified to mirror the format of the Mobile Home Park Ordinance and align more closely with Fire Access Road standards. Under Subsection D (Parking), dimensional standards were revised to comply with N.C. General Statute 160D-702(c), which limits a local government’s authority to impose parking requirements beyond state parameters. Under Subsection E, the section was renamed “Setbacks, Landscaping, and Buffering.” The prior table was removed due to duplicative and lengthy language and replaced with narrative standards intended to provide clearer guidance.

Land Use Spacing (Subsection F): He told the board that he would really like their guidance on the land use spacing requirements of this section. He explained that the current ordinance imposes spacing standards similar to those for High Impact Development (HIDO), including separation from “protected facilities.” He expressed concern that the spacing requirement may be difficult to administer, as it depends on uses located on neighboring properties—something an applicant cannot control. He further noted that, unlike HIDO developments, RV parks do not have a minimum lot size requirement, which could create complications when requiring an adjustment to property lines.

Using a visual example from the ordinance, Mr. Hoagland explained that compliance could require creating irregular parcel configurations or “slivers” of land, which may conflict with subdivision regulations or require a variance. In his opinion, the way the ordinance is currently worded could push property owners in the direction of creating non-conforming lots or having to request a variance for approval.

Accessory Uses (6.14.3): Next, he highlighted the addition of a new section addressing accessory uses within RV parks. He explained that the ordinance currently really lacks any guidance for

common features within parks such as management offices, recreational buildings, or bathhouses. This new section would provide development standards for those uses.

RVs on Individual Lots (6.14.6): He also described a new section clarifying how RVs on individual lots would be regulated. He explained that the revisions distinguish between RVs used as personal property and those used as temporary residences under an active temporary residence permit. If not actively permitted as a temporary residence, the RV would be seen as simply personal property and potentially as a junk vehicle, if applicable. He concluded by saying that the intent is to simplify the structure and make the ordinance more consistent and easier for the public to understand.

Mr. Hoagland then opened the floor for any board member questions.

Mr. Kimrey stated that he had questions regarding the land use spacing section, specifically the definition of “protected facilities.” He asked whether a standalone community swimming pool would qualify as a protected facility under the ordinance. He further inquired whether such a determination would be an interpretation made administratively by staff, or whether the ordinance language should more clearly define what is included within that category. Mr. Kimrey noted that the ordinance language references public or privately owned parks and playgrounds as protected facilities. However, he stated that he did not see any specific reference to community swimming pools and questioned whether such a use would be included within that definition. Mr. Hoagland noted that this is a great question. In his view, stepping back from the specific wording, the larger question is whether the land use spacing requirement makes sense in the context of RV parks generally. He noted that RV parks are typically located in more rural areas, often preserve existing trees, and do not generate high-speed traffic or intense activity. He described the use as generally quiet in nature, with individuals camping for short durations. He asked the board to think about whether it is appropriate to require the same type of land use buffer from neighboring properties that is required for high-impact or heavy industrial developments.

Mr. King stated that he did not have personal experience living near or spending time in an RV park and was trying to better understand the typical activities and impacts associated with that type of use. He asked generally what types of activities occur within an RV park and whether those activities would justify the same spacing requirements applied to higher-intensity developments. Mr. Hoagland shared an example of his experience at an RV park style campground. He recounted arriving before sunset to set up a tent, cooking outdoors, and participating in some recreational activities the following day. He noted that many RV parks include small community amenities and organized activities, but overall he assumes the use is generally recreational and low-intensity in nature.

Mr. King. asked whether similar land use spacing requirements exist for manufactured home parks, in order to compare how those uses are regulated relative to RV parks. Mr. Hoagland responded that there is not.

County Attorney Rik Stevens noted that, during his prior experience in law enforcement, he had spent time responding to incidents at RV parks. He stated that while many RV parks operate quietly, they can also involve situations requiring law enforcement response.

Mr. Hoagland added that building code regulations may also affect how RVs are used, particularly with respect to long-term occupancy. He noted that, in a prior jurisdiction where he worked, there was a cap on the length of time an individual could occupy an RV within an RV park—only 180 days within a calendar year.

Ms. Perkins asked where tiny homes would fall within the ordinance framework and how they are classified in relation to RV parks and manufactured homes. She questioned whether tiny homes would be treated similarly to RVs or regulated under a different section of the UDO. Mr. Hoagland

responded that a tiny home is intended to be placed on a permanent foundation, connected to utilities, and permitted as a single family dwelling under the current ordinance. He noted that it would not be regulated as a mobile home or an RV if it meets the requirements of a permanent structure. Ms. Perkins noted that, in her experience, many so-called “tiny homes” are not placed on permanent foundations and remain movable. Mr. Hoagland stated that, based on prior discussions with the County’s Building Inspections Department, tiny homes that are intended to function as dwelling units should be placed on permanent foundations and regulated as single-family residences.

Mr. Hoagland explained that the current land use spacing requirement applies when a neighboring property contains a designated “protected facility,” such as a religious institution, manufactured home park, another RV park, playground, school, or dwelling unit. He stated that, under the current language, the applicant would be required to create a buffer by effectively redrawing or adjusting property lines to maintain the required separation from the neighboring protected use. He noted that this approach measures spacing from uses located on adjacent properties rather than solely within the applicant’s property boundaries. Chair Cheek stated that the issue may be more about how the ordinance is worded rather than the intent itself. He suggested that the “outside perimeter” should remain the property boundary, and that required buffers should be accommodated within the property rather than requiring the creation of new parcel lines. Mr. Hoagland responded that the buffer requirements and land use spacing requirements are not identical under the current ordinance. He stated that, as written, the land use spacing language appears to be borrowed heavily from the High Impact Development Ordinance. He noted that the HIDO framework contemplates larger tracts of land and, in some cases, requires the creation of new parcel lines to establish separation from protected facilities. He expressed concern that applying that same structure to RV parks—without a minimum lot size requirement—may create unintended complications. Chairman Cheek asked for clarification, stating that under the current structure, if a property consisted of 100 acres and a required spacing area was imposed around the perimeter, the applicant could effectively lose a significant portion of usable land—potentially reducing the developable area to 70 acres or less.

Mr. Hoagland stated that, if the board wishes to maintain some form of separation between RV parks and neighboring protected uses, the simpler approach may be to rely on the existing buffering standards rather than maintaining a separate land use spacing requirement.

Mr. King read from the draft language, noting that the land use spacing “shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract on which the RV park is located to the nearest improvement currently in use of a protected facility.” He stated that, as written, this would mean the measurement is taken from the property line of the proposed RV park to the nearest improvement on the neighboring protected property. In the case of a dwelling unit, he noted that the measurement would be from the RV park property line to the house itself, as the “improvement.” Mr. King continued reviewing the draft language, emphasizing that the spacing requirement is measured in a straight line from the property line of the proposed RV park to the nearest improvement in use as a protected facility. He explained that, for example, if there is a dwelling located on a neighboring property, the measurement would be taken from the RV park property line directly to the house. If that distance falls within the required separation—such as 300 feet—the RV park use would not be permitted within that portion of the property. His comments underscored that the restriction is triggered by the location of improvements on adjacent properties and could significantly limit where an RV park may be developed on a site.

Ms. Perkins offered an example to clarify how the spacing requirement would work in practice. She stated that if she had a house on her property and parked an RV on it, and that use extended a certain distance toward the property line—such as 75 feet—this could potentially trigger the spacing requirement for a neighboring property owner proposing an RV park. She questioned

whether that scenario would effectively restrict the RV park owner's ability to develop their property based on activity occurring on an adjacent parcel. Mr. Hoagland responded that, under the current language, it is possible that an RV park could be rendered nonconforming if a protected facility were later established on adjacent property. Mr. King stated that this illustrates the broader problem with separation requirements tied to neighboring properties. He noted that if a property owner next door establishes a new protected use, it could automatically place the RV park in a nonconforming position. He questioned whether it is fair for one property owner's future actions to directly affect the compliance status of another property owner.

Mr. Kimrey asked for clarification regarding nonconforming status. He noted that if an RV park were rendered nonconforming, it would generally be considered grandfathered. However, he questioned whether, if the use were discontinued for six months or more, it would lose that status and be unable to resume as the same nonconforming use.

