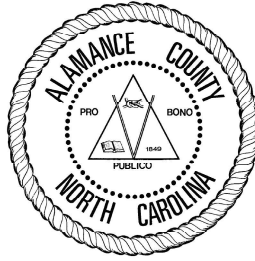


**Board Chair:**  
Rodney Cheek

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
April 9, 2026 at 6:30 PM

# ALAMANCE COUNTY PLANNING BOARD AGENDA

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

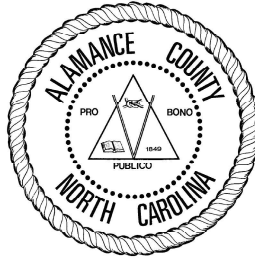
- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
  1. March 12, 2026 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. OLD BUSINESS**
  1. Continued Consideration of UDO Article 6.5 Road Access and related amendments
- VII. NEW BUSINESS**
  1. Consideration of UDO Article 8 Appendix 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.*

**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

## Meeting Minutes

### March 12, 2026

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

#### I. CALL TO ORDER

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

#### II. ROLL CALL

**Members Present:**

Rodney Cheek, Stephen  
Dodson, Ernest Bare,  
Henry Chandler, Amie  
Perkins, Lee Kimrey,  
Richard Tom King

**Members Absent:** Mac  
Jordan

**Staff Present:** Matthew  
Hoagland – *Planning  
Director*, Keyshawn Haith  
– *Planner I*, Rik Stevens –

*County Attorney*, Brian  
Baker – *Assistant County  
Manager*, Michelle Horn –  
*Assistant County Attorney*,  
Kwame Opata – *Assistant  
County Attorney*

#### III. APPROVAL OF PLANNING BOARD MINUTES

1. February 12, 2026 Regular Meeting

Chair Rodney Cheek called for a motion to approve the minutes. Seconded by Ernest Bare. Motion approved unanimously.

#### IV. PUBLIC COMMENTS\*

There were no public comments.

#### V. BOARD/COMMISSIONER RESPONSES

#### VI. OLD BUSINESS

1. Second Consideration of Draft UDO Article 6.14 Amendments

Planning Director Matthew Hoagland introduced the old business items and stated that he only had a few brief updates regarding the draft amendments to Article 6.14 and Article 7 definitions that had been reviewed at the previous meeting. He explained that the only additional change to Article 6.14 involved Section 6.14.2(F), where duplicate language regarding land use spacing had been removed. He said the language was taken out because the buffer requirements had already been clarified and the spacing language could be duplicative and potentially confusing.

2. Second Consideration of Draft UDO Article 7 Amendments

Mr. Hoagland also reported that the draft definition for construction activities in Article 7 had been revised to remove the words “clearing, grubbing, and grading” from the second paragraph. He further stated that a new definition for direct access had been added, defining it as approaching or entering a property because it fronts or abuts a public or private road. He explained that direct access would not be considered achieved if entry to the property required first traveling through another property, access easements, or other arrangements between the property and a public or private road. Mr. Hoagland noted that the issue of direct access generated considerable discussion in January and had also been touched on at the last meeting. He emphasized that the language remained in draft form for future consideration. He added that the additional terms discussed at the prior meeting—accessory dwelling, secondary residences, and short-term rentals—had also been incorporated back into the draft definitions.

Board member Lee Kimrey referred to the setback section, specifically Section E, which had been discussed at the previous meeting. He noted that the draft stated that if any portion of the development was located within 50 feet of a public road, a landscaping buffer of at least 30 feet must be maintained along the perimeter of the park. Lee Kimrey asked for clarification on the landscaping buffer requirement in Section E. Specifically, he asked whether, when that condition existed, the required buffer would have to surround the entire park or only apply to the portion of the development bordering the road.

Planning Director Matthew Hoagland clarified that, as written, the requirement would apply only to the portion of the park that bordered the public road. Board member Lee Kimrey stated that, in his opinion, the current wording could be read to imply that the buffer would apply to the entire property. Planning Director Matthew Hoagland agreed that the language should be clarified to specify that the 30-foot buffer requirement applies only along the portion of the development adjacent to the public road.

Planning Director Matthew Hoagland further noted that, during the old business review of the draft definitions, he had also removed references to fence heights from the language.

Board member Lee Kimrey stated that he believed a definition was needed for applicant. He referenced draft language describing an applicant as a person, firm, or corporation that is the legal owner of the property or a representative acting on behalf of an owner. Mr. Kimrey commented that, in his experience, ownership of a property is often not obtained until after a rezoning or other approval occurs. He added that property owners are sometimes reluctant to be directly involved in the process because they may know neighbors or other members of the community. Board member Lee Kimrey suggested revising the definition of applicant to allow a person to act on behalf of a property owner, or with the consent of the owner, rather than limiting the definition strictly to the legal owner. Planning Director Matthew Hoagland responded that the intent of the definition was to include someone acting on behalf of the owner or with the owner’s consent. He stated that, while he did not have the specific statutory reference at that moment, it is common for a developer to move forward with a project with the consent of the property owner. He added that the draft language could certainly be clarified to better reflect that intent.

Board member Lee Kimrey returned to the proposed definition of direct access and asked about the phrase “other arrangements” included in that definition. Planning Director Matthew Hoagland explained that the reference to easements had already been discussed and said the phrase “other arrangements” was intended to capture unforeseen access situations not otherwise specifically listed. He stated that part of the intent, particularly for industrial development, was to ensure that access would come from the approved state-maintained road. He explained that the language was meant to prevent a situation where an application showed access from an approved state-maintained road, but once the business was in operation, actual access occurred through a secondary entrance, gravel road, easement, or some other route. Mr. Hoagland added that this issue would likely come up again later in the meeting during discussion of the proposed Article 6.5 amendments.

Board member Lee Kimrey asked an additional question regarding the references to different classes of manufactured homes. He stated that he had missed the earlier discussion when the item was previously on the agenda and had noticed that the draft language distinguished between different manufactured home

classes. Mr. Kimrey said he had tried to determine the relevance of those classifications within the development ordinance but had been unable to locate where they were applied. Planning Director Matthew Hoagland explained that the classifications for manufactured homes likely stem from federal standards, possibly through the U.S. Department of Housing, rather than from the local ordinance itself. He stated that a major distinction in manufactured housing resulted from federal legislation adopted in the mid-1970s that established minimum standards for items such as framing, roof slope, windows, and insulation. He noted that, under current practice, a pre-1976 mobile home could not be permitted for placement on a lot because Building Inspections would not issue a permit for it. Mr. Hoagland added that the language had been incorporated several months earlier, possibly close to a year ago, during prior discussions about mobile homes. He said he did not recall every detail of the earlier discussion, but believed part of the reasoning was related to building permit requirements. He further stated that the intent was to align the ordinance with how other local governments and related codes classify manufactured homes, including distinctions between single-wide units, double-wide units, and older units built before the adoption of federal standards.

Board member Lee Kimrey stated that he understood the distinction for units built before 1974 but questioned the relevance of separately classifying single-wide and double-wide manufactured homes within the development ordinance. He said that if the distinction was not going to affect whether a Class A or Class B unit could be used, he was trying to understand the purpose of breaking them out separately. Mr. Kimrey noted that a single-wide could be up to approximately 18 feet in width, while a double-wide generally began at around 20 to 22 feet and could be much wider. He asked whether maintaining those classifications in the ordinance could create interpretation issues in the future if a particular area were ever limited to one class or another. Planning Director Matthew Hoagland responded that creating new county-specific categories was not the intent. He explained that, if he recalled correctly, the Class A, B, and C distinctions were intended only to match existing federal classifications. He stated that Class A corresponded to a single-wide unit and Class B corresponded to a double-wide unit. Mr. Hoagland emphasized that the purpose was not to establish new categories carrying separate county regulations, but rather to align the ordinance language with existing classifications. Mr. Hoagland added that the matter could certainly be revisited and acknowledged that Mr. Kimrey was raising valid questions. He further explained that part of the reason for adding the classifications was that the older ordinance language in the UDO, including provisions related to the storage of abandoned or unused manufactured homes, referenced classes of manufactured homes without matching definitions. He said the draft revisions were intended to align the definitions section with the terminology already used elsewhere in the ordinance.

## **VII. NEW BUSINESS**

### **1. Phillippie LCID Landfill Intent-to-Construct Permit Public Hearing**

Board member Ernest Bare made a motion to open the public hearing for the Phillippie LCID Landfill Intent-to-Construct Permit application. Seconded By: Stephen Dodson. Approved unanimously.

Chair Rodney Cheek explained the procedure for the public hearing, stating that Planning Director Matthew Hoagland would first provide an overview so that everyone would understand the matter before the Board and how it had reached that stage. He then stated that public comments would be taken following staff's presentation.

Planning Director Matthew Hoagland gave a detailed overview of the Phillippie LCID Landfill Intent-to-Construct application and stated that he would review the application packet point by point against UDO Article 6.5. He explained that he would be referring to the UDO Compliance Schedule Version 1.1, the civil site plan, and related documents.

- Mr. Hoagland first noted that, after Mr. Phillippie withdrew his previous application, he filed a recombination plat with the Planning Department and the Register of Deeds to combine a portion of the property closest to Clapp Mill Road into the larger subject

property, thereby directly connecting the tract to Clapp Mill Road. He stated that the plat was recorded at Book 86, Page 195 with the Alamance County Register of Deeds.

- Mr. Hoagland then reviewed the application under Article 6.5. He stated that the applicant had acknowledged that an LCID landfill qualified under the ordinance and was therefore subject to its requirements. He said the applicant had identified the landfill as a Class 1 use and had also acknowledged that it was neither an agricultural farming operation nor a residential land use. He explained that the minimum lot size for a Class 1 use was 10 acres and that the property, after recombination, consisted of 99.03 acres. He further noted that no structures were proposed and that land use spacing requirements did not apply because those standards were only applicable to Class 2 and Class 3 uses.
- Mr. Hoagland next addressed the operational setback requirements, stating that a 150-foot operation setback buffer was required for Class 1 uses and was shown on the site plans. He then turned to the traffic impact analysis and noted that the ordinance required access for regulated industry to be directly from a state-maintained road and required the applicant to demonstrate whether the proposed use would push the road beyond its practical carrying capacity, as defined by NCDOT. He stated that the traffic impact analysis submitted by the applicant's engineer concluded that Clapp Mill Road would remain above study capacity for Level of Service D with the proposed landfill traffic and would not be pushed beyond practical carrying capacity. Mr. Hoagland also explained that, after the application was submitted in mid-February, staff received an inquiry from a citizen regarding a possible speed limit change on Clapp Mill Road. He said he contacted NCDOT District Engineer Chuck Edwards on February 18 or 19 and received a response stating that, regardless of the County's determination on the proposed LCID, NCDOT would initiate several actions, including reducing the speed limit from 55 to 45 miles per hour within six to eight weeks, installing truck entering highway signs at the existing commercial access and other warning and advisory signs along the Clapp Mill Road corridor as warranted, and widening travel lanes on the inside of curves and resurfacing the full length of Clapp Mill Road from Highway 62 to Kimesville Road during calendar year 2026. Mr. Hoagland stated that staff then asked the applicant to run a revised analysis based on the projected 45-mile-per-hour speed limit. He said the applicant ran analyses at speeds ranging from 55 miles per hour down to 15 miles per hour and that, at 45 miles per hour, the carrying capacity would be 12,100 vehicles per day. He stated that with an estimated additional 73 trucks per day and approximately 600 existing vehicles per day, the total projected road usage would be 673 vehicles per day, representing 4.96 percent of carrying capacity, with the truck traffic accounting for an additional .64 percent, for a maximum total usage of 5.6 percent.
- Mr. Hoagland then reviewed the operations area requirements, stating that the ordinance prohibited operations within a special flood hazard area, wetlands or woody swamps, and habitat areas identified by the North Carolina Wildlife Resources Commission for species of greatest conservation need. He stated that the applicant had provided site maps showing that the flood hazard area was outside the operations area, a letter from Wetland Solutions, LLC dated December 5, 2025 stating that no jurisdictional wetlands were observed within the area of operations, and a letter from the North Carolina Department of Natural and Cultural Resources dated July 10, 2024 stating that a query of the NC Natural Heritage Program database showed no records for rare species, important natural communities, natural areas, or conservation or managed areas within the proposed project boundary. He also noted that the ordinance required a 100-foot stream setback and stated that this setback was shown on the site plans. Turning to landscaping and screening, Mr. Hoagland stated that regulated industries were required to provide a landscaping and screening plan and that, for Class 1 use, screening had to consist of a minimum 50-foot buffer. He further stated that the ordinance required two staggered rows of plantings spaced a minimum of eight feet on center and a maximum of ten feet on center, with plants at least 36 to 48 inches

tall in seven-gallon containers at the time of installation. He explained that the site plan showed an existing 50-foot landscape buffer around the perimeter of the property and that the applicant represented that the existing buffer met or exceeded the requirement and intent of the ordinance. He noted, however, that Sediment Basin 1 encroached into that buffer and that the applicant had included an operational buffer restoration planting plan for that encroachment. He stated that the proposed restoration would include two staggered rows of loblolly pine, American holly, and sweet gum, with 35 trees per row for a total of 70 trees, with rows spaced 10 to 12 feet apart and plantings at least 36 to 48 inches tall in seven-gallon containers.