Chairman Cheek stated that, in his view, if a 300-foot separation is required, the measurement should be taken inward from the applicant's own property line. He suggested that the developable area should begin 300 feet inside the boundary, rather than tying compliance to improvements located on neighboring parcels. He explained that under this approach, if the required 300-foot area cannot be accommodated within the applicant's property, then the site would simply not qualify for the use. However, once established in compliance, the RV park would not be affected by future development on adjacent properties. Mr. Cheek stated that this method would prevent a neighboring property owner's actions—such as constructing a building close to the shared property line—from placing the RV park out of compliance.

Mr. Isley offered an alternative reading of the draft language. He stated that if an RV park is developed in compliance with the spacing requirements at the time of application, and a neighboring property later adds an improvement, that subsequent change should not retroactively create a violation. He pointed to the language referencing the "nearest improvement currently in use as a protected facility," and suggested that the term "currently" indicates the measurement is made at the time of application and approval. He stated that, in his view, any improvements constructed on adjacent property after approval would not affect the RV park's compliance status.

Mr. Hoagland asked the board's opinion on simply basing the measurements on internal setbacks and buffering rather than external land use spacing. He summarized the new draft language requiring all RV park operations to maintain a 40-foot internal setback from property lines. He further explained that if any portion of a building is located within 50 feet of a public road, a landscaped buffer of at least 30 feet must be maintained along the perimeter. He noted that the buffer could exist within the 40-foot setback area and may be satisfied either through landscaping in accordance with Appendix B of the ordinance or through the preservation of natural vegetation. He said that if natural vegetation is proposed to satisfy the buffer requirement, staff would conduct a site visit to determine its effectiveness, similar to the review process used for cell tower buffering. He emphasized that this draft language was newly presented at the meeting and that the specific measurements could be adjusted at the board's discretion. He clarified that the numerical standards largely reflect the table previously included in Section 6.14, but are reorganized into clearer narrative form.

Chairman Cheek noted that this was the board's first review of the revised internal setback and buffering language and that members would have the opportunity to review and consider the proposal further before taking action at a subsequent meeting.

Mr. Hoagland stated that the Board could provide feedback or request revisions to the proposed setback and buffering language, and staff would incorporate those changes for further review at the next meeting. He noted that the timing of the next discussion may depend on whether a public hearing for the LCID landfill is scheduled for that meeting.

Ms. Perkins suggested simplifying the language by requiring that no dwelling or RV unit be located within a specified distance from the property line. Mr. King suggested that the ordinance could specify that RV spaces are permitted only within a certain number of feet from exterior property lines.

Mr. Hoagland stated that he could remove the land use spacing language and instead rely on the internal setback and buffering standards discussed by the board. He indicated that staff would revise the draft accordingly and bring it back for a second review at the next meeting.

## 2. Consideration of Draft UDO Article 7 Amendments

Mr. Hoagland introduced Article 7 (Definitions), explaining that the agenda packet includes only the modified or newly added definitions rather than the full document. He clarified that the revisions do not replace all existing definitions but instead reflect targeted updates and additions. He stated that he would move through the list of definitions and pause where additional explanation or board guidance was needed. His list included the following definitions:

- Agricultural Preservation District
- Board of Adjustment
- Board of Commissioners
- Building Setback Lines (clarified that they only apply to permanent structures)
- Clearway (made applicable to both Mobile Home and RV Parks)
- Clerk
- Comprehensive Plan/Land Development Plan
- Construction Activities
- Data Center (upon recommendation of State Senator Gale)
- FAA (Federal Aviation Administration)
- FTA (Federal Telecommunications Act of 1996)
- Farm District
- FEMA (Federal Emergency Management Agency)
- Fence (both solid and perforated)
- Governing Board
- Health Department
- Industrial Development
- Jordan Reservoir, Watershed & Jordan Nutrient Supply/Water Nutrient Strategy
- Major and Minor Variances (watershed clarification)
- Manufactured Homes (Class A, B, C, and D)
- N.C. Department of Transportation
- Open Space
- Perennial Waterbody
- Quasi-Judicial Decision
- Right of Way

- Site Plan
- Solar Energy Systems
- Subdivision (clarified major vs. minor as well and defined classes of minor subs)
- Variance (generally applicable)

Board members discussed the proposed changes to the definition of “Construction Activities,” particularly the language addressing clearing, grubbing, and grading. Members expressed concern about striking the right balance between allowing legitimate preparatory work and preventing premature site disturbance prior to permit approval. It was noted that surveying often requires limited clearing to establish sight lines or access points, and soil testing may require temporary disturbance in specific areas. Board members stated that the ordinance should not unintentionally prohibit necessary surveying or environmental testing required to submit a complete application.

Mr. Kimrey asked for clarification regarding the fence definition. He questioned whether, if a site plan includes a proposed fence, it would automatically be required to meet a six-foot height standard. Mr. Hoagland responded that fence height requirements are regulated within specific ordinance sections where applicable. For example, the Junk Vehicle Ordinance includes fence height standards, and the Heavy Industrial Development Ordinance also regulates fencing in certain contexts. However, he clarified that if a property owner simply installs a fence at a single-family residence, the county does not impose any fencing regulations.

The board discussed the proposed fence definition, particularly whether including a specific height requirement in the general definition could create conflicts with the North Carolina Building Code. Members noted that under the Building Code, guardrails on elevated walkways are typically required to be 42 inches in height when there is a drop exceeding 30 inches. It was discussed that the Building Code distinguishes between a “guard” or “guardrail” and a “fence,” and that guardrails are commonly constructed using fencing materials. Concern was raised that if the UDO’s general fence definition included a minimum height requirement—such as six feet—it could unintentionally require a six-foot guardrail in situations where the Building Code only requires a 42-inch guard. Members expressed concern about placing planners in a position of interpreting whether a structure qualifies as a fence or a guardrail. The board discussed whether the general definition should avoid specifying a height and instead leave height requirements within the individual ordinance sections where fencing is explicitly required (such as junkyard or industrial standards). Members also discussed language referencing four-by-four square openings and gauge thickness, noting that those specifications relate to Building Code standards for open fencing and safety. After discussion, there was general agreement that the fence definition should focus on describing solid versus perforated fencing and remove blanket height limitations from the general definition. Height requirements would instead be addressed within specific ordinance sections where necessary. Mr. Hoagland indicated that staff would revise the language accordingly that takes out the required height of a fence.

Ms. Perkins stated that she would like to see a clearer and more straightforward definition of “Direct Access” within the ordinance. She expressed interest in ensuring that the term is defined in a way that is easy to understand and administer, particularly given its importance in evaluating site access and roadway connections.

In closing out the discussion on definitions, Mr. Hoagland said the Planning Department and property owners would really benefit from definitions and guidance around emerging residential development types. In particular, he displayed proposed draft definitions for the following:

- Secondary Residences

- Accessory Dwelling Units (ADUs)
- Short-Term Rentals

Board members briefly discussed these terms and the way in which they are currently regulated and how they could be regulated. Mr. Hoagland explained that these uses are becoming more common and that clearer definitions would help ensure consistency in interpretation and enforcement. He concluded by saying that staff would prepare draft definitions for future discussion so the board will have more opportunities to consider these before a final vote.

As the meeting neared the end, the board again discussed the option of a subcommittee to finish out the UDO review work but did not take any action on that item.

## **IX. ADJOURNMENT**

Mr. Kimrey made the motion to adjourn; it was seconded by Ms. Perkins and approved unanimously. The meeting was adjourned at 9:34 p.m.

**PART XIV. RECREATIONAL VEHICLES**

Section 6.14.1 Purpose and Applicability ..... p. 2  
Section 6.14.2 RV Park Development Standards ..... p.2  
Section 6.14.3 Accessory Uses ..... p. 9  
Section 6.14.4 Site Plan Requirements ..... p. 9  
Section 6.14.5 Expansion to Existing Development..... p. 10  
Section 6.14.6 Recreational Vehicles on Individual Lots .....p. 11

DRAFT

## 6.14 Recreational Vehicle (RV) / Travel Trailer Parks

### 6.14.1 PURPOSE AND APPLICABILITY

The purpose of this section is to regulate the placement of Recreational Vehicles (RVs) within Alamance County in order to promote the public health, safety, and general welfare of the citizens of the county and to attempt to abate nuisances that may arise from the use of such vehicles.