- Mr. Hoagland then addressed gating, fencing, and lighting. He stated that the site plan proposed a six-foot fence with posts spaced 25 feet apart and that the ordinance required the area of operations to be completely enclosed by a minimum six-foot-high fence with a self-locking gate. He noted that the site plan included a self-locking gate entrance detail and identified the commercial gate latch as a self-locking or self-latching model. He further stated that the lighting plan showed path lighting mounted on 16-foot poles spaced 300 feet apart and identified the fixtures as approved by Dark Sky International.
- Mr. Hoagland next reviewed compliance with other governmental regulations and said the application materials referenced permits and reviews including an NCDOT driveway permit, erosion and sediment control plan, intent-to-construct permit, LCID landfill permit, wetlands determination, cultural resource and threatened or endangered species review, and groundwater study. He stated that the required pre-application meeting with staff took place on January 23, 2026 and that the applicant submitted the related compliance list afterward.
- Mr. Hoagland also reviewed staff site visits and said that, after the November public hearing, staff conducted a site visit on December 16, 2025 and sent a memorandum to the Board on December 31, 2025. He added that the applicant requested at least one additional site visit prior to the March 12, 2026 public hearing so that staff could confirm that no construction activities were taking place. He stated that staff then took comparison photographs on February 24, 2026, before the TRC meeting, and again on March 11, 2026, in advance of the public hearing.
- Regarding public hearing notice, Mr. Hoagland stated that the ordinance appeared to provide somewhat conflicting guidance as to whether notice was solely the responsibility of the developer or whether it was the responsibility of both staff and the developer. He stated that, this time, both were done. He explained that the ordinance referenced General Statute 160D-406(b), which governs quasi-judicial hearing notices, although he noted that this was not a quasi-judicial procedure but a public hearing. He stated that County staff mailed notice letters to all abutting property owners and posted a sign at the subject property on February 27, 2026, thirteen days before the hearing. He also noted that the mailed notice included a QR code so residents could access the application documents and instructions to contact the Planning Department if they had trouble accessing them or wanted to review them in person. Mr. Hoagland then addressed the applicant's notice efforts. He stated that notice of the public hearing ran in the Alamance News on February 19, 2026. He further stated that the applicant sent email notice of the public hearing to the following outlets and organizations: the Alamance News, Burlington Times-News, Alamance Chamber of Commerce, Spectrum News, NC Local, WBAG Radio, WFMY News 2, Fox 8, and WXII 12, noting that the slide contained a typo in the WXII 12 reference. He also stated that the applicant posted a sign at the property on February 19, 2026 and later provided confirmation of the sign's location at the southern entrance of the driveway. He further noted that the applicant mailed notices to abutting property owners

and other required recipients, including Duke Power as an easement holder. Mr. Hoagland added that the ordinance referenced both a 10-to-25-day mailing period and a separate requirement that notice be mailed at least 21 days prior to the hearing. He stated that the applicant mailed the notices on February 18, 2026, which was 22 days prior to the hearing and therefore compliant with both standards.

- Mr. Hoagland concluded by reviewing the groundwater and well study and explaining that the Planning Board's task that evening was to hold the public hearing and determine whether the application complied with the ordinance. He stated that, if the Board found the application compliant, it would forward an approval recommendation to the Board of Commissioners for final approval, and if it found the application noncompliant, it would issue a written determination stating the reasons and deny the application.

Chair Rodney Cheek then opened the official public comment portion of the hearing. He stated that he had a list of individuals who had signed up to speak and explained that a three-minute timer would be used. Chair Cheek asked speakers to share what they wanted the Board to know within that three-minute period, stating that the Board wanted to hear everyone's thoughts but only wanted to hear them once.

Pam Guade 3987 Clapp Mill Rd - spoke in opposition to the proposed landfill permit for the Clapp Mill Road area. She stated that the community was already saturated with landfills and argued that the proposed site would threaten the quality of life of long-standing homeowners and landowners. Ms. Guade raised concerns related to zoning and urged the adoption of protective zoning for the Clapp Mill Road area to preserve the integrity of the residential community. She also expressed concern about potential environmental impacts, including possible contamination affecting water quality and degradation of air quality from smoke, ash, and debris. In addition, she stated that increased heavy traffic would create safety concerns for residents entering and exiting their driveways. Ms. Guade further noted that there was significant community opposition to the project, including a petition circulating against the permit. She stated that approval of the permit would harm the natural beauty and peace of the surrounding properties and asked the Board to reject the permit. She also questioned what oversight plan would be in place if the permit were approved and how the County would address the resulting consequences. An additional speaker, identified as Pam Guade's husband, also spoke in opposition to the proposed landfill and focused primarily on traffic and related impacts. He stated that, after reviewing the UDO provisions regarding traffic capacity, he disagreed with the conclusions that had been presented. He said he had conducted his own observations and believed the conditions on Clapp Mill Road were materially different from what was reflected in the analysis. He argued that the road's actual characteristics had not been fully considered and expressed concern that the analysis referred generally to vehicles without adequately accounting for the size and weight of truck traffic. The speaker further stated that, based on his personal observations, truck traffic already represented a significant portion of traffic on Clapp Mill Road, even before the proposed landfill opened, and he estimated that trucks associated with the existing landfills accounted for approximately 30 percent of the traffic on the road. He stated that he had photographic evidence showing that some trucks were unable to remain within their lane of travel. He also described the road conditions near his property, stating that he lived along an S-curve on Clapp Mill Road and that there had been numerous accidents in the area over the years. He said the road was not designed for high-speed traffic and argued that the proposed 45-mile-per-hour speed limit remained too high, particularly because of a blind hill near Highway 62 and nearby driveways where vehicles entering or exiting could be endangered by oncoming trucks. The speaker also raised concerns about smoke and ash from landfill operations. He stated that he had spoken with multiple people, including some as far away as Highway 62, who had complained about heavy smoke. He added that more than 200 homes were affected by the proposed landfill and the other existing landfill operations in the area.

Robin Hart 4565 Cobb Rd - addressed the Board and distributed a map to members during her remarks. She stated that she wanted to speak specifically about the potential degradation of water quality that could result from the proposed landfill. Ms. Hart explained that she lived near the southern border of the proposed landfill site on Cobb Road and described heavy rain and flooding events in 2024 and August 2025. She stated that the northern prong of Stinking Quarter Creek bordered her property and had heavily flooded, and that her pond also flooded and required days of emergency draining. She added that, for months afterward, the pond remained fouled with dark brown, murky water due to repeated inundation. Ms. Hart stated that the northern prong of Stinking Quarter Creek also flowed through the proposed landfill site. She said that the creek ultimately flowed into tributaries of the Greater Alamance Creek and Little Alamance Creek, which she described as major tributaries to Lake Mackintosh, a drinking water reservoir. Based on that, she expressed concern that flooding of the landfill site during a future storm event could create serious environmental and public health consequences. She also stated that, because landfills have long operational and post-operational lives, she was concerned about the long-term possibility of leaching into nearby waters. Ms. Hart referenced the preliminary subsurface investigation conducted by Wilson Engineering Group for the applicant and stated that she understood only seven of the fifteen required test pits had been dug to look for evidence of a pre-existing groundwater table, and that no groundwater table had been found in those pits. She noted that the report cited a Division of Waste Management requirement that debris not be deposited within four feet of the existing groundwater table and that the proposed borrow pit would be adjusted to meet that requirement. She then questioned whether the site had been shown to have adequate separation between the landfill and local wells, whether nearby potable wells had been mapped and their depths surveyed, whether groundwater flow direction had been determined, and how neighboring residents would know whether future leachate from the landfill would affect the aquifer. She asked the Board to consider whether the project was safe and what would happen to local water if the landfill were approved.

Carol Davis 4920 Kimesville Rd - an adjoining landowner, spoke in opposition to the application and argued that the proposal contained several violations of the UDO. First, she addressed Sediment Basin 1, stating that it was located entirely within the 150-foot operational setback buffer between the area of operations and the property line. She acknowledged that it had been described as a temporary sediment basin but noted that the plan also stated it could later be converted to a permanent stormwater control measure. Ms. Davis argued that, because stormwater control measures are included within the definition of the area of operations under the UDO, such a conversion would place a permanent operational feature within the setback and therefore constitute a violation. Ms. Davis next argued that the LCID gravel access road also violated the operational setback requirements. She stated that the UDO provided that no area of operations or internal roadway could be located within the operational setback area and asserted that the final approximately 200 feet of the access road lay within the 150-foot setback between the area of operations and the adjacent property line. She contended that this placement made the road noncompliant. She further argued that the application omitted the LCID gravel access road from the designated area of operations and stated that this omission created two possible interpretations, both of which, in her view, violated the UDO. She explained that, if the road was not considered part of the area of operations, then the portion of the road within the setback remained a violation. Alternatively, if the road was considered part of the area of operations, she argued that it would then violate setback requirements along multiple adjoining property lines and would also be located within less than the required setback distance from Jacks Creek. Ms. Davis also stated that if the road were considered part of the area of operations, it would be required to be fenced and gated. She concluded by asserting that the access road should be considered part of the area of operations because it would be the primary route used by trucks entering and leaving the landfill and was therefore necessary for the business of the facility. Based on those asserted UDO violations, she urged the Board to deny the permit application.

Matt Kirkpatrick 4237 Clapp Mill Rd - continued the public comments in opposition to the application and argued that the current application did not account for all activities occurring or proposed on the site. Mr. Kirkpatrick stated that, since the first meeting on the matter, residents had repeatedly asked what operations were taking place on the property and under what permits those activities were being allowed under Alamance County's UDO. He asserted that, despite emails sent to the Planning Director, including one from the neighborhood's attorney and one from

himself, they had not received a response addressing those questions. Mr. Kirkpatrick stated that residents had observed trucks entering and leaving the site regularly and had seen dirt being removed, waste being brought in, and processed waste being hauled away. Mr. Kirkpatrick stated that, because they had not received answers, residents undertook their own investigation. Referring to the title of the site plan as a “borrow pit and LCID landfill,” he argued that the removal of dirt from the site constituted a borrow pit activity and therefore fell within the UDO’s Class 2 resource extraction category. He further argued that such activity was subject to setback requirements from protected dwellings and stated that several homes were located within 150 feet of the property line. Mr. Kirkpatrick then identified additional activities that residents believed had been confirmed on the property, including incineration, composting, and the consolidation and processing of waste for transportation to another final disposal site. According to Mr. Kirkpatrick, those activities constituted Class 3 waste facility operations under the UDO. Mr. Kirkpatrick stated that residents had observed those activities directly, had obtained drone evidence, had seen truck activity associated with those uses, and had reviewed state-level applications and approvals relating to some of those operations. He specifically referenced incineration activity and composting activity, stating that the property had reportedly received a state yard waste notification permit for composting. Mr. Kirkpatrick maintained that, although state permits may have existed, those activities had never been approved by Alamance County and that residents still had not received an explanation from County staff as to when or how those activities had been permitted locally. Mr. Kirkpatrick also referenced a zoning verification letter from the County stating that there was no zoning restricting the use, but argued that this did not establish that the site’s operations were permitted under the UDO. He contended that the current application was incomplete because it did not include all activities taking place on the site or planned for the site. Based on that argument, he urged the Board to deny the application and stated that, if a revised application were later submitted including all operations, it should then be evaluated for compliance with the ordinance as a Class 2 or Class 3 operation. Mr. Kirkpatrick concluded by thanking the Board for its service and asking that the application be denied.