Additionally, these regulations shall ensure that adequate roadways, fire safety, emergency access, off-street parking, utilities (water, sewer, and electricity), solid waste disposal, recreation, and privacy are provided to residents who occupy recreational vehicles on individual lots or in recreational vehicle parks.

All RV parks must be contained within the same parcel of land, and no uses shall be allowed on the property unless they are incidental and in support of the RV Park, as detailed in Section 6.14.3 below. Clustering of spaces within RV parks is not permitted.

### 6.14.2 RV PARK DEVELOPMENT SPECIFICATIONS STANDARDS

#### A. Minimum Space Size Dimensional Requirements

##### 1. Service based Size Requirements

<u>Services Provided</u>	<u>Minimum Space Size</u>
<u>Recreational Vehicle requirements</u>	<u>2,400 square feet</u>

2. RV Parks located in the Balance of Watershed (BOW) shall have a minimum manufactured home space size of one acre.

3. RV Parks located in the Watershed Critical Area (WCA) of watersheds shall have a minimum manufactured home space size of two acres.

1. The minimum space required for any Recreational Vehicle within a park shall be 2,400 square feet. One parking space, as required by Subsection D below, may be included within this 2,400 square-foot area in addition to the space reserved for the Recreational Vehicle.

2. RV Park development within any Balance of Watershed area may not exceed more than twelve (12) percent built-upon area per net acre of land.

3. RV Park development within any Critical Area of a Watershed may not exceed more than six (6) percent built-upon area per net two (2) acres of land.

4. Spaces within Recreational Vehicle/Travel Trailer Parks (collectively referred to in this section as “Parks”) are not transferable lots that can be deeded or sold except by an approved subdivision plat. Approved RV Park plans are not to be construed as a subdivision.

\*NOTE: Additional acreage may be required by the Alamance County Health Department to accommodate sewage disposal and well systems.

## B. Road Standards

1. RV Parks shall have a “clearway” of 30 feet.
2. Within each designated clearway there shall be a “travelway.” The travelway shall be at least twenty (20) feet wide and be maintained for all weather and emergency vehicle access. Every travelway that does not either intersect a public road or intersect into another travelway must provide for a vehicle turnaround as follows:
  - a. For dead ends ~~less than~~ which are one hundred fifty (150’) feet in length or less (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum width of twenty (20’) feet or other configuration as approved by the appropriate regulating agency.
  - b. For ~~cul-de-sacs more than~~ dead ends which are one hundred fifty (150’) feet in length to five hundred (500) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) ~~with~~ there shall be a minimum cul-de-sac width of at least ninety-six (96’) feet at the end of the road or other turnaround configuration as approved by the appropriate regulating agency Alamance County Fire Marshal.
  - c. For dead ends which are five hundred and one (501) feet in length to seven hundred and fifty (750) feet in length (as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac, or other end point of the travelway) there shall be a minimum cul-de-sac width of at least ninety-six (96’) feet at the end of the road or other turnaround configuration as approved by the Alamance County Fire Marshal.
  - d. No ~~cul-de-sac or other~~ dead-end road shall exceed two thousand, five hundred (2,500’) feet in length as measured from the nearest road or travelway intersection centerline to the center point of the dead end, cul-de-sac or other end point of the travelway.
3. All primary entry travelways must originate from a public right-of-way.

4. ~~These standards are a minimum and will be subject to review and approval by the appropriate agency. Private Roads or other access easements may not originate from an RV Park travelway. Travelway use shall be reserved only for guests of the RV Park and in support of the accessory uses related to the RV Park.~~

### **C. Space Frontage**

#### ~~1. Recreational Vehicle~~

~~Each designated recreational vehicle (also referred to as RV) RV space shall have a minimum width of forty (40') feet of frontage on along the travelway.~~

### **D. Parking**

#### ~~1. Recreational Vehicle~~

~~Each RV space Park shall provide for two (2) designated parking spaces outside of the clearway; ~~one~~ One parking space may be met at an overflow parking area on the same parcel as the space of land as the RV Park. One parking space may be met within the allotted 2,400 square feet dedicated to each RV space.~~

~~Each parking space at any location shall have a minimum dimension of at least twenty (20') feet in length and ~~10' nine (9) feet in width, with minimum 4" of ABC (aggregate base course) stone.~~ Spaces designated for handicap, parallel, or diagonal parking may be larger if necessary.~~

~~All parking surfaces shall be paved, graveled, or filled with other solid materials as to ensure the integrity of vehicular load, provide for stable and accessible parking, and prevent erosion and vegetative overgrowth.~~

### **E. Setbacks, Landscaping, and Buffering**

~~The following setbacks are established for units within RV parks:~~

~~The separation requirements of the ordinance ~~is~~ are intended to protect property values, preserve the character and integrity of the County and to promote the health, safety and welfare of County residents. Landscaping requirements are intended to ensure that park developments preserve the rural and natural setting common to the area. Buffers are intended to protect adjoining land uses, from the noise, dust, lights, threats to privacy, and aesthetic impacts of more intense land uses.~~

<b>Structure setbacks</b>	<b>Min. distance 15 feet between structures on adjacent lots</b>
Property Line Setback	Min. 40 ft. setbacks along all property lines
Landscape Buffer	Min. 30 ft. landscape buffer (can be within the 50 ft. property line setback)
Along public right of way	All spaces adjacent to public right of way shall meet a min. 40 ft. Setback
Landscaping	A 30' landscape buffer shall be required along exterior parcel lines. Buffers are intended to protect adjoining land uses, from the noise, dust, lights, threats to privacy, and aesthetic impacts of more intense land uses.
Landscape Buffers	If any portion of any park is BOTH within 300 feet AND visible from any schools, churches or residences (other than that of the park owner), then the park owner will be required to install additional screening from view with a buffer strip or screened fence, along the boundary line facing the residence. For the purpose of this ordinance, a screened fence must be at least six feet high and of opaque material. Please see Appendix B for suggestions and guidelines for general screening. The buffer requirement may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner. Whether to install a screened fence or a landscaping buffer to meet this requirement is up to the park owner. Landscape Buffers are not required across a public thoroughfare.
Screening	Any park with RVs or manufactured homes located within 50 feet of a public right of way shall be screened from view from the public road with a buffer as defined by this ordinance. In addition, any park with more than five RVs or manufactured homes adjacent to a public road right of way that do not have direct, individual driveway access to the public road shall be buffered from view from the road by a buffer defined by this ordinance. The buffer requirement may be satisfied by a screen fence defined as at least six feet in height and made of opaque materials. The buffer requirement may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner.

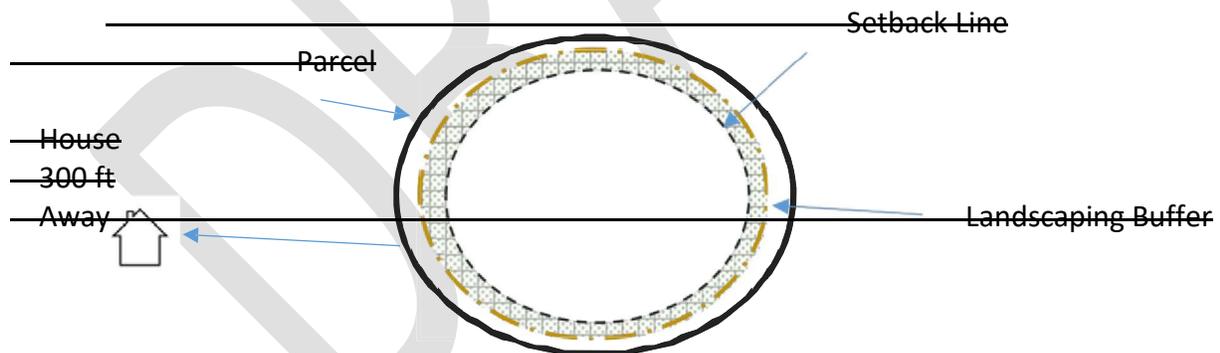
~~\*Note: Persons operating parks shall utilize good husbandry techniques with regard to plant materials including but not limited to proper planting at 8ft on center double row staggered plantings, mulching, fertilization, pruning and otherwise proper maintenance to ensure a healthy, uniform, continuous solid vegetative screen as soon after planting as possible.~~

~~\*Note: In all cases, each lot boundary should be clearly identified with corner markers.~~

All RV Park operations must abide by an internal forty (40) foot setback spacing from all property lines.