Brent Lineberry 4288 Jacks Creek Trail - spoke in opposition to the application and stated that, although he had prepared written remarks, some of the earlier comments had caused him to change his focus. He first raised concern about the lack of a broader impact study for the heavy industrial use, particularly with respect to air quality and noise. Mr. Lineberry stated that the County should do more to evaluate those impacts so that notice could extend beyond adjoining property owners to others who might also be affected. Mr. Lineberry also criticized the public hearing notice signage, describing it as the bare minimum. He stated that some of the roadside signs were small, contained too much text, and were not placed in locations where motorists could safely stop and read them. He next expressed concern that the 99-acre tract under consideration was only part of a larger area owned by the applicant and stated that he believed the current request represented only one step in what could become a larger expansion. He questioned what the future impact on Clapp Mill Road would be if operations expanded beyond the currently proposed acreage. He also challenged the traffic capacity analysis, stating that the study appeared to evaluate road usage over a 24-hour period rather than during actual operating hours. Mr. Lineberry stated that the facility would not operate for 24 hours a day and argued that the analysis should instead focus on the number of trucks using the road during working hours. Finally, he raised safety concerns for residents, including older residents, whose driveways have limited sight distance along Clapp Mill Road. He stated that trucks traveling at 45 or 55 miles per hour would create additional safety concerns and concluded by stating that he opposed the application because he believed it was the wrong location, on the wrong road, and would have an inappropriate impact on the surrounding area.

Allan Figas 4226 Jacks Creek Trail - spoke in opposition to the application and stated that, although his remarks might be repetitive of earlier speakers, he wanted to make clear that he strongly opposed the proposal. Mr. Figas argued that there was already sufficient landfill capacity in that area of Alamance County and stated that the proposal detracted from the County overall.

He also raised quality-of-life concerns, noting the proximity of the site to the battleground area, county parks and lakes, and two elementary schools. Mr. Figas stated that public opposition to the proposal continued to grow and that residents intended to continue opposing it. He further commented that, in his view, the only visible supporters of the project were individuals connected to Mr. Phillipie.

Betty Slade 4572 Regulator Drive - spoke in opposition to the application. She stated that she lived on Regulator Drive at the corner of Clapp Mill Road and Regulator Drive near Kimesville Road and said that many of the concerns she wanted to raise had already been mentioned by other speakers. Ms. Slade asked the Board to consider the quality of life of nearby residents, stating that her family had lived in the area for 48 years and that it had once been a quiet community. Ms. Slade described heavy truck traffic on Clapp Mill Road and stated that residents no longer felt comfortable walking near the road because trucks traveled it at high speeds throughout the day. She stated that, on a recent Monday, she counted five trucks traveling down the road in less than five minutes and questioned how truck traffic was being measured. She also stated that, although operations were supposedly limited to certain hours, residents observed trucks traveling the road well after those hours. In addition, she raised concerns about dirt being hauled from the site to another landfill, stating that trucks were not always covered and that dirt would blow from the loads because of the wind and vehicle speed. Ms. Slade also described impacts from dust, smoke, and ash. She stated that outdoor furniture at her home accumulated black residue and that she had personally observed material falling through the air that she believed to be ash. She said these conditions were affecting both residents' physical health and mental well-being. Ms. Slade further stated that she believed the impacts were unfair not only to long-time residents but also to newer homeowners in the Jacks Creek area, including families with children. She urged the Board to deny the permit and questioned why activity appeared to be occurring on the site while the applicant was still seeking permit approval.

Larry Salo, of 4244 Jacks Creek Trail - addressed the Board and stated that he hoped the matter would be treated as a business decision. Referring to the end of the prior meeting, he commented that there appeared to be hesitation among Board members to act and stated that, in his view, emotion should not play a role in the decision. Mr. Salo said that the matter should instead be guided by the applicable rules and regulations. He also referenced the earlier discussion of the proposed amendment relating to abutting a private road and stated that, in his opinion, such draft language should affect future applications rather than the current one.

Calandra Salo, of 4244 Jacks Creek Trail, spoke in opposition to the application. She stated that she and her family had moved to the area in July of the previous year and had intentionally purchased and divided land in a way that accounted for setback requirements. Mrs. Salo emphasized the importance of the Planning Board's responsibility to conduct a technical review and stated that such review, combined with local input, should guide the recommendation to the Board of Commissioners. Mrs. Salo questioned whether the application had been fully evaluated, stating that residents should not be responsible for identifying deficiencies in the proposal. She referenced concerns about whether the project should be classified as a Class 2 or Class 3 use and stated that the presentation did not address all relevant setback requirements. She also noted that her property was located near the buffer area and expressed concern about the placement of features such as the sediment basin within setback areas. Mrs. Salo further warned that approving elements of the project that did not fully comply with setback requirements could establish a precedent for future development. She provided an example from a prior community where a structure built within required setbacks had to be partially removed to avoid setting such a precedent. She urged the Board to ensure that all requirements were fully met and to base its decision strictly on whether the application satisfied all applicable standards. She concluded by reiterating that the decision should be treated as a business decision grounded in a complete technical review.

Henry Vines, of 3450 Isley Drive, addressed the Board and stated that he was familiar with the Board, noting that he had previously served on it. Mr. Vines spoke about the purpose of the UDO and stated that such ordinances are intended to protect citizens from the impacts of industrial operations. He expressed the view that the current situation highlighted broader issues in the County's regulatory framework. Mr. Vines stated that, in his opinion, the underlying issue was the lack of zoning in Alamance County. He explained that without zoning, property owners may use their land in ways that neighboring residents may not anticipate or prefer. He provided a hypothetical example, stating that if he owned a large tract of land, he could potentially construct multiple agricultural facilities, such as poultry houses, which could generate significant truck traffic and other impacts. He noted that, similarly, land could be developed for residential use, resulting in increased traffic from new homes. Mr. Vines stated that zoning would help establish clear expectations for how land could be used and would provide a framework to balance the rights of property owners with the interests of neighboring residents. He acknowledged concerns about traffic and other impacts but emphasized that property owners also have rights to use their land. He concluded by stating that the County needed a form of zoning to better protect all citizens and thanked the Board for its time.

Paul Kunz, an attorney representing the applicant, addressed the Board and stated that he had practiced law in Alamance County for approximately 31 years. He thanked those in attendance for participating and sharing their concerns, even when there was disagreement. Mr. Kunz stated that many of the concerns raised related to zoning and the appropriateness of the use, noting that Alamance County does not have zoning regulations governing land use in this manner. Mr. Kunz focused his remarks on issues he believed were directly relevant to the application, including questions raised about resource extraction and the gravel access road. He stated that the LCID landfill was classified as a Class 1 use under the ordinance and that construction of such a facility necessarily required excavation. He argued that the act of excavating soil to construct the landfill should not be interpreted as a separate Class 2 resource extraction use or as a violation of the ordinance. Regarding the gravel access road, Mr. Kunz stated that access to the site was necessary to conduct the permitted activity and argued that the road itself should not be considered part of the landfill's operational area. He stated that the landfill operations were confined to the designated area within the buffers and that the access road did not constitute a violation. Mr. Kunz also commented on the application process, stating that the current application materials were significantly more detailed than prior LCID landfill applications and included a comprehensive review of ordinance requirements. He credited both the applicant and Planning staff for the level of detail provided and stated that the applicant had gone beyond minimum requirements in addressing concerns. He further noted that the process had resulted in additional actions by NCDOT, including planned roadway improvements and a reduction in the speed limit on Clapp Mill Road. Mr. Kunz concluded by stating that he and the applicant were available to answer any questions from the Board.

Michael McMahon spoke in support of the applicant. He stated that he lived adjacent to the property and had become acquainted with the applicant, Kenneth Phillipie, approximately a year and a half earlier when site work began. Mr. McMahon described the applicant as a good neighbor and stated that he had been responsive to concerns, including issues related to dust, and had worked with him directly when concerns were raised. Mr. McMahon stated that the applicant had purchased the property with long-term intentions for its use and had worked hard to develop it. He acknowledged that the proposed use was not ideal for nearby residents but stated that, given the nature of Alamance County and the lack of zoning, such uses were possible. He added that residents who were dissatisfied ultimately had limited options. Mr. McMahon also stated that he believed the applicant had strong community support and objected to comments suggesting otherwise. He described the applicant as a responsible business owner who followed through on commitments and maintained positive relationships in the community. Mr. McMahon further commented on traffic conditions in the area, stating that speeding vehicles had been an ongoing concern and suggesting that the presence of truck traffic had, in some cases, slowed vehicle speeds.

He also referenced broader concerns about neighborhood safety and stated that he had personally taken steps to address issues such as litter and disturbances in the area. Mr. McMahon concluded by expressing support for the applicant, stating that he believed the applicant was acting in good faith, contributing to the community, and pursuing a personal and professional goal.

Joe Snyder, of Cobb Road, addressed the Board and clarified that his comments were not intended to be personal toward the applicant. He stated that he did not believe that any of the speakers opposed to the project had ill feelings toward the applicant and emphasized that the discussion should not be based on personal relationships. Mr. Snyder stated that the Board's focus should remain on the applicable UDO requirements, permits, and legal standards. He emphasized that the decision should be based on whether the application was legally and, in his view, morally sound, rather than on personal support for or opposition to the applicant.

Mrs. Kirkpatrick spoke in opposition to the application and stated that she had previously addressed the Board on the matter. She expressed concern that, although the application may appear correct on paper, observed conditions at the site did not reflect what was being represented. She stated that residents had witnessed conditions that they believed were not consistent with what was expected under the ordinance and expressed concern about whether the landfill would be operated safely. Mrs. Kirkpatrick referenced concerns about drainage, stating that she had observed significant water runoff from the site's driveway onto the roadway during rain events. She also stated that residents had already expressed concerns about safety and potential impacts and felt that those concerns had not been adequately addressed. She emphasized that, in her view, compliance on paper did not ensure compliance in practice and expressed doubt that the project would be operated as represented. Based on those concerns, she urged the Board to deny the application.

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Following the close of the public hearing, Board member Henry Chandler stated that he had a question and a comment. He requested that several individuals who had previously spoken—Bob and Pam Guade, Allan Figas, Betty Slade, and Brent Lineberry—return to the room so he could ask them a question. After the individuals returned, Mr. Chandler thanked them and referenced comments made at the November meeting regarding ash impacts. He stated that he had heard concerns from multiple individuals at that time and asked those present whether they had experienced ash on their properties since July.

In response to Mr. Chandler's question, the individuals present indicated that they had experienced ash on their properties since July.

Ms. Slade and other individuals responded further to Mr. Chandler's question, stating that they had observed ash on their vehicles and properties. Ms. Slade described seeing residue on her car that would smear and run black when wet, particularly noticeable on lighter-colored surfaces. She also stated that she had observed fine ash in the air while outside in her yard. She indicated that, in her experience, ash had been present since approximately April of the previous year, though Mr. Chandler had referenced July in his question.

Board member Henry Chandler made an additional comment addressing Ms. Davis and Mr. Kirkpatrick, stating that they had done a significant amount of work on the matter. He noted, however, that the materials they had submitted were not received by him until approximately 6:00 p.m. that evening and that he had not yet had an opportunity to review them. He questioned how the information was being distributed and stated that receiving materials as late as March 9th did not provide sufficient time for review, adding that he had not opened the email earlier and that the

information had not been provided to him by March 11th or March 13th. He expressed hope that other Board members may have had time to review the information and provide comments during the meeting. Mr. Chandler also referenced the presence of an attorney at the previous meeting, stating that he had not been aware the attorney would be present until arriving. He added that, while he was unsure whether a decision would be made that evening, he encouraged individuals to submit information to the Planning Board earlier in advance of meetings to allow sufficient time for review.

Ms. Davis and Mr. Kirkpatrick responded, stating that they had submitted their materials earlier but were informed that the information would not be included in the Board's agenda packet regardless of when it was sent. They stated that the materials were submitted on either Friday or Monday and that they had been told the information would instead be entered into the record as part of the public comments.

Board member Amie Perkins asked staff to explain the LCID landfill permitting process and the required steps moving forward. She specifically asked what would occur if the Planning Board approved the application that evening and what additional approvals or requirements would need to be satisfied before Mr. Phillippie could begin operations under state regulations.

Planning Director Matthew Hoagland responded that he could not speak in detail to the State's permitting requirements but could explain the County's process. He stated that, if the Planning Board approved the application, the action would be a recommendation of approval to the Board of Commissioners, which holds final authority on the Intent-to-Construct permit. Mr. Hoagland explained that, if the Board of Commissioners approved the Intent-to-Construct permit, the applicant would have approximately one year to begin construction of the project. He stated that, once construction was underway and the applicant believed the site had been developed in accordance with the ordinance and permit requirements, County staff would conduct a site visit. He added that the applicant would also be required to submit an as-built survey for review. Mr. Hoagland stated that, if the project was found to be in compliance and all required State permits had been obtained and verified, the County would then issue an operation permit, at which point the applicant would be allowed to begin operations.

Board member Amie Perkins asked for clarification, stating that there would be a point in the process where approval would be required at the State level and that the State would also have its own review process. Planning Director Matthew Hoagland confirmed that State-level approvals were required as part of the overall process. He explained that the pre-application meeting and documentation requirements were intended to identify all necessary State, local, and federal permits. He stated that the applicant must inform the County of all required permits and that staff must verify that those permits have been obtained prior to issuing an operation permit. Mr. Hoagland clarified that these requirements apply before the issuance of the operation permit, not the Intent-to-Construct permit. He also noted that the ordinance prohibits certain construction activities prior to appropriate approvals and stated that the applicant could not fully proceed with operations until all required permits and verifications were completed.

Board member Amie Perkins stated that she had concerns related to State-level issues but acknowledged that those matters were outside the Planning Board's authority. She then referenced her review of the plans, noting that she had examined them in a larger format and found them difficult to interpret. Ms. Perkins asked for clarification regarding the sediment basin shown within the 150-foot setback area. She stated that the plans identified it as a temporary sediment basin but that she did not see a timeline or construction sequencing details indicating when or if it would be converted. She asked whether the basin was intended to remain temporary until the landfill was closed or whether another timeline was anticipated.

Planning Director Matthew Hoagland responded that, for a more technical answer, he would defer to the engineers who prepared the plans. He stated that, based on his understanding, the ordinance allows certain features to be located within the operational setback if they are required by another State or federal permit. He explained that, if erosion control measures such as a sediment basin are required by the State as part of permitting, those features may be permitted within the setback. Mr. Hoagland further stated that the specific timeline for the sediment basin was not clearly outlined in the materials and would likely depend on determinations made by the North Carolina Department of Environmental Quality (NCDEQ), including any requirements tied to erosion control and construction sequencing. Board member Amie Perkins followed up, noting that the planting plan associated with the sediment basin indicated that the required landscaping would not be installed until the basin was converted to a permanent feature. She stated that, as written, this would mean there would be no landscape buffer in place between the sediment basin and the adjacent property during the period when it remained a temporary facility. She further noted that, according to the plans, the required plantings would only be installed upon conversion to a permanent condition.

Board member Henry Vines asked that staff explain the process that would occur if the application were denied. He requested clarification on what steps would follow a denial of the permit.

Planning Director Matthew Hoagland responded that, if the Planning Board voted to recommend denial of the application, the ordinance required that the decision be issued in writing. He stated that the ordinance did not provide clear direction on the next steps following a denial but noted that the applicant could potentially appeal the decision to the Board of Adjustment or choose to submit a new application, similar to what had occurred previously. Mr. Hoagland added that recent session law limited the ability of local governments to impose waiting periods between applications. He stated that, as a result, even if a denial occurred, the applicant could potentially reapply without a required waiting period.

Board member Henry Vines sought clarification, stating that the applicant would have the right to appeal if the application were denied. He reiterated that, in the event of a denial, the applicant could either appeal the decision or submit a new application. Mr. Vines stated that he wanted to ensure that all parties understood the possible outcomes and options following a denial.

Board member Amie Perkins asked an additional question regarding Appendix N, specifically the groundwater testing documentation. She referenced a letter dated November 13 stating that, following the November public hearing, the required number of test pits would be completed to a depth of no less than four feet. Ms. Perkins stated that she had not seen any updated documentation confirming that those test pits had been completed beyond the November letter and asked whether that information had been provided. Planning Director Matthew Hoagland responded that no additional documentation had been provided. He stated that the letter indicated that, based on the outcome of the November public hearing and the cessation of any construction activities, the applicant would wait to resume further work, including additional testing, until an Intent-to-Construct permit was issued.

Board member Lee Kimrey asked a follow-up question and noted that approximately six to seven test pits had already been dug, with six identified as successful. He stated that seven test pits were referenced in the letter and that the remaining required test pits would be completed if the permit were approved.

The applicant's engineer responded that the previously dug test pits would be re-examined for depth and that additional testing would be completed as needed. The engineer explained that they were unable to disturb additional areas or excavate to the desired depths without first obtaining an erosion control permit. He further stated that, due to the cessation of construction activities, they had not been able to complete the full depth testing necessary to determine the high water table.

The engineer added that they had not yet had the opportunity to complete that work and stated that they had made efforts to comply with all applicable requirements.

Board member Lee Kimrey asked a follow-up question of staff and referenced a concern that had been mentioned earlier. He noted that certain elements required for the operation could be permitted within the operational setback buffer and stated that he believed it was important to revisit and clarify that point.

Planning Director Matthew Hoagland confirmed that Section 6.5.3(E) of the ordinance allows certain design elements to be located within the operational setback if they are required as a condition of another local, State, or federal permit. He explained that, if a feature such as an erosion control measure is required by the State and must be located in a specific area to meet that requirement, it may be permitted within the setback for that purpose. Board member Lee Kimrey further stated that access to the site, such as a driveway, would not be considered part of the operational area but rather a means of access to it. He noted that such access features may not be subject to the same setback requirements because they are necessary to reach the area of operations.

Planning Director Matthew Hoagland responded that the ordinance states that no area of operations or internal roadways may be located within the operational setback area and that this is the primary guidance available. He acknowledged that the issue raised by Ms. Davis presented a valid perspective but stated that, from a practical standpoint, access to a property is necessary in order to operate it. Mr. Hoagland explained that his interpretation of the ordinance was that it was intended to prevent the construction of roadways within the setback that would function as internal circulation routes, particularly those running along the perimeter, which could undermine the purpose of the buffer and direct traffic closer to neighboring properties. He noted that the ordinance does not provide detailed guidance on access road design and suggested that more precise language—such as requiring roadways to intersect operational areas as directly as possible—would be helpful. In the absence of such specificity, Mr. Hoagland stated that staff must interpret the ordinance, and his interpretation was that it was intended to prevent perimeter or internal roadways within the setback rather than necessary points of access into the operational area. He concluded by asking if that explanation addressed the question.

Carol Davis responded, stating that the ordinance defines the area of operations to include other uses necessary for the business of the industry. She argued that, without trucks entering and exiting the site, the operation could not function, and therefore the access road should be considered an essential component of the operation. Ms. Davis stated that, in her view, the road should be treated as part of the area of operations, noting that the ordinance provides limited guidance on how roads should be addressed.

Board member Lee Kimrey stated that he agreed with the distinction between internal roadways and access to a site. He explained that access to a property is necessary for any use, whether residential, commercial, or industrial, and compared it to a driveway serving a home. Mr. Kimrey stated that access points could not reasonably be held to the same setback requirements as the operational area itself, noting that without access there would be no practical use of the property.

Mr. Kirkpatrick responded, stating that he did not agree with the comparison to residential access. He argued that heavy industrial uses are fundamentally different from residential uses and that the analogy was not applicable. He acknowledged that access is necessary for any business but stated that the issue would likely require further discussion.

Board member Amie Perkins expanded the discussion beyond the roadway classification and noted that the plans did not include a roadway profile detailing how the driveway would be constructed. She stated her understanding that the Fire Marshal is part of the Technical Review Committee (TRC) and asked whether the Fire Marshal had visited the site to verify conditions. Ms. Perkins

emphasized that life safety was a concern, particularly given the potential for fire-related risks associated with landfill operations. Planning Director Matthew Hoagland responded that he was not certain whether the Fire Marshal had specifically visited the site, but stated that the project had been reviewed and approved through the Technical Review Committee (TRC) process.

Board member Lee Kimrey asked staff to clarify for the Board and the public what materials are permitted in an LCID landfill. He requested a definition of the types of debris and materials that would be allowed if the application were approved. Planning Director Matthew Hoagland responded that LCID landfills are intended for land clearing and inert debris, including materials such as yard waste, trees, stumps, brush, and other natural vegetation. He explained that these are primarily natural, organic-type materials associated with land clearing activities.

Board member Henry Chandler asked whether the letters that had been submitted to the Planning Department had been investigated by staff. Planning Director Matthew Hoagland responded that staff had limited time to investigate the concerns raised in the submitted letters but took them seriously. He stated that he had spoken with Mr. Kirkpatrick later in the week after initially missing a call and that staff began reviewing the issue shortly thereafter. He explained that staff reached out to the North Carolina Department of Environmental Quality (NCDEQ) for clarification, consulted with legal counsel, conducted additional research, and held follow-up discussions with both the applicant and representatives involved. Mr. Hoagland stated that the concern centered on whether certain activities could be interpreted as a **waste processing facility**, which could place the operation into a Class 3 category under the UDO. He noted that, during discussions with the applicant, this interpretation was communicated, along with the possibility that a stop-work action could be required. He stated that, in response, Mr. Phillipie indicated that he would remove the air curtain burner from the property. Mr. Hoagland reported that the burner had been removed between Monday and a subsequent site visit conducted later in the week and that, as of that visit, no incineration activities were taking place on the site. Mr. Hoagland further noted that these concerns and public comments arose after the Planning Board had already received the agenda packet and after the public hearing process had been set in motion. He stated that, given the timing, the matter would ultimately be for the Planning Board to consider in making its determination on whether to recommend approval or denial of the permit. He reiterated that staff had taken the concerns seriously and had investigated them to the extent possible within the available timeframe.

Mr. Kirkpatrick responded, stating that he had not received a response to his prior emails or inquiries regarding activities occurring on the site. He stated that he had sent multiple emails and made a follow-up phone call prior to the meeting to seek clarification on whether the activities constituted a resource extraction or waste facility use under the UDO. Mr. Kirkpatrick reiterated his position that the activities observed on the site—including removal of soil, incineration, composting, and processing of materials—aligned with definitions of Class 2 resource extraction and Class 3 waste facility operations. He stated that, in his view, the removal of dirt from the site constituted a commercial activity and therefore should be classified accordingly. He also stated that the combination of activities raised questions as to why the operation was not being classified as a higher-tier use under the ordinance. Mr. Kirkpatrick further stated that he had provided a detailed memorandum outlining his interpretation of the ordinance definitions and how they applied to the observed activities, stating that he had traced the definitions directly through the ordinance and compared them to the permits. He acknowledged that certain State permits had been issued for some activities but argued that those activities had not been permitted by Alamance County under UDO Section 6.5. He questioned whether a zoning verification letter had been interpreted as sufficient compliance at the County level but stated that, in his view, the activities should be classified and permitted as Class 2 and Class 3 uses. Mr. Kirkpatrick stated that, because those activities were not included in the current application, he believed the application was incomplete and incorrect. He argued that the activities either needed to be properly permitted or cease until permitted and that the application should be corrected to accurately reflect all activities

occurring on the site. He concluded by reiterating that, in his opinion, the current operations were not in compliance with the ordinance.