If any portion of the development exists within fifty (50) feet of a public road then a landscaping buffer of at least thirty (30) feet must be maintained along the perimeter of the park. This buffer may exist within the forty (40) foot setback area. For suggestions and guidelines on vegetation and planting, please see Appendix B of this Ordinance.

Buffer requirements may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the park owner and within the setback spacing area. If natural vegetation is used, the Planning Director, or their designee, shall conduct a site visit in order to determine the effectiveness of the vegetation and reduce the analysis to writing. That analysis shall then be delivered to the applicant and kept on file with the other documents related to the RV Park development.



#### **F. Land Spacing**

##### **Land Use Spacing & Protected Facilities**

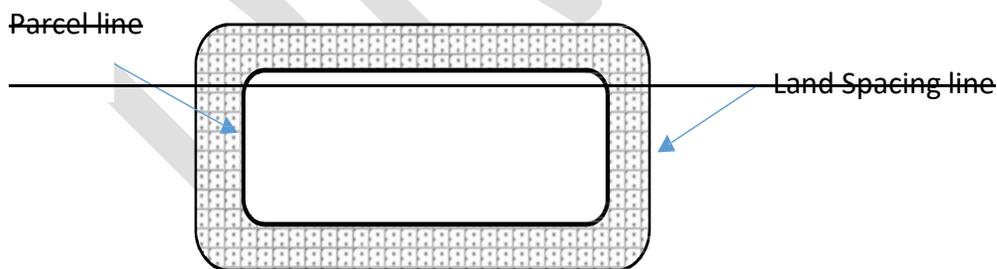
~~Uses regulated by this section shall be required to meet a minimum spacing requirement from any “protected facility” as defined by this section. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the RV park is located to the nearest improvement currently in use as a protected facility. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.~~

~~For the purpose of this section, the following shall be considered “protected facilities”:~~

1. ~~A religious Facility~~
2. ~~A Manufactured Home Park~~
3. ~~A Recreational Vehicle/Travel Trailer Park~~
4. ~~A public or privately owned park or playground~~
5. ~~A school~~
6. ~~A dwelling unit~~

~~Exception: an RV park may be located in any direction from the residence of the owner of the RV park. The following are the land spacing requirements for Recreational Vehicle Park defined by number of units. Land spacing requirements are to be measured from the property line of the RV park to the neighboring property structure. As identified below:~~

<b>Recreational Vehicle Park</b>	
<b>4 or more units</b>	50 ft land spacing
<p><del>*NOTE: Land spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the area of operations is located to the nearest use as listed. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.</del></p>	
<p><del>Where strict application of these standards are not achievable, the RV Park owner at his/her discretion may consider a five feet tall landscaping berm. The berm must maintain a minimum 3:1 slope ratio. The required landscaping for the park shall be planted atop the berm to meet the requirements of this ordinance.</del></p>	



**F. G. Signage**

1. Each RV Park must display and maintain a permanent sign with the name and address as assigned according to Alamance County Addressing Ordinance. These signs shall be no more than ten (10') feet from each entrance. The sign shall be clearly visible with lettering at least four (4") inches high. If the sign is posted perpendicular to the main road, the name and address number shall be visible from both directions.

2. Each RV space shall be consecutively numbered as assigned according to the Alamance County Addressing Ordinance. Each space will display a sign no more than 10' from the unit's driveway or required parking area and will be clearly visible from the travelway. Numbers should be at least four (4") inches high. If the sign is posted perpendicular to the travelway, the address should be visible from both directions.

**G. H. Garbage Disposal and General Maintenance**

All garbage and refuse in every RV Park shall be stored in suitable water-tight and fly-tight standard garbage receptacles and kept covered with tight fitting covers. At least one such receptacle shall be provided and conveniently located for every RV space except where a dumpster or dumpsters are conveniently located and used in the same manner as

separate receptacles. Operators are responsible for ensuring that the park is properly maintained according to all applicable ordinances.

**H. I. Water and Sewage Disposal**

All RV Parks will be subject to monitoring and enforcement of water quality standards. Each space shall be provided an individual connection to a water supply and wastewater disposal system approved by the appropriate regulatory authority. No site plan will be approved prior to review and approval by the appropriate regulatory authority.

~~**I. RV/Travel Trailer Park Exception**~~

~~One space may be used for a manufactured home for an administrator of the park with space meeting the minimum requirements required in the manufactured home park requirements.~~

**E. J. Approval and Permitting**

Approvals and permits issued under this section are valid for a period of two (2) years and shall automatically expire, unless renewed. A Permit renewal is required for each RV park; should a permit expire for a park the owner will apply for a new permit under current ordinance at that time.

1. Site Visit Required

A site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit to ensure continued compliance with this ordinance. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

2. Other Requirements

- a) Proof of continued compliance with all requirements of this Ordinance and maintenance of all required permits.

- b) If the permitted location has been the subject of two or more enforcement actions within the renewal period, then the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the Permit.

#### **6.14.2 CLUSTER DEVELOPMENT**

~~Clustering of spaces within RV Parks is not permitted.~~

#### **6.14.3 ACCESSORY USES**

Accessory uses shall be directly related to RV park operations and designed to blend in with the park's natural surroundings. Such uses shall be clearly accessory to the principal use as a campground/RV park. Accessory uses may include developments such as management offices, owner's living quarters, recreational facilities, bathroom or shower facilities, dumping stations, laundry facilities, convenience stores, restaurants, maintenance sheds, and other structures clearly incidental to the operation of the park. These uses shall be permitted as accessory only and subject to the following conditions:

- The shall not occupy more than ten (10) percent of the gross area of the park;
- The use shall be restricted to the enjoyment of the occupants of the park and/or related park association members, not the general public, and;
- Such establishments shall present no visible evidence from any public road of their commercial character.

##### **6.14.3.1. Owner/Operator Living Quarters**

~~One space may be~~ Space may be used within the park for a single-family dwelling or manufactured home for an administrator of the park, with space meeting the minimum requirements required in the manufactured home park requirements. These residential developments must meet the required minimum lot size regulations of the Subdivision Ordinance or Watershed Protection Standards, if applicable, and be properly permitted to connect to a water well and septic system in accordance with Alamance County Health Department standards. Other spacing and access requirements may be the same as those enforced on RV spaces.

#### **6.14.3 6.14.4 SITE PLAN REQUIREMENTS**

Site plans shall be submitted for RV Parks as required by the Alamance County Planning Department. RV Parks located in a designated watershed in Alamance County shall also submit a site plan for review and approval per the Alamance County Watershed Protection Standards in this Ordinance.

All RV Park Site Plans are required to show, at minimum:

- Date of Submission
- Name and address of owner(s)
- Name of RV Park (RV Park names shall not duplicate or approximate, phonetically, existing subdivision/ Manufactured Home/ RV Park names)
- Location designation including a vicinity map (township, county, state) showing the property and surrounding area
- Name and address of surveyor or engineer
- Scale in figures and bar graph
- North arrow
- Bearings and distances of property boundary
- Surrounding property lines, property owners, and subdivisions
- Topography including water courses, wooded areas, and contours at 5' intervals or less
- Location, extent, and identification of marginal land
- Acreage of property within the park
- Total proposed number of spaces
- Square feet of each space
- Existing conditions (on property to be subdivided and within 300' of property being subdivided) including, but not limited to, boundaries and identification of political subdivisions, boundaries and identification of land use districts, buildings, structures, or utilities (public or community), street right-of-way (including pavement and names), location and size of bridges, culverts, and other storm drainage facilities, location, width, and purpose of all easements.
- Proposed conditions including travelway alignments, clearways, and all associated dimensions including cul-de-sacs, t-turnarounds, clear zone measurements, parking areas, curve radii and site distance measurements as needed, proposed utilities, and any other infrastructure and storm drainage facilities, all easements, manufactured home spaces including separation lines, numbers, and approximate dimensions of spaces and setbacks, and proposed public use (open space) sites.
- All landscape buffers for the park
- Any other information deemed necessary for site plan review by the Planning Department.
- Approval of any other departments or agencies as required for compliance with the requirements of this or any other ordinance.