Mr. Kunz responded, stating that the application before the Board was specifically for an LCID landfill permit and emphasized that no development had yet been constructed on the site. He explained that, if approved, the project would still be required to go through the full State permitting process, along with continued oversight from Alamance County, and that the applicant would be required to comply with all applicable requirements at each stage. Mr. Kunz stated that many of the concerns raised related to potential future activities rather than the specific permit under consideration. He emphasized that both the State and County would maintain ongoing oversight and that the applicant would be required to meet all permitting requirements before operations could begin. He added that the process was transparent and that the application materials were comprehensive. Mr. Kunz also addressed concerns regarding soil removal and access, stating that such activities were necessary components of constructing an LCID landfill and should not be interpreted as separate uses such as resource extraction. He argued that interpreting those activities as separate uses would make it impossible to construct a landfill under the ordinance. He further noted that the Planning Board's role was advisory and that the final decision would be made by the Board of Commissioners. He stated that, based on his experience, recommendations from planning boards are considered but are not final determinations, and that the matter would ultimately proceed to the Board of Commissioners for a final decision.

Chair Rodney Cheek asked for clarification from either the applicant's attorney or engineer regarding the distinction between a burner, an agricultural burner, and an incinerator. He requested that they explain whether these were different in function or regulation, or if they were effectively the same, so that the Board and the public could clearly understand the difference.

Mr. Phillippie responded that, in his understanding, an incinerator uses fuel to process waste materials, whereas the equipment previously used on his site was an air curtain burner that operates by blowing air to facilitate combustion.

Chair Rodney Cheek stated that he had heard the terms "burner" and "incinerator" used several times during the discussion and wanted to ensure that both the Board and the public clearly understood the distinction. He noted that, in a general sense, burning materials using fuel and heat—such as in a wood stove—could be considered incineration. However, he indicated that he did not believe that comparison accurately reflected how the equipment in question operated in this case and emphasized the importance of understanding the difference.

The applicant's attorney responded that the equipment in question does not use fuel to create combustion but instead provides airflow within a contained unit to enhance burning. He explained that the process is similar to open burning of a pile, with the addition of forced air to accelerate combustion, rather than a traditional incineration process. He stated that, in his opinion, this type of equipment would not fall under the definition of a Class 3 incinerator as contemplated by the ordinance and contrasted it with larger-scale, fuel-based incineration facilities.

Mr. Kirkpatrick responded by referencing the State permit, stating that it was titled an **Air Quality Permit for an Air Curtain Incinerator**. He questioned how the equipment could be considered something other than an incinerator if it was permitted as such. Mr. Kirkpatrick argued that, by definition, the equipment incinerates waste and therefore should be subject to the associated requirements, including separation distances intended to protect nearby properties from impacts such as ash and other emissions.

Following the conclusion of public comments, a motion was made by Mr. Bare to close the public hearing. The motion was seconded by Mr. Chandler. The motion carried unanimously.

County Attorney Rik Stevens addressed the Board and stated that it was relevant to clarify the ordinance definitions being discussed. He explained that the Class 3 category references **waste facilities**, but the only defined term in the UDO is **waste processing facility**, which includes an additional word and is not identical to “waste facility.” He noted that, although the term “waste processing facility” is defined, it is not the exact term used in the Class 3 classification. Mr. Stevens stated that, based on the language of the ordinance, Class 3 uses may not explicitly include incinerators because there is no specific definition provided for “waste facility.” He emphasized that this distinction in terminology created ambiguity in how the ordinance could be interpreted. Carol Davis and Mr. Kirkpatrick responded, stating that there is no definition for “waste facility” in the UDO. They stated that, based on their interpretation, activities involving receiving, processing, or handling waste would fall under a waste-related use, as opposed to simply depositing materials in a landfill.

Chair Rodney Cheek stated that the Board was aware that additional work was needed regarding ordinance language and definitions. He acknowledged that the discussion had highlighted areas where clarification was necessary and noted that the Board was already working on improving those provisions. He thanked those who had brought forward information and comments. Chair Cheek then asked if any other Board members had additional questions or comments.

Board member Lee Kimrey stated that he wanted to reiterate a point raised earlier that the Board should not base its decision on hypothetical scenarios. He emphasized that the matter before the Board was specifically the LCID landfill permit and that the decision should be focused on that application. Mr. Kimrey added that, if approved, the process would involve continued oversight, including site visits and verification by appropriate personnel to ensure compliance. He stated that the Board’s role was to consider whether to recommend approval or denial of the LCID permit itself, rather than speculate on potential future activities. **Board member Lee Kimrey made a motion to approve the application as complete. The motion was seconded by Stephen Dodson.**

Chair Rodney Cheek stated that there was a motion on the floor to determine that the application was complete, and that the motion had been seconded. Board member Henry Chandler stated that he would abstain from voting on the motion. He expressed concern about the application, stating that, in his view, something was not right and that he was not satisfied with the information presented. Mr. Chandler referenced his prior experience working with regulatory agencies and emphasized the importance of compliance. He noted that, despite his long tenure serving on boards, he felt it was necessary to abstain in this instance. County Attorney Rik Stevens raised a point of order and advised the Board regarding voting procedures. He stated that, under typical rules of procedure, Board members have an obligation to vote. He explained that if a member abstains without a direct conflict of interest that would prevent participation, the abstention is counted as an affirmative vote. Mr. Stevens stated that he wanted to make the Board aware of this rule as it applied to the motion under consideration.

Chair Rodney Cheek clarified the motion before the Board, stating that the motion was to determine that the application was complete and to recommend that the Board of Commissioners approve the permit. He asked for confirmation that his understanding of the motion was correct.

Upon a vote, the motion to determine the application complete and recommend approval to the Board of Commissioners carried.

- **In favor:** Stephen Dodson, Ernest Bare, Rodney Cheek, Lee Kimrey, and Richard Tom King
- **Opposed:** Amie Perkins
- **Abstention:** Henry Chandler (counted in the affirmative)

The motion passed, and the Planning Board recommended approval of the permit to the Board of Commissioners.

Board member Henry Chandler made a final comment following the vote, stating that although the application materials may appear to be in order, he remained concerned that something was not right. He emphasized that his decision to abstain was based on his personal judgment and sense of responsibility. Mr. Chandler acknowledged that the Board's role was to evaluate whether the application met the required standards and that, on paper, the materials appeared to be in place.

Chair Rodney Cheek called for a brief recess and stated that the Board would take a five-minute break before continuing the meeting.

## 2. Draft Rules of Procedure Amendment (Section 1.2 Regular Meetings time)

Planning Director Matthew Hoagland presented the proposed amendment regarding the Planning Board's regular meeting time. He reminded the Board that, at the conclusion of the previous meeting, there had been discussion about moving the meeting start time earlier due to the length of meetings, which often extend to 9:30 p.m., 10:00 p.m., or later. Mr. Hoagland stated that two options were presented for consideration. The first option was to move the regular meeting time from 7:00 p.m. to 6:00 p.m. The second option was to implement a variable schedule, with a 5:30 p.m. start time during the months of January, February, March, November, and December, and a 6:30 p.m. start time during the remaining months. Mr. Hoagland noted that, while both options were presented based on prior discussion, he had concerns about a variable schedule potentially causing confusion for the public, as meeting times would change throughout the year. He stated that, from a staff perspective, maintaining a consistent meeting time would be preferable if a change were to be made.

Board member Lee Kimrey agreed with Mr. Hoagland's concern regarding a variable meeting schedule. He stated that maintaining a consistent meeting time was important for the public, noting that community members rely on predictable scheduling when attending meetings. Mr. Kimrey emphasized that, from his perspective, having a set and dependable meeting time would be preferable to avoid confusion.

County Attorney Rik Stevens noted an additional revision to the proposed rules of procedure. He stated that Section 1.3 currently indicated that posting meeting changes on the County website was not required by statute; however, he clarified that it is now a statutory requirement to post such notices, particularly for special meetings. Mr. Stevens recommended that the language be amended to reflect that posting on the website is required.

The Board discussed whether two separate actions were needed, including consideration of a meeting time change and an amendment to Section 1.3 of the Rules of Procedure. It was clarified that the immediate action under consideration was to amend the language in Section 1.3 to reflect that notice of meetings shall be posted on the County website. Following discussion, a motion was made by Chair Rodney Cheek to amend Section 1.3 to state that notice shall be posted on the County website. The motion was seconded by Ernest Bare.

Following further discussion, a motion was made by Henry Chandler to change the Planning Board's regular meeting start time from 7:00 p.m. to 6:30 p.m. year-round. The motion included implementing the new start time beginning in April. The motion was seconded by Lee Kimrey.

Chair Rodney Cheek confirmed that the motion was to move the meeting start time up by 30 minutes to 6:30 p.m. and asked if there was any further discussion.

## 3. Consideration of UDO Article 6.5 Road Access and related amendments

Planning Director Matthew Hoagland presented proposed amendments related to road access for certain industrial developments. He explained that, following recent discussions and public interest in industrial uses, the Board of Commissioners had directed staff to evaluate potential changes to road access requirements. Mr. Hoagland stated that the draft amendments primarily addressed road access but also included related updates that had arisen during prior discussions in November and January. He noted that these included revisions to the definition of direct access, clarification of construction activities, and a change from a waiver process to a variance process. Mr. Hoagland explained that the proposed amendments were being presented as a priority item at the request of the Board of Commissioners and represented a temporary shift from the broader, ongoing ordinance update process. He stated that, if the Planning Board recommended approval, the amendments would proceed to a public hearing before the Board of Commissioners and, if adopted, would become part of the UDO.

Board member Stephen Dodson stated that he would like to modify his motion to allow staff to present the proposed amendments but defer any action until the next meeting. He explained that this would allow the Board to review the information presented, consider the proposed changes, and return with additional thoughts before making a decision. During discussion, it was suggested that modifying the motion in that manner could limit the Board's ability to take action following the presentation. It was recommended that the Board instead hear the presentation and determine afterward whether to take action or defer the item.

Planning Director Matthew Hoagland presented draft amendments to UDO Article 6.5, explaining that the proposed changes were developed in response to direction from the Board of Commissioners and recent discussions regarding industrial developments. He stated that the amendments addressed four sections of Article 6.5, along with corresponding updates to two definitions. Mr. Hoagland provided the Board with a reference map from the North Carolina Department of Transportation functional classification system, noting that roadway classifications would be relevant to the proposed road access changes.

He summarized the proposed amendments as follows:

- **Section 6.5.3(D) – Land Use Spacing (Waiver to Variance):**  
The amendment would eliminate the waiver process and replace it with a formal **variance process**, consistent with state law. Variances would be required to go through the Board of Adjustment, and any approved variance would need to be reflected on official plans submitted as part of the permit process.
- **Section 6.5.3(F) – Traffic Impact Analysis / Direct Access:**  
The amendment would clarify the definition of **direct access** and specify which road types qualify based on NCDOT functional classifications. It would also require that access shown on plans must reflect actual operational access and not be limited to a conceptual or secondary access point.
- **Section 6.5.4(B) – Public Hearing Notice Requirements:**  
The amendment would remove references to quasi-judicial statutes that do not apply and establish consistent notice requirements of **10 to 25 days** prior to the hearing. This would eliminate conflicting timelines currently present in the ordinance.
- **Section 6.5.4 – Approval of Intent to Construct Permits:**  
The amendment would establish a **45-day timeframe** for the Planning Board to review and make a recommendation. If no action is taken within that timeframe, the Board of Commissioners may proceed. It also clarifies that Planning Board decisions are advisory and not binding.

- **Definitions (Article 7):**  
Proposed updates include:
  - A revised definition of **construction activities** to distinguish between minor preparatory work (e.g., surveying, limited clearing) and actual construction or operational activities.
  - A new definition of **direct access** to support the revised road access provisions.

Mr. Hoagland noted that the proposed amendments were intended to address areas of ambiguity identified during recent meetings, particularly related to definitions, permitting procedures, and road access requirements. He acknowledged that additional ordinance updates may be needed in the future but stated that these changes were focused on priority items identified by the Board of Commissioners.

A motion was made by Mr. Dodson to table these changes to the April Planning Board Meeting. This motion was seconded by Mr. Bare and passed unanimously.

## **VIII. ANNOUNCEMENTS/DISCUSSION**

### **IX. ADJOURNMENT**

Mr. Dodson made a motion to adjourn; it was seconded by Mr. Bare and approved unanimously. Meeting Adjourned at 10:30 p.m.

## PART V. HEAVY INDUSTRIAL DEVELOPMENT

<u>Section 6.5.1. Applicability .....</u>	<u>p.2</u>
<u>Section 6.5.2. Regulated Land Uses and Exceptions .....</u>	<u>p.2</u>
<u>Section 6.5.3. Regulations and Standards .....</u>	<u>p.3</u>
<u>Section 6.5.4. Permitting Procedures .....</u>	<u>p.8</u>

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### 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, <u>Data Centers</u>
<b>CLASS III</b>
Mining/Quarrying, Race Tracks, Asphalt Plants, Electricity Generating Facility, Landfills-except inert debris, Paper Mills, Cement Manufacturing, Waste <u>Processing</u> 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 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 top of 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~~ B, Screening Guidelines and Suggestions 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~~ one hundred and fifty (150) percent of ~~times~~ the engineer's cost 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 fourteen (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. In preparation for the public hearing, the applicant shall provide the following:

~~ii.~~ ~~Notice of a public hearing must be provided per N.C. Gen. Stat. §160D-406 (b) which is incorporated herein.~~

~~iii.~~ ~~In addition, the applicant must provide the following:-~~

~~i.~~ a. The applicant shall cause notice of the public hearing to be published in a newspaper of general circulation in Alamance County not less than ten (10) days nor more than twenty-five (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. b. 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. c. 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. d. 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. The hearing notice shall be distributed to all of the following:
- ~~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. e. 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 ten (10) days nor more than twenty-five (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. f. 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. g. 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.
- v. h. 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. a. 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 forty-five (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. b. 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 to the Board of Adjustment pursuant to the appeals procedures defined herein. Section 2.3 of this Ordinance.
4. Duration of Intent-to-Construct Permits
- i. a. 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. b. 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 per-application meeting, then the Intent-to-Construct Permit will expire and shall require re-application and review as a new project.

- iii. c. 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~~ authorized by the Alamance County ~~Fire Marshal~~ Emergency Management Department.
- 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.

## TABLE OF REGULATED LAND USES DEFINITIONS – EXCERPTED FROM ARTICLE 7

### CLASS 1:

#### FUEL BULK STORAGE FACILITIES

Any establishment whose primary purpose is the wholesale or retail distribution, storage, distribution, mixing, or transfer of flammable or combustible liquids, gases, or solids, received or transferred by truck, train, tank vessel, pipelines, tank car, piping, portable tank or containers, or other method, including propane, methane, ethanol, gasoline, kerosene, oil, coal, and other fuels. This definition shall not include filling stations used solely for distribution to individual consumers; nor shall it include fuel stored at or on an agricultural farm, residence, business, or other facility where use of the fuel stored is limited primarily to on-site consumption (NAICS 424710 and 424720).

#### READY-MIX CONCRETE SUPPLIERS

Establishments, such as batch plants or mix plants, primarily engaged in manufacturing concrete delivered to a purchaser in a plastic and unhardened state, where such establishments are not engaged in mining or quarrying sand and gravel (NAICS 327320).

#### INERT DEBRIS LANDFILL

A disposal facility, or part of a disposal facility, where inert debris, land-clearing debris, yard trash, and similar vegetative waste is placed long-term in or on a parcel of land.

#### RENEWABLE ENERGY FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from hydroelectric, and wind to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

### **Class 2:**

#### RESOURCE EXTRACTION

The use of a property whereby the primary intent is the commercial removal of any naturally occurring substance from the land not otherwise covered by the definition of mining and quarrying. Such substances include, but are not limited to ~~top soil~~ topsoil or fill dirt. Such substances do not include petroleum in any form, natural gas, or other gaseous substance agricultural products, timber, surface or subsurface water, or any renewable resource. The act of selling fill dirt that results from grading operations related to another project or which are secondary to other established businesses shall not be considered Resource Extraction.

## AUTOMOTIVE SALVAGE FACILITY

Establishments primarily engaged in the merchant wholesale and retail distribution of used motor vehicle parts and establishments primarily engaged in dismantling motor vehicles for the purpose of selling the parts (NAICS 423140).

## AUTOMOTIVE STORAGE FACILITY

Establishments primarily intended for the ~~short or long term~~ short- or long-term storage of wrecked or inoperative automobiles pending sale of the entire automobile. This definition does not include establishments where the storage of automobiles is ancillary to the repair of the automobiles stored, such as at a garage or repair shop.

## CHEMICAL MANUFACTURING

Establishments primarily involved in the production, synthesis, formation, processing, refining, manufacturing, and/or distribution of chemical products in bulk, for other than retail sales on-site (including all chemical manufacturing in NAICS subsector 325).

## 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.

## **CLASS 3:**

### MINING

The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; excavation or grading where all of the following apply:

- a) The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.
- b) The affected land, including nonpublic access roads, does not exceed five acres.
- c) The excavation or grading is completed within one year.
- d) The excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of off-site waste on the affected land, or the surface disposal of groundwater beyond the affected land.

#### QUARRYING

Open excavations where the works are visible at the surface and intended for the extraction of stone, slate, marble, or other mineral from a mass of surrounding rock.

#### RACETRACKS

A designated area where competitive vehicle and motorsport races are conducted. The term includes the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.

#### ASPHALT PLANT

Establishments, with all related equipment, for the manufacture and production of asphalt and tar paving mixtures and blocks from purchased asphaltic materials (NAICS 324121). Also included in this definition are establishments engaged in manufacturing asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials and/or saturating purchased mats and felts with asphalt or tar (NAICS 32412 and 324122).

## ELECTRICITY GENERATING FACILITY

Any stand-alone plant not ancillary to another land use which is intended for the commercial generation of electric power from any source other than solar, hydroelectric, and wind, including but not limited to fossil fuels, nuclear, or waste products, to be primarily distributed to the public for compensation. This definition shall not apply to an agricultural farm, residence, business, or other facility where the sale of the electricity so produced is secondary to on-site consumption.

## LANDFILL

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NCGS.

For the purposes of this ordinance, a landfill which is not an inert debris landfill, shall refer generally to those which accept municipal solid waste, construction and demolition debris, industrial solid waste, medical waste, hazardous waste, scrap tires, or any other type of waste which does not intake inert debris, land-clearing debris, yard trash, or similar vegetative materials.

## PAPER MILL

Establishments primarily engaged in manufacturing paper from pulp. These establishments may manufacture or purchase pulp. In addition, the establishments may convert the paper they make. The activity of making paper classifies an establishment into this industry regardless of the output.

## CEMENT MANUFACTURING

establishments primarily engaged in manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements. Cement manufacturing establishments may calcine earths or mine, quarry, manufacture, or purchase lime (NAICS 327310).

## WASTE PROCESSING FACILITY

~~Includes incinerators, composting facilities, household hazardous waste facilities, waste-to-energy facilities, transfer stations, reclamation facilities or any other location where wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being released into the air or transported to a final disposal site. Specifically included in this definition are medical waste facilities as defined by G.S. § 130A-309.26a.~~

Lands or buildings which accept municipal solid waste, construction and demolition debris, industrial solid waste, medical waste, hazardous waste, scrap tires, or any other type of synthetic waste which is incinerated, composted, converted into another energy source, consolidated, temporarily stored, salvaged, or otherwise processed before being released into the air or transported to a final disposal site.

## SAW MILL

Any permanent commercial establishments primarily engaged in sawing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts. Sawmills may plane the rough lumber that they make with a planing machine to achieve smoothness and uniformity of size. Sawmills that are temporary, portable, or located on 10 acre or less are excluded from this definition.

## METAL RECYCLING AND SALVAGE FACILITIES

Establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap (NAICS 423930).

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## ARTICLE 8 | APPENDICES

### Appendix A. Plat Certificates

The following certificates shall be on the final plat, as appropriate, and properly completed by the appropriate persons prior to submission to the Subdivision Administrator for final plat approval:

- 1. Certificate of Ownership and Dedication.** I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book \_\_, Page \_\_, and that I (we) hereby acknowledge this plat and allotment to be my (our) free act and deed and hereby establish the minimum building lines, and dedicate to public use as streets, alleys, crosswalks, easements, parks and other spaces forever as shown or indicated. Further, I (we) certify that the property as shown hereon is within the subdivision regulation jurisdiction of Alamance County.

---

Owner

Date

---

Owner

Date

---

Attest

Date

- 2. Certificate of Accuracy.** I, \_\_\_\_\_, certify that this plat was drawn under my direction from an actual survey made under my supervision (deed description recorded in Book \_\_, Page \_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in book \_\_, Page \_\_; that the ratio of precision as calculated is 1:\_\_\_\_; that this plat was prepared in accordance to G.S. § 47-30 as amended. Witness my original signature, registration number and seal this day of \_\_\_\_, A.D., 20\_\_.

---

Seal or Stamp

---

Surveyor

---

Registration Number

3. **Certificate of Approval of Wastewater Disposal Systems.** I hereby certify that all lots are provisionally approved for subsurface wastewater disposal systems, except as noted on the plat, subject to issuance of improvement permits by the Health Department, and, to the North Carolina Administrative Code.

---

Health Director or Deputy \_\_\_\_\_ Date \_\_\_\_\_

4. **Certificate Indicating Lot Not Approved for Subsurface Wastewater Disposal Systems.** On \_\_\_\_\_ (date), lot(s) \_\_\_\_\_, were found to be unsuitable for installation of a subsurface wastewater disposal system, in accordance with North Carolina Administrative Code.

---

Health Director or Deputy \_\_\_\_\_ Date \_\_\_\_\_

5. **Certificate Indicating Lot Not Evaluated for Subsurface Wastewater Disposal Systems.** Lot(s) \_\_\_\_\_ have not been evaluated at the time of subdivision for installation of a subsurface wastewater disposal system, pursuant to Title 15A Subchapter 18E of the North Carolina Administrative Code. The suitability of the property for subsurface sewage disposal systems is unknown and has not been determined as part of this subdivision process.

---

Health Director or Deputy \_\_\_\_\_ Date \_\_\_\_\_

6. **Certificate of Approval for Existing Sewage Disposal Systems.** Lot(s) \_\_\_\_\_ has an existing sewage disposal system that complies with section 6.9.4.G.ix of the “The Alamance County Unified Development Ordinance”.

---

Health Director or Deputy \_\_\_\_\_ Date \_\_\_\_\_

7. **Certificate of Wastewater Disposal Systems permitted by The Engineered Option Permit.** I hereby certify that lot(s) \_\_\_\_\_ are approved for subsurface water disposal systems, except as noted on the plat, subject to issuance of a Notice of Intent to Construct by the Licensed Engineer.

---

Health Director or Deputy \_\_\_\_\_ Date \_\_\_\_\_

8. **Certificate of Wastewater Disposal Systems permitted by The Authorized On-site Wastewater Evaluator.** I hereby certify that lot(s) \_\_\_\_\_ are approved for subsurface water disposal systems, except as noted on the plat, subject to issuance of a Notice of Intent to Construct by the Authorized On-site Wastewater Evaluator.

---

Health Director or Deputy

Date

9. **Certificate of Approval for Existing Sewage Disposal Systems.** Lot(s) \_\_\_\_\_ has an existing sewage disposal system that complies with section 6.9.4.G.ix of the "The Alamance County Unified Development Ordinance" as verified by the Licensed Engineer.