#### ~~6.14.4~~ 6.14.5 EXPANSION TO EXISTING DEVELOPMENT

Existing RV or Travel Trailer Parks which were approved under the prior Manufactured Home Parks ordinance shall be considered legal nonconformance subject to Section 3.2 of this ordinance.

#### 6.14.6 RECREATIONAL VEHICLES ON INDIVIDUAL LOTS

Recreational Vehicles may be used as a Temporary Residence as long as they are properly permitted under Section 6.1.6 of this Ordinance.

Recreational Vehicles which are simply stored on individual lots and not intended for use as a Temporary Residence or within a Recreational Vehicle Park shall be viewed as personal property and not subject to the regulations of this Ordinance. Such RVs may be connected to an electrical power source without obtaining a Temporary Residence Permit as long as no person will live in the RV for a period of more than thirty (30) days and with the approval of the Building Inspections Department.

Recreational Vehicles stored as personal property must be kept in good working order or may be regulated as Junked Motor Vehicles in accordance with Section 6.12 of this Ordinance.

DRAFT

## ARTICLE 7 | DEFINITIONS

### 7.1 Word Usage

For the purpose of this Ordinance:

- a) Certain terms and words are hereby defined;
- b) Words used in the present tense shall include the future;
- c) Words used in singular number shall include the plural number, and the plural shall also include the singular;
- d) The word “person” includes a firm, association, corporation, Municipal Corporation, trust, and company as well as the individual;
- e) The word “structure” shall include the word “building;”
- f) The word “lot” shall include the words, “plot,” “parcel,” and “tract;”
- g) The word “shall” is always mandatory and not merely discretionary;
- h) The word “will” is always mandatory and not merely discretionary;
- i) Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

### 7.2 Definitions

#### ACCESSORY DWELLING UNITS

Dwellings which exist on the same property as a primary residence and are connected to the same well and septic system as the primary residence. These dwelling units shall be regulated in much the same manner as an accessory building, pool house, or similar structure which is clearly secondary to the primary structure. When accessory dwellings are connected to the same well as the primary residence but are served by their own septic system, an additional 20,000 square feet of land shall be required. When accessory buildings are connected to the same septic system as the primary residence but are served by their own well, an additional 10,000 square feet of land shall be required.

#### AGRICULTURAL PRESERVATION DISTRICT

A parcel or tract of land or a group of parcels or tracts of land that have qualified for and have been accepted for inclusion into the Alamance County Voluntary Farmland Preservation Program.

#### APPEAL

An official request for the review of any decision or interpretation of any provision of this Ordinance made by the Planning Director, or their designee. In all cases, appeals of administrative decisions shall be made to the Alamance County Board of Adjustment.

#### APPLICANT

A person, firm, or corporation who is the legal owner of a property, or a representative acting on behalf of an owner, proposing to subdivide or develop a property which is subject to the regulations of this Ordinance. (See also "Developer")

#### BOARD OF ADJUSTMENT

The body established and appointed by the Alamance County Board of Commissioners to preside over and decide all quasi-judicial matters.

#### BOARD OF COMMISSIONERS

The Alamance County Board of Commissioners.

#### BUILDING SETBACK LINES

A line parallel to the street right-of-way line or front property line, side property lines, and rear property line of a lot. Buildings and structures shall not be erected within the area between said lot lines and the building setback lines. Setback regulations shall only be applicable to permanent structures and not movable or personal property.

#### CLEARWAY (Manufactured Home Park ordinance, MHP)

A cleared area of land in a manufactured home park or recreational vehicle park which contains the travelway, that is free of all obstacles that would prevent access by vehicles for emergency or other purposes. The clearway is privately owned by the ~~manufactured home park operator~~ and its function is similar to that of a public right of way.

#### CLERK

The Clerk to the Alamance County Board of Commissioners.

#### COMPREHENSIVE PLAN/LAND DEVELOPMENT PLAN

The Land Development Plan, adopted by the Alamance County Board of Commissioners on November 18, 2020, which sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the county.

#### CONSTRUCTION ACTIVITIES

~~any studies, investigations, improvements, or other activities undertaken at the site of a proposed regulated industry pertaining to the construction, placement, erection, or establishment of the same, including but not limited to surveys, soil and other environmental tests, clearing and grading, pouring footers or pads, placing building materials or equipment at the site, locating or constructing buildings, structures, or other improvements, or any other similar activities, except those similar activities constitute operations as defined in this ordinance~~

Any activity related to the locating or constructing of buildings, structures, or other permanent improvements on a site, whether or not an official permitting application process has begun. This includes the placement of building materials or equipment at the site, pouring footers or pads, installing utilities to support future structures, and similar construction-related activities. This also includes operating any aspect of an industrial property as classified by the Heavy Industrial Development Ordinance prior to obtaining an approved Intent-to-Construct Permit.

Conducting the preliminary site work necessary to obtain local, state, or federal permits shall not be considered construction activities. This includes, but is not limited to, conducting surveys, creating site maps, soil evaluations, conducting environmental tests within the confines of approved environmental plans, and similar necessary activities short of constructing permanent features.

#### DATA CENTER

An industrial style facility primarily used for the storing of computer equipment used for the purpose of processing internet data. Activities at these centers typically involve cloud computing and storage, artificial intelligence processing, cryptocurrency exchanges, and similar computer activities. Use of these centers often require large quantities of electricity and fans or other cooling technologies for purposes of computer temperature control.

#### DEVELOPER

Any person undertaking any development as defined in this Ordinance. (See also "Applicant")

#### DIRECT ACCESS

A means of approaching or entering a property by virtue of the fact that it fronts or abuts a public or private road. Direct access shall not be achieved if approaching or entering a property is required by first traveling through another property or through access easements or other arrangements that exist between a property and a public or private road.

#### DOT

~~North Carolina Department of Transportation.~~

#### FAA

The Federal Aviation Administration

FCC

The Federal Communications Commission

FTA

The Federal Telecommunications Act of 1996

FARM DISTRICT

A property used for bona fide agricultural purposes as defined by N.C. Gen. Stat. 160D-903 and categorized as either Present Use Value, Permanently Preserved, or Voluntary Agricultural District.

FEMA

The Federal Emergency Management Agency.

FENCE (Solid)

A continuous, opaque, unperforated barrier extending from the surface of the ground to a relatively uniform height from the ground at any given point, typically constructed of wood, stone, metal, or any substance of a similar nature and strength and resistant to weather and rot.

FENCE (Perforated)

A continuous barrier extending from the surface of the ground to a relatively uniform height from the ground at any given point, constructed of galvanized, zinc, or weather coated wire, steel or any substance of a similar nature and strength, but with perforations or openings which are no larger than sixteen (4" x 4") square inches.

NOTE: Particular guidelines on fence height, materials, and other features may vary depending on the specific sections found within this Ordinance. Where fence requirements conflict with these definitions, the strictest application of standards shall apply.

GOVERNING BOARD

Refers to the Alamance County Board of Commissioners in almost all cases, especially when making legislative decisions concerning land use in the unincorporated areas of the county. Also refers to municipal elected bodies when those boards have established that the Alamance County Historic Properties Commission will serve as their Historic Properties Commission for the purpose of dealing with Historic Preservation matters as outlined in N.C. Gen. Stat. 160D, Part 4.

HEALTH DEPARTMENT

The Alamance County Health Department.

## INDUSTRIAL DEVELOPMENT (WATERSHED)

Any non-residential development that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

## JORDAN NUTRIENT SUPPLY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY

The set of Rules 15A NCAC 2B.0262 through .0273 and .0311(p).

## JORDAN RESERVOIR

The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B.0262(4).

## JORDAN WATERSHED

All lands and waters draining to B. Everett Jordan Reservoir.

## MAJOR RESIDENTIAL SUBDIVISION

~~A housing subdivision that includes fourteen or more lots which have been approved for residential purposes.~~

## MAJOR VARIANCE (WATERSHED)

A variance from the minimum statewide watershed protection rules, that results in any one or more of the following: a) the relaxation, by a factor greater than ten percent, or any management requirement under the low density option; b) the relaxation, by a factor greater than five percent, of any buffer, density, or built upon area requirement under the high density option; c) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

## MANUFACTURED HOME

### Class A

A "double wide" manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

### Class B

A "single wide" manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974.

### Class C

A manufactured home constructed in accordance with the standards promulgated by the US Department of Housing and Urban Development through the National Manufactured Housing Construction and Safety Standards Act of 1974 that does not meet the definition of either a Class A or a Class B above.

Class D

A manufactured home constructed outside of the standards or prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974.

MINOR VARIANCE (WATERSHED)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten percent of any buffer, density, or built-upon area requirement under the low-density option.

N.C.D.O.T.

The North Carolina Department of Transportation.

OPEN SPACE

An area of land and/or water resources set aside, dedicated, or reserved for the common use and enjoyment of occupants of a subdivision neighborhood or other planned development. Such land may be developed for active and/or passive recreation pursuits with various man-made improvements to accommodate such activities in accordance with the regulations of this Ordinance.

PERENNIAL WATERBODY

A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

QUASI-JUDICIAL DECISION

A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

RIGHT OF WAY

A type of easement that gives people the legal right to cross the property of another, typically for the public use of vehicular travel. The size of a right of way may vary based on the regulations within this Ordinance or N.C.D.O.T. standards. Rights of way are designed and set aside in order to feature elements like public roads, private roads, travelways, drainage ditches, driveway entrances, culvers, mailboxes, utilities, road signs, and similar features.

#### SECONDARY RESIDENCES

Dwellings which exist on the same property as a primary residence but are serviced by independent well and septic systems. All secondary residences must comply with lot area, lot access, setbacks and other subdivision requirements. Secondary residences should be permitted in the exact same fashion as primary residences and this may include upgrading private roads to a higher standard if necessary. Secondary residences will not be allowed on lots if the establishment of secondary residences would render the lot nonconforming with regards to lot size, access, setbacks, or other regulations.

#### SHORT-TERM RENTALS

Living quarters which may be established in primary residences, secondary residences, or accessory dwelling units as long as they comply with all other regulations within this Ordinance. Prior to their establishment, owners of short-term rentals shall register with the Alamance County Tax Department then provide a copy of said documentation to the Planning Department. Temporary residences may not be used as short-term rentals.

#### SITE PLAN

A drawing or rendering used by a developer, or their authorized agent, which shows existing and/or proposed conditions for a given area, typically a parcel of land which is to be modified. These plans may show buildings, roads, sidewalks, trails, open space, parking, drainage or stormwater facilities, sanitary sewer lines, water lines, lighting, landscaping, or any similar site-specific elements.

#### SOLAR ENERGY SYSTEMS

Developments which feature ground-mounted PV, concentrating PV (CPV), or concentrating solar power (CSP or solar thermal) panels capable of generating two megawatts AC (MW AC) or more directly connected to the local or regional electrical grid with the ability to deliver power to the electrical grid. The term includes solar arrays, accessory buildings, battery storage facilities, transmission facilities, and any other infrastructure necessary for the operation of the development. For purposes of this section, a smaller-scale solar panel installation designed to generate power for a single family residence or stand alone business shall not be regulated as a Solar Energy System.

#### SUBDIVISION

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets. For the purposes of this ordinance, the following classifications of subdivisions are established:

- 1) MAJOR SUBDIVISIONS. Subdivisions including fifteen (15) or more applicable lots.
- 2) MINOR SUBDIVISIONS. Subdivision including fourteen (14) or fewer applicable lots.
  - a. Class 1 Minor Subdivision. Those consisting of four (4) or fewer lots.
  - b. Class 2 Minor Subdivision. Those consisting of five (5) to fourteen (14) lots.

#### VARIANCE

A modification or alteration of any requirement of this Ordinance, only granted at the conclusion of a quasi-judicial hearing by a four-fifths vote of the Board of Adjustment.

DRAFT

The file size of the **Phillippie LCID Intent-to-Construct** permit application is too large to include in this packet. Instead, please visit the Planning Board's Calendars and Agendas page in the Planning Department section of the county website or use this address:  
(<https://planning.alamancecountync.gov/boards/planning-board/calendar-and-minutes/>).

You may also use the web address below or scan the QR code to see all documents related to the application.

**<https://tinyurl.com/4s7x9y6p>**



# *Alamance County Planning Board By-Laws and Meeting Procedures*

## Article I Meetings

### Section 1.1 Annual Meetings

The annual meeting of the Alamance County Planning Board shall generally be the in the month of January of each year. At the annual meeting of each year, the Board shall elect members to the office of Chair and Vice-Chair. The Board shall also adopt a meeting schedule for the entire year; including the meeting date of the annual meeting for the next calendar year.

### Section 1.2 Regular Meetings

Regular meetings of the Alamance County Planning Board shall take place on the second Thursday of each month. Meetings will be held at **7:00 PM** at the Alamance County Commissioners Room, 124. W. Elm St., Graham, NC 27253.

**Option 1: 6:00 PM**

**Option 2: 5:30 PM for the months of January, February, March, November, and December but 6:30 for all other meetings.**

### Section 1.3 Special Meetings, Change of Meeting Date, Time, or Location.

In the event that a special meeting of the Alamance County Planning Board is necessary, Planning Board members shall be notified, either verbally or in writing, no less than forty-eight (48) hours prior to the time of the meeting. Notification of any change in meeting date, time, or location shall be done in accordance with applicable North Carolina General Statutes which regulate such notification. While not required by Statute, reasonable efforts should be made to post such changes on the County website.

### Section 1.6 Order of Proceedings

All Planning Board meetings shall follow, in general, the following order of proceedings:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Public Comments
5. Board Responses
6. Old Business
7. New Business
8. Announcements
9. Adjournment

The Chair of the Planning Board may, at their discretion, make changes to the order the agenda to accommodate the public.

## 6.5 Heavy Industrial Development

### 6.5.1 APPLICABILITY

The following regulations of industrial development are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County, and to promote the peace and dignity of the County. The Alamance County Commissioners hereby establish certain criteria relating to industrial development and associated land uses. These uses by their very nature produce objectionable levels of aesthetic impact, traffic, noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established and commercial areas in Alamance County.

### 6.5.2 REGULATED LAND USES AND EXCEPTIONS

#### a. Regulated Land Uses

<b>CLASS I</b>
Fuel Bulk Storage, Ready-Mix Concrete Suppliers, Inert Debris Landfills, Renewable Energy Generating Facilities
<b>CLASS II</b>
Resource Extraction, Automobile Salvage and Storage Facilities, Chemical Manufacturing
<b>CLASS III</b>
Mining/Quarrying, Race Tracks, Asphalt Plants, Electricity Generating Facility, Landfills-except inert debris, Paper Mills, Cement Manufacturing, Waste Facilities, Saw Mills, Metal Recycling and Salvage Facilities

#### b. Exceptions to Applicability

The following are exceptions, by right, from regulations under this section:

- 1) Agricultural Farming Operations
- 2) Residential Land Uses

Exception from this Section does not grant immunity from other applicable sections of this Ordinance or other Alamance County Ordinances.

### 6.5.3 REGULATIONS AND STANDARDS

Prior to the issuance of any permit under this section, the regulated land use must demonstrate compliance with the applicable regulations and standards imposed.

Classification	Minimum Lot Size	Building Height	Land Use Spacing	Operations Setback	Stream Setback
Class I	10 acres	40 feet	--	150 feet	100 feet
Class II	10 acres	40 feet	150 feet	150 feet	100 feet
Class III	40 acres	40 feet	1750 feet	500 feet	100 feet

#### A. Minimum Lot Size

No Class I or Class II land use regulated by this section shall be situated on a tract of land less than ten (10) acres in size. Class III land uses shall be located on a tract no less than forty (40) acres in size.

#### B. Building Height Limits

In order to allow for adequate fire protection, no building which is intended or used for human occupancy shall exceed a vertical height of forty (40) feet, measured from the top of the foundation (entrance grade) to the highest point of the roof assembly. No more than one (1) occupancy story may be below this entrance grade.