---

Health Director or Deputy

Date

10. **Certificate of Approval by Division of Highways of the North Carolina Department of Transportation.** Department of Transportation Division of Highways Proposed Subdivision Road(s) Construction Standards Certificate

---

Approved, District Engineer

Date

11. **Disclosure Statement Certificate for Public Subdivision Roads.** I (We), the developer(s) of roads in \_\_\_\_\_ Subdivision hereby state that the subdivision roads have been constructed to N.C. Department of Transportation standards. Until such time as the N.C. Department of Transportation adds the roads in \_\_\_\_\_ Subdivision to the State System for Maintenance, I (We) as developer(s) shall assume all road maintenance responsibilities.

---

Developer

Date

12. **Certification for Private Roads.** I (We), the developer(s) of \_\_\_\_\_ subdivision hereby state that the subdivision roads, in subdivision are private roads, ownership and maintenance of the private road is the responsibility of \_\_\_\_\_. A Private Road Disclosure Statement for this subdivision is required to be recorded with each and every subsequent deed transferring ownership.

---

Developer \_\_\_\_\_ Date \_\_\_\_\_

---

Attest \_\_\_\_\_ Date \_\_\_\_\_

**13. Certificate of Approval of Required Improvements.** The undersigned hereby certify that the required improvements have been made on this property in an acceptable manner and in accordance with the specification of the Subdivision Ordinance of Alamance County and other applicable regulations, or that a performance or surety guarantee bond in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) has been posted with the County of Alamance to assure completion of all required improvements in case of default on the part of the subdivider.

---

Subdivision Administrator, Alamance County \_\_\_\_\_ Date \_\_\_\_\_

**14. Certificate of Approval.** This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of Alamance County and is approved this date for recording in the Office of the Register of Deeds of Alamance County.

---

Subdivision Administrator, Alamance County \_\_\_\_\_ Date \_\_\_\_\_

**15. Certification of Exception.** I (We) hereby certify that I am (We are) the Owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book \_\_\_, Page \_\_\_, and that the subdivision of the property shown on this plat is an exception to the Unified Development Ordinance of Alamance County, North Carolina under section 6.9.1.

---

Owner \_\_\_\_\_ Date \_\_\_\_\_

---

Subdivision Administrator, Alamance County \_\_\_\_\_ Date \_\_\_\_\_

**16. Disclosure Statement for Non-conforming Private Roads.**  
I (We) the Grantors(s) of this property hereby state that the existing private road shown shall be maintained in a quality condition for year-round access by \_\_\_\_\_ or his/her heirs or successors, and that this agreement shall run with the title. I (We) further disclose that this is a private road and may not be considered acceptable access by lending institutions.



**19. Certificate of 911 Addressing Compliance**

All road names and addresses comply with Alamance County Addressing Ordinance; property addresses are not legal descriptions and may be changed under its authority.

---

Addressing Administrator

Date

**20. Certificate of Proximity to a Voluntary Agricultural District**

The subdivision of the property shown on this plat is located within one-half (1/2) aerial mile of a Voluntary Agricultural District. All interested parties are encouraged to review the Alamance County Geographic Information Mapping System (GIS) Database layer for all tracts of land enrolled in a Voluntary Agricultural District.

---

Subdivision Administrator

Date

**21. Certificate of Disclosure, Flood Damage Prevention Regulations**

The subdivision of the property shown on this plat is located within the boundaries of a Flood Hazard Area as identified on the most recent Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBM) as published by the Federal Emergency Management Agency (FEMA). Said Flood Hazard Areas have been designated on this plat. No development within said Flood Hazard Areas shall take place without first obtaining an approved Floodplain Development Permit Application from the Floodplain Administrator.

---

Floodplain Administrator

Date

**22. Certificate of Approval for Watershed Protection Regulations**

The subdivision of the property shown on this plat is located within the boundaries of:

---

Name of Watershed

Balance/Critical Area

I certify that the plat shown hereon complies with the Watershed Protection Standards established by this Ordinance for Alamance County, North Carolina.

---

Watershed Administrator

Date

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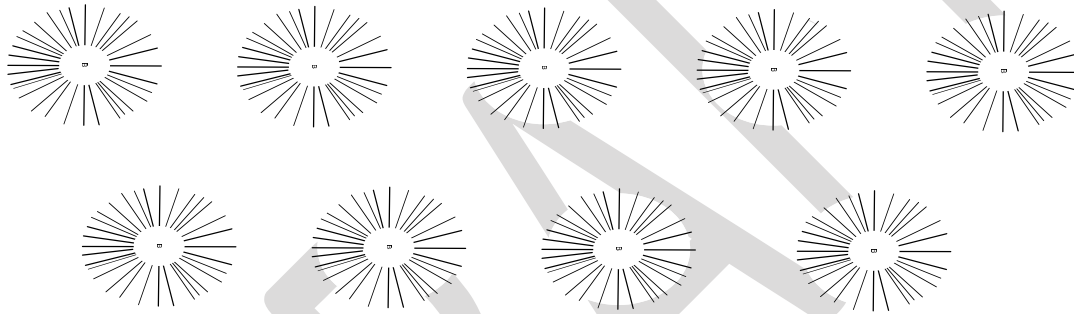
## Appendix B. Screening Guidelines and Suggestions

### General Guidelines

Screening buffers should be a minimum of thirty (30) feet in width for Class I and Class II Industrial Developments. Screening buffers for Class III and Class IV Industrial Developments should be a minimum of fifty (50) feet in width.

Planting for all screening buffers, in general, should be done in a “double-staggered” manner with plants set on 8-10 foot centers. Planting may be allowed further apart, depending on the trees, shrubs, and other vegetation involved, at the discretion of the Planning Director. In all cases, the screening should produce a continuous hedge that significantly reduces or eliminates the visual impact of the land use. Existing vegetation may be deemed adequate, based on a site visit and visual inspection.

*Ex: Double-Staggered Planting*



### Suggested Vegetation

Applicants are strongly encouraged to consult with the County Horticulturalist to evaluate the quality of soil and probability of survival and proposed plants; including those suggested in these guidelines. The following trees are generally approved for visual screening purposes:

- Loblolly Pine (fast growing, 60-90' mature height)
- Arizona Cypress (medium growth, 40-50' mature height)
- Southern Magnolia (slow to medium growth, 60-80' mature height)
- Cryptomeria Yoshino (fast growing, 50' mature height)
- Tree Hollies (Nellie Stevens Holly, Mary Nell Holly, Emily Brunner Holly, Fosteri Holly, etc.... (fast growing, 20-25' mature height)

# Appendix C. Heavy Industrial Development Intent-to-Construct Permit Application

## Alamance County Planning Department

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_ Township Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Parcel I.D. Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Acreage of Lot: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Property Owner (if different) \_\_\_\_\_

1. Describe what the land and/or building(s) will be used for:

\_\_\_\_\_  
\_\_\_\_\_

2. Please state the proposed days and hours of operation:

\_\_\_\_\_

3. Please state any additional comments you would like to make that you feel may be relevant to the consideration of this application:

\_\_\_\_\_  
\_\_\_\_\_

By signing this application, the applicant hereby certifies to the best of their knowledge the following statements are true:

1. The industry for which the Permit is being requested will at all times comply with the applicable regulations and standards imposed under this Ordinance.

2. No Permit issued to the applicant under this Ordinance, or under any successor Ordinance hereto, has ever been revoked.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix D. Heavy Industrial Development Operations Permit  
Alamance County Planning Department

Date: \_\_\_\_\_

Project Name: \_\_\_\_\_ Township Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Parcel I.D. Number: \_\_\_\_\_

Contact Address: \_\_\_\_\_

Acreage of Lot: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

By signing this application, the applicant hereby certifies to the best of their knowledge the following statements are true:

1. The industry for which the Permit is being requested will at all times comply with the applicable regulations and standards imposed under this Ordinance.
2. No Permit issued to the applicant under this Ordinance, or under any successor Ordinance hereto, has ever been revoked.
3. The proposed industry is properly permitted under and complies with, and at all times will be maintained and operated and will continue to be permitted under, all rules, regulations, and other requirements imposed by D.O.T., D.E.N.R., D.E.Q. and any other applicable regulatory agency or governmental body.
4. The applicant is the owner or lessee of the tract or tracts on which the industry is located or is proposed to be located.
5. The applicant has been duly issued an Intent-to-Construct Industrial Development Permit by the Planning Department for the same proposed use, which Permit is still valid as of the date of filing of the application for the Operations Industrial Development Permit.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix E. Specifications for Heavy Industrial Site Plans

### **Title & General Information**

- a. Date of submission.
- b. Location designation (township, county, state).
- c. Name and address of surveyor (Surveyor must sign and seal the site plan).
- d. Scale in figures and bar graph.
- e. North arrow.
- f. Vicinity Map
- g. Surveyor's or Engineer's Seal

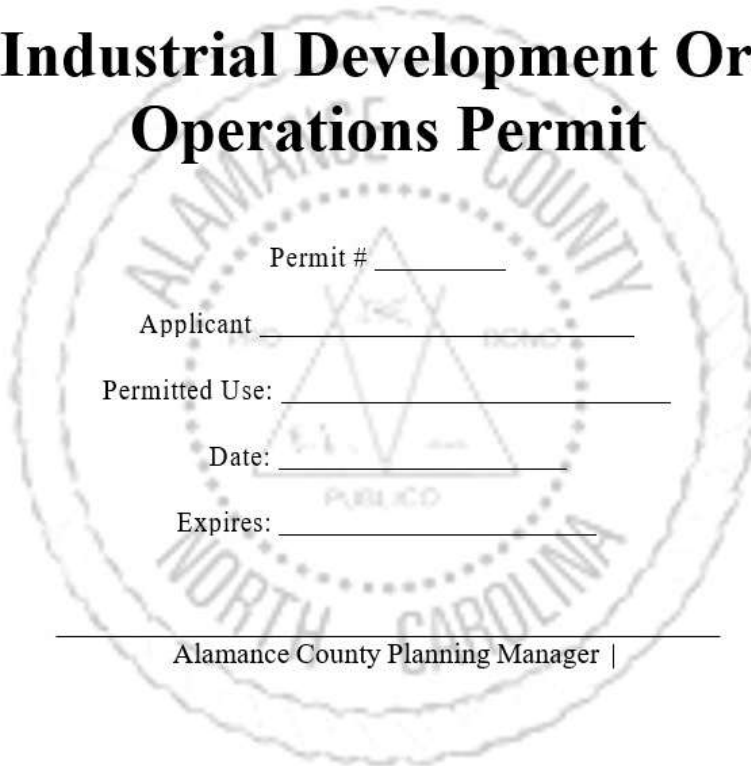
### **Site Data**

- a. Name and address of owner(s).
- b. Parcel Identification Number(s)
- c. Name of Project.
- d. Total acreage
- e. Total percentage of proposed and existing impervious surface area.

### **Project Area (as applicable)**

- a. Designated Area of Operations; clearly showing all fencing and existing and/or proposed buildings to be located on the site.
- b. The distance of the Area of Operations from all property lines.
- c. Location of any streams, ponds, or other waterways located on the property.
- d. The distance of the Area of Operations from any streams (perennial or intermittent) located on the property.
- e. Lake and stream buffers.
- f. Location and extent of any marginal land/floodplain.
- g. Representative topography.
- h. Location and purpose of any existing or proposed rights-of-way or easements.
- i. Location of any existing or proposed stormwater control devices.
- j. Location of existing or proposed septic tank and drainage field or public utilities
- k. Design of the parking lot, showing all points of entrance and exit, proposed lot lighting (if applicable), parking stalls, handicapped-parking stalls, and distance between stalls (aisles); including all dimensions.
- l. Location and dimensions of loading berths.
- m. Location of proposed gate and signage.
- n. An exterior lighting plan showing locations of all lighting and proposed lighting fixtures.

# Heavy Industrial Development Ordinance Operations Permit



Permit # \_\_\_\_\_

Applicant \_\_\_\_\_

Permitted Use: \_\_\_\_\_

Date: \_\_\_\_\_

Expires: \_\_\_\_\_

\_\_\_\_\_  
Alamance County Planning Manager |

DK

## Appendix G Heavy Industrial Development Fee Schedule

<u>Classification</u>	<u>Permit Application Fee</u>	<u>Renewal Fee</u>
<b>Class I</b>	\$350	\$50
<b>Class II</b>	\$350	\$50
<b>Class III</b>	\$350	\$50
<b>Nonconforming/Grandfathered</b>	\$0	\$50

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## Appendix H G. Notice of Public Hearing

### NOTICE OF PUBLIC HEARING

Please take notice that the Alamance County Planning Board will hold a public hearing on **DATE** at **TIME** to consider the following:

Application of **NAME/CORPORATE IDENTITY** for a **USE**.