Excluded from this limitation are the following:

1. Water, radio, telephone (including cellular), or television towers or any equipment for the transmission of electricity or communications, or both; and
2. building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or windmills, provided no part of the structure which is higher than (forty) 40 feet is intended or used for human occupancy. Structures which are slender in nature and minor vertical projections of a parent

#### C. Land Use Spacing & Protected Facilities

All industries regulated by this section shall be required at the time of the issuance of an Intent-to-Construct permit to meet a minimum spacing requirement from any “protected facility” as defined by this section. Land use spacing shall be measured in a straight line without regard for intervening structures or objects from the closest edge of the property line of the tract(s) on which the area of operations is located to the nearest improvement currently in use as a protected facility. The purpose of this requirement is to minimize the potential negative impacts of conflicting uses of land.

For the purpose of this section, the following shall be considered “protected facilities”:

1. An educational facility
2. A North Carolina licensed child care facility
3. A North Carolina licensed assisted living facility
4. A North Carolina licensed nursing home
5. A public or privately-owned hospital
6. A rural medical center
7. A church
8. A dwelling unit
9. Historic landmarks recognized by Alamance County Historic Properties Commission

**D. ~~Land Spacing Waiver~~ Variance Procedure**

~~The Board of Commissioners may authorize individual land spacing waivers of the application of this Ordinance where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Ordinance. Upon finding practical difficulties or unnecessary hardships existing with a strict application, individual requirements may be modified, provided they are consistent with the spirit, purpose, and the intent of the ordinance, substantial justice, and the public health and welfare secured. All requests for a review shall be written and submitted to the Alamance County Planning Department. Prior to consideration of a review by the Board of Commissioners, the request shall be referred to the Alamance County Planning Board for the Planning Board's recommendation. See Section 3.4. Notice: Decisions by the Board of Commissioners shall be reached only after a public hearing, quasi-judicial in nature, and after notice has been given by certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the county not less than ten days nor more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Board is sought, as well as a brief description of the nature of the application. Notice will follow NC-GS 160D-406 Section B~~

Applicants may pursue a variance in accordance with Section 2.3 of this Ordinance. Any authorized variance is required to be entered in writing in the meeting minutes of the Board of Adjustment and noted on any preliminary and as-built site plans associated with the project.

**E. Operations Setback**

All industries regulated by this section shall be required to designate and maintain a minimum “operations setback”. Operations setbacks shall be measured from the edge of the designated area of operations to the property line of the tract on which the area of operations is located. No area of operations or internal roadways may be located within the operations setback area. Vegetative screening and fencing are allowed by right. Other design elements may be located within the operations setback when required as a condition of other local, state, or federal permits or regulations.

#### **F. Traffic Impact Analysis**

~~Access to all regulated industries shall be directly from a state-maintained road. No access from a private road shall be allowed.~~

All regulated land uses identified in Section 6.5.2 must have Direct Access from a state-maintained road. Such regulated uses may not be established if they are accessed by private roads or by Local Roads, Minor Collector Roads, or Major Collector Roads as identified in the current edition of the N.C. Department of Transportation Functional Classification of Highways.

Furthermore, plans must indicate that all business traffic and other commercial activities related to the regulated industry will originate only from the State-maintained road providing Direct Access and not any side road or other method of ingress and egress which might otherwise provide access to the property.

All industries regulated by this section shall be required to demonstrate if their proposed heavy industrial use would create an amount of traffic (in terms of vehicle trips per day) that would push the roads by which the industry is gaining access over its practical carrying capacity as defined by the N. C. Department of Transportation (NCDOT). The most updated version of the Institute of Transportation Engineers “Trip Generation Manual” shall be used to determine the average number of daily trips generated by the proposed industry. The regulated industry shall add these projected daily vehicle trips to the most recent traffic counts performed by NCDOT for the surrounding road network.

If the regulated industry will exceed the carrying capacity of the roads which provide access to the property over the practical carrying capacity, then the applicant shall provide a traffic impact analysis (TIA) performed by a N.C. licensed engineer or transportation planner. The TIA shall provide specific recommendations for the mitigation of impacts from the proposed traffic, acceleration and deceleration lanes, road design standards, shoulder width, stop lights and outlying intersection improvements.

## **G. Operations Area**

Operation of the regulated land use outside of the designated area of operations is prohibited.

The following areas shall not be allowed in the designated area of operation of the regulated industry:

1. Any area located within a special Flood Hazard Area as defined by the current Alamance County Flood Damage Prevention Ordinance.
2. Any area classified as wetlands or woody swamp by the U.S. Army Corp of Engineers.
3. Any area designated by the North Carolina Wildlife Resources Commission as habitat for an identified Species of Greatest Conservation Need (SGCN).

Co-location of other land uses regulated by this section within the area designated for operation of the regulated industry is not allowed. Each land use required by this section to designate an area for operation must maintain a separate and distinct operations area.

## **H. Stream Setbacks**

All industries regulated by this section shall be required to maintain a minimum stream setback from any perennial or intermittent stream. Stream setbacks shall be measured from the area of operations to the bank of the stream as defined in this section.

## **I. Landscaping & Screening**

All industries regulated by this section shall be required to provide a landscaping/screening plan. The purpose of this requirement is to minimize/mitigate the visual impacts of the land use on adjacent properties as well as to maximize the buffering of noise and particulate matter. Screening shall be a minimum of fifty (50) feet in width for Class I and Class II uses and one hundred (100) feet for Class III uses. For Class I and II uses, the screening shall consist of a minimum of two staggered rows of plantings. For Class III uses, the screening shall consist of a minimum of three staggered rows of plantings. Plantings shall be a minimum of eight (8) feet on center with a maximum of ten (10) feet on center and be at least 36"-48" tall in seven (7) gallon size at time of installation. Mixed borders are encouraged. As part of the review process, the Planning Director may, at their discretion, consider existing screening and vegetation on the property. Suggestions for screening plans may be found in Appendix 6.5 Heavy Industrial Development of this ordinance.

In the event that an applicant is unable to plant required screening and/or landscaping; the applicant may post a bond or certified check in the amount of 1.5 times the engineer's estimate for the proposed plan. Should the applicant fail to install the necessary landscaping/screening, the County will be entitled to complete the landscaping plan using the proceeds of the bond or certified check.

## **J. Gating & Fencing**

At a minimum, the area of operations of a regulated use shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate.

**K. Lighting**

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Applicants are encouraged to use light shielding and fixtures that are approved by the International Dark Sky Association (IDA) as these fixtures conserve energy, reduce monthly costs, and minimize the impact of light pollution on surrounding properties.

**L. Compliance with Other Governmental Requirements**

Applicants under this section are required to comply with all other applicable County, State, and Federal regulations. Said regulations include but are not limited to watershed protection, stormwater, erosion control, air quality, water quality, flood protection, building code, and NCDOT requirements. The Planning Director may require the applicant to submit additional information based on the permitting requirements. Failure to submit any additional information required by the Planning Director shall result in the denial or revocation of an Operations Permit.

**6.5.4 PERMITTING PROCEDURES**

**A. Pre-Application Meetings Required**

The applicant or an authorized corporate officer is required to meet in person with a Planning Staff member to discuss the nature of their application at least 14 days prior to making a formal application and submitting a site plan.

At this pre-application meeting, the applicant shall identify in writing any additional permits which the applicant needs in order to operate the regulated industry and provide a reasonable timeline for obtaining those permits.

Additionally, the applicant shall identify any protected facilities in the spacing area for which a spacing waiver is required.

**B. Intent-to-Construct Permits**

An Intent-to-Construct Industrial Development Permit shall be required before the owner or operator of a regulated industry commences any ~~construction activities~~ Construction Activities, as defined by this Ordinance. A separate Intent-to-Construct Industrial Development Permit is required for each regulated use.

*1. Public Hearing and Notice*

- i. Upon the certification of a complete application for an Intent-to-Construct Permit, a public hearing on the proposed permit shall be scheduled for the next regular meeting of the Planning Board.
- ii. ~~Notice of a public hearing must be provided per N.C. Gen. Stat. 160D-406 (b) which is incorporated herein.~~
- iii. ~~ii.~~ ii. In addition, the The applicant must provide the following:
  - i. The applicant shall cause notice of the public hearing to be published in a newspaper of general circulation in Alamance County not less than 10 days nor more than 25 days before the date fixed for the public hearing. The notice to be published is set forth in Appendix H to this Ordinance. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
  - ii. The applicant shall cause notice to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the Alamance County Clerk. This list may be obtained from the Alamance County Clerk to the Board of Commissioners.
  - iii. The applicant shall prominently post a notice of the public hearing on the site proposed for the issuance of the Intent-to-Construct permit in the adjacent public street or highway right-of-way. When multiple parcels are included within the application, a posting on each individual parcel is not required, but the applicant shall post sufficient notices to provide reasonable notice to interested persons. Placement must be approved by the Planning Director.
  - iv. The applicant shall cause to be mailed a notice of the public hearing by certified mail at the last addresses listed on the county tax abstracts for the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, and provide proof of said mailing to the Planning Director.
  - v. The applicant shall cause to be mailed a notice of the public hearing by first class mail at the last addresses listed on the county tax abstracts for:
    1. the owners of all parcels of land abutting that parcel of land as shown on the county tax listing,
    2. the owners of all parcels of land as shown on the county tax listing, any portion of which is located within the spacing limit as described in section 6.5.3 above.
    3. the residents of any residential structures located on the parcels listed above
    4. the holder(s) of any utility or other easement on the parcel(s) included in the application.

vi. The notice of the public hearing shall be mailed by the applicant to those property owners and residents identified above ~~at least 21 days prior to the~~ not less than 10 days nor more than 25 days before the date fixed for the public hearing. The notice to be mailed is set forth in Appendix ~~G~~ H to this Ordinance.

vii. The applicant shall produce a list showing all names and addresses to whom a notice of public hearing was mailed, and shall certify that proper notice was given to all required persons or organizations. Improper notice or certification shall be grounds to deny an Intent-to-Construct permit.

iv. viii.

The Planning Board shall hold a public hearing on the application for the Intent-to-Construct Permit. At this public hearing, the regulated industry and community members may comment on the application.

ix.

v. Upon the issuance of an Intent-to-Construct permit, the Alamance County Land Records System or Geographic Information System shall be changed to include a notice reasonably calculated to alert a person researching a particular parcel that the parcel is located within the spacing requirements of a regulated use.

2. Groundwater/ Well Study

Applicants must certify whether any study or analysis of the impacts of the regulated land use on subsurface aquifers, ground water or wells is required to be undertaken by the applicant pursuant to state or federal regulations, or for purposes of applying for any state or federal permit. If such a study is required, then the applicant must submit a copy of the required study or analysis as part of the application for an Intent to Construct Permit.

3. Approval of Intent-To-Construct Permit Applications

- i. Completed applications shall be presented to the Planning Board for a public hearing and determination of compliance with the requirements of this Ordinance. ~~If~~ Once the Planning Board determines that the application is compliant with the requirements of this Ordinance makes its determination, the Planning Board shall forward its ~~approval~~-recommendation to the Board of Commissioners for final approval. If the Planning Board determines that the application is not compliant with the requirements of this Ordinance, the Planning Board shall issue a written determination of its reasons ~~and deny the application.~~ If no written report is received from the Planning Board within 45 days of the date of initial consideration of the application by the Planning Board, the Board of Commissioners may act on the application without the Planning Board's recommendation. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.
  - ii. In cases where the Planning Board recommends approval of an application, the Board of Commissioners shall review the recommendation of the Planning Board and review the application for compliance with the requirements of this Ordinance. If the Board of Commissioners determines that the application is compliant with the requirements of this ordinance, it shall issue the Intent-to-Construct permit. If the Board of Commissioners determines that the application is not compliant with the requirements of this ordinance, it shall deny the application. The decision of the Board of Commissioners may be appealed pursuant to the appeals procedures defined herein.
4. Duration of Intent-to-Construct Permits
- i. Intent-to-Construct Permits require the permit holder to begin construction activities within one (1) year of the date of issuance. Delays due to those permitting requirements previously identified in the pre-application meeting shall not be grounds for permit expiration. If substantial construction activities have not been undertaken within this year, then the permit will expire and shall require re-application and review as a new project.
  - ii. If an Operations Permit pursuant to this Ordinance has not been issued within one (1) year of the issuance of the last permitting requirement identified in the pre-application meeting, then the Intent-to-Construct Permit will expire and shall require re-application and review as a new project.
  - iii. If, prior to the issuance of an Operations Industrial Development Permit, any changes or amendments are made to an approved site plan which impact the requirements of this section, the changes or amendments must be submitted to the Planning Department for approval. In the event an application is resubmitted with substantial impacts, the Planning Director may require an additional public hearing and re-approval of the application.

## C. Operations Permits

A valid Operations Industrial Development Permit shall be required before the owner or operator of a regulated land use commences, continues, or maintains operations of said land use. An Operations Industrial Development Permit is required for each regulated use.

### 1. Post-Development/As-Built Site Plans

- a. Prior to receiving an Operations Permit, all applicants shall be required to submit a final "as-built" site survey to the Alamance County Planning Department. The Post-Development site survey shall be drawn by a Registered Surveyor or Engineer pursuant to the guidelines provided in Appendix E Heavy Industrial Development of this ordinance. This submission shall consist of two (2) paper copies.
- b. Operations Permits may be approved prior to the completion of any required traffic improvements upon the guarantee of said improvements by the owner/operator within an eighteen (18) month period. The County of Alamance may accept a surety bond issued by any company authorized to do business in this State, a letter of credit issued by any financial institution licensed to do business in this State, or another form of guarantee that provides equivalent security to a surety bond or letter of credit. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one-half times (150%) the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the owner/operator. Owner/operators are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.

### 2. Final Site Inspection

Prior to issuing an Operations Permit, a final site inspection shall be performed by the Alamance County Planning Department to ensure that development was established in harmony with the approved site plan.

### 3. Other Requirements

- A. Proof of an approved spill containment plan as issued by the Alamance County Fire Marshal.
- B. Proof that all required permits from other governmental or regulatory agencies have been issued.
- C. The Operations permit must be displayed in a conspicuous place where it may be readily observed by the public upon entering the main business structure of the regulated use, if the business is open to public.

#### **D. Operations Permit Renewal Required**

Operations permits issued under this section are valid for a period of two (2) years and shall automatically expire, unless renewed. An Operations Industrial Development Permit renewal is required for each regulated use.

1. Site Visit Required

A site visit must be conducted by the Alamance County Planning Department prior to issuing a renewed permit to ensure continued compliance with this ordinance. It is the responsibility of the permit holder to schedule a site visit with the Alamance County Planning Department.

2. Other Requirements

- a. Proof of Tier II reporting, if applicable.
- b. Proof of continued compliance with all requirements of this Ordinance and maintenance of all required permits.
- c. If the permitted location has been the subject of two or more enforcement actions within the renewal period, then the Planning Director, at their discretion, may require a public hearing before the Alamance County Planning Board prior to the renewal of the Operations Permit.

## ARTICLE 7 | DEFINITIONS

### 7.2 Definitions

#### CONSTRUCTION ACTIVITIES

~~any studies, investigations, improvements, or other activities undertaken at the site of a proposed regulated industry pertaining to the construction, placement, erection, or establishment of the same, including but not limited to surveys, soil and other environmental tests, clearing and grading, pouring footers or pads, placing building materials or equipment at the site, locating or constructing buildings, structures, or other improvements, or any other similar activities, except those similar activities constitute operations as defined in this ordinance~~

Any activity related to the locating or constructing of buildings, structures, or other permanent improvements on a site, whether or not an official permitting application process has begun. This includes the placement of building materials or equipment at the site, pouring footers or pads, installing utilities to support future structures, and similar construction-related activities. This also includes operating any aspect of an industrial property as classified by the Heavy Industrial Development Ordinance prior to obtaining an approved Intent-to-Construct Permit.

Conducting the preliminary site work necessary to obtain local, state, or federal permits shall not be considered construction activities. This includes, but is not limited to, conducting surveys, creating site maps, soil evaluations, conducting environmental tests within the confines of approved environmental plans, and similar necessary activities short of constructing permanent features.

#### DIRECT ACCESS

A means of approaching or entering a property by virtue of the fact that it fronts or abuts a public or private road. Direct access shall not be achieved if approaching or entering a property is required by first traveling through another property or through access easements or other arrangements that exist between a property and a public or private road.