This **USE** will be located at **ADDRESS**.

Please contact **COMPANY CONTACT** for more information about **NAME** or **USE**.

If you would like to view a copy of the complete application for this proposed **USE**, please contact the Alamance County Planning Department at **NUMBER** or view online at: **LOCATION**.

This public hearing will be held in the Commissioner's Meeting Room located on the 2nd floor of the Alamance County Office Building, 124 West Elm Street, Graham, NC 27253. All interested citizens are invited to attend. If any disabled person has a special request for a hearing interpreter or other assistance, please contact the ADA Coordinator at (336) 228-1312 TDD 570-6326.

## Appendix H. Specifications for SES Solar Energy System Site Plans

### **Title & General Information**

- a. Date of submission
- b. Location designation (township, county, state)
- c. Name and address of surveyor (Surveyor must sign and seal the site plan)
- d. Scale in figures and bar graph
- e. North arrow
- f. Vicinity Map
- g. Surveyor's or Engineer's Seal

### **Site Data**

- a. Name and address of owner(s)
- b. Parcel Identification Number(s)
- c. Name of Project
- d. Total acreage
- e. Total percentage of proposed and existing impervious surface area

### **Project Area (as applicable)**

- a. Designated Area of Operations; clearly showing all fencing and existing and/or proposed buildings to be located on the site.
- b. The distance of the Area of Operations from all property lines.
- c. Location of any streams, ponds, or other waterways located on the property.
- d. The distance of the Area of Operations from any stream (perennial or intermittent) located on the property.
- e. Lake and stream buffers.
- f. Location and extent of any marginal land/floodplain.
- g. Representative topography.
- h. Location and purpose of any existing or proposed rights-of-way or easements.
- i. Location of any existing or proposed stormwater control devices.
- j. Location of existing or proposed septic tank and drainage field or public utilities
- k. Design of the parking lot, showing all points of entrance and exit, proposed lot lighting (if applicable), parking stalls, handicapped-parking stalls, and distance between stalls (aisles); including all dimensions.
- l. Location and dimensions of loading berths.
- m. Location of proposed gate and signage.
- n. If necessary, an exterior lighting plan showing location of all lighting and proposed lighting fixtures.

## Appendix J Example Decommissioning Plan

This is a simple example decommissioning plan. Each SES may elect to use their own form.

**Decommission Plan for Big Bright Solar Farm, located at \_\_\_\_\_**  
***Date Prepared*** \_\_\_\_\_

Prepared and Submitted by Solar Developer ABC, the owner of Big Bright Solar Farm

As required by the Alamance County, Solar Developer ABC presents this decommissioning plan for Big Bright Solar Farm (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. ~~\_\_\_\_\_ The land lease ends~~
2. ~~\_\_\_\_\_ The system does not produce power for 12 months~~
3. ~~\_\_\_\_\_ The system is damaged and will not be repaired or replaced~~

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. ~~\_\_\_\_\_ Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.~~
2. ~~\_\_\_\_\_ Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.~~
3. ~~\_\_\_\_\_ Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.~~
4. ~~\_\_\_\_\_ Revegetate any cleared areas with warm season grasses that are native to the region, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.~~

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The owner of the Facility, currently Solar Developer ABC, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Special Use Permit in the event the operator of the farm does not fulfill this obligation.

The owner of the Facility will provide Alamance County planning department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner. This plan may be modified from time to time and a copy of any modified plans will be provided to the planning staff and filed with the Register of Deeds by the party responsible for decommissioning.

SES Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Landowner (if different from SES Owner): \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix K I. Private Road Disclosure Statement

The road in \_\_\_\_\_ Subdivision is declared to be private and subject to the following:

1. The road is not constructed to the standards established by the North Carolina Department of Transportation to permit inclusion in the State System for Maintenance.
2. The access provided by the road may not be considered acceptable by lending institutions.
3. The maintenance of the road shall be the responsibility of \_\_\_\_\_.
4. The road shall be maintained to the construction standards established in the Alamance County Subdivision Ordinance in effect at the time of approval and construction of the private road, if applicable.
5. The right of access to all lots in this subdivision shall be guaranteed.
6. This certificate shall be an attachment to the deed of each lot and shall be an attachment to each future deed of transfer.
7. All rights and responsibilities contained herein shall be transferred with each change of ownership.

IN TESTIMONY WHEREOF, the Declarant(s), \_\_\_\_\_, has caused this instrument to be signed and (his) (her) (their) seal(s) to be hereto affixed this \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ (seal) \_\_\_\_\_ (seal)

State of North Carolina  
County of Alamance

I, the undersigned Notary Public in and for the County and State afore said do hereby certify that \_\_\_\_\_ personally appeared before me and acknowledged the due execution of this document.

Witness my hand and seal this \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ (seal)  
Notary Public

My Commission expires: \_\_\_\_\_

### Certification of Purchaser(s)

I (We), purchaser(s) of Lot(s) \_\_\_\_\_ in this afore named Subdivision have read and agree to the provisions of this Disclosure Statement and by my (our) hand so acknowledged this \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ (seal)

\_\_\_\_\_ (seal)

State of North Carolina

County of Alamance

I, the undersigned Notary Public in and for the County and State afore do hereby certify that \_\_\_\_\_ personally appeared before me and acknowledged the receipt of this document.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (seal)

My Commission expires: \_\_\_\_\_

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## Appendix L Standards for Private Roads

Private Roads shall be constructed in such a manner so as to not be a threat to the health, safety or welfare of the residents using the road.

### SPECIFIC PROVISIONS FOR PRIVATE ROADS:

A. Minimum Road Standards for Class I Private Road:

<u>TYPE</u>	<u>DISTANCE</u>
<b>Width</b>	50'
<b>Travelway (minimum)</b>	
Class I Road (4" Compacted Gravel)	10'
<b>Shoulder (minimum)</b>	
Class I Road	8'
<b>Ditch (typical)</b>	
Class I Road	4'
<b>Utilities (typical)</b>	4'
<b>Outside Ditch to Outside Ditch</b>	42'
<b>Maximum Cut or Fill Slope</b>	2:1
<b>Design Speed (per N.C. DOT)</b>	20 MPH
<b>Minimum Sight Distances, Curves</b>	110'
<b>Minimum Centerline Radius</b>	90'
<b>Maximum Grade</b>	12%
<b>Cul-de-Sac Radius, Minimum</b>	50'
<b>Intersection Angle, Minimum degrees</b>	75'

All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices. A detailed drawing for a Class I private road is attached.

- ~~B. Drainage. All pipe culverts, and storm sewers, shall be constructed in such a manner as to alleviate accumulation of debris and silt buildup and shall be structurally and hydraulically sound and functioning in a normal manner. All drainage ditches shall be of sufficient width, depth and slope as to carry the anticipated discharges. All private roads shall have adequate drainage. The grade of the side ditches should be such that the water is carried rapidly to a stable outlet.~~
- ~~C. Stabilization of Shoulders. Erosion prevention on shoulders shall be undertaken by using the methods of seeding, sodding or mulching. On cut and fill slopes run-off shall be prevented on the slopes.~~
- ~~D. Erosion Control Plan. An Erosion Control Plan must be submitted to and approved by the North Carolina Department of Environment, Health and Natural Resources if more than one (1) acre is cleared or disturbed.~~
- ~~E. Minimum Road Standards for a Class II Private Road: Class II private roads shall meet minimum N.C. DOT design and improvement standards, except for paving.~~

## Appendix M J. Example Homeowners Association Agreement

NORTH CAROLINA  
ALAMANCE COUNTY

### RESTRICTIVE COVENANTS FOR [SUBDIVISION NAME]

THIS DECLARATION is made this **(DAY)** day of **(MONTH)**, **(YEAR)**, by **(NAME AND COMPLETE ADDRESS OF DEVELOPER)**, hereinafter called Declarant;

#### **WITNESSETH**

THAT WHEREAS, Declarant is the owner of the real property described in Article I of the Declaration and desires to subject said real property to the restrictions, provisions, and covenants hereinafter set forth; each and all of which is and are for the benefit of such property and for each owner thereof, and shall inure to the benefit of and pass thereof, and shall apply to and bind the successors in instrument and any owner thereof.

NOW THEREFORE, the Declarant hereby declares that the real property described in and referred to in Article I hereof is and shall be held, transferred, sold and conveyed subject to the protective covenants, restrictions and provisions set forth below.

#### **ARTICLE (#)**

The real property which is, and shall be, held, transferred, sold and conveyed subject to the protective covenants, restrictions, and provisions set forth in the various articles of this declaration is located in \_\_\_\_\_ Township, Alamance County, North Carolina, and more particularly described as follows:

Consisting of lots \_\_\_\_\_, of **(SUBDIVISION NAME)** as shown on the plat of the survey of **(SURVEY NAME)** recorded in Plat Book \_\_\_\_ at Page \_\_\_\_ of the Alamance County Registry. Reference is made to said plat for a more particular description of the property hereby restricted.

#### **ARTICLE (#)**

The real property hereinbefore described is made subject to the easements, protective covenants and restrictions hereinafter described for the purpose of insuring the best use and the most appropriate development of the property herein described.

The benefits and burdens herein are limited to the lots in the property herein described, and the scheme and plan of these covenants and restrictions are so limited, even though identical or similar restrictions may be imposed on other land nearby and the plat contains other lands.

These protective covenants and restrictions shall be and remain in force for 20 years. At such time, and at the end of each successive 10-year period thereafter, these provisions shall be deemed to have been extended for an additional 10 years unless a majority of the lot owners decide to terminate this indenture by written instrument duly recorded.

**ARTICLE (#)**

All owners of lots bordering or having the use of the private road known as **(ROAD NAME)** whether they be initial purchasers or subsequent purchasers, shall be members of the **(SUBDIVISION NAME)** Homeowner's Association (hereinafter referred to as the Homeowner's Association). The initial purchasers of the odd numbered lots shall constitute the initial board of directors, who will serve until the members meet and elect other directors. The first meeting of the Homeowner's Association must occur within \_\_\_\_\_ months of the date this instrument is recorded. The initial meeting and any meeting thereafter until the association adopts a different method may be called by any member of the board of directors. If no such meeting has been called within sixty days of the date this instrument is recorded, a meeting may be called by any lot owner, by written notice sent by regular mail to the last known address of each owner. Each lot is entitled to one vote in matters decided by a vote of the members.

All lot owners of the subdivision are members of the Homeowner's Association but only members bordering or having the use of the private road vote on matters pertaining to the maintenance of the road.

The Homeowner's Association shall be solely responsible for enforcing these covenants, though this shall not preclude any lot owner from enforcing these covenants by an action in law or equity against the person violating these covenants.

**ARTICLE (#)**

The Homeowner's Association shall be solely responsible for maintaining the road that services this subdivision, and shall maintain it in good, serviceable, uneroded condition. Such maintenance shall be sufficient, at minimum, to comply with the standards for private subdivisions roads contained in the Alamance County Subdivision Ordinance governing Class (I or II) roads as approved in **(DATE OF CURRENT REVISION)**.

Such maintenance shall be paid for through assessments of the lot owners whose lots are bordering or having the use of the private road, the amount of which shall be fixed by the Homeowner's Association. By ownership of a lot, lot owners shall be deemed to have promised and become liable to pay all such assessments, and the Homeowner's Association may sue to collect any unpaid assessments in the courts of this State.

Should the Homeowner's Association fail to perform its obligations in this regard, any lot owner bordering or having the use of the private road may see to the maintenance of the road under the terms of any road maintenance agreement entered into by the parties.

**ARTICLE (#)**

These restrictions and protective covenants may be changed, amended, modified, or cancelled as follows: Declarant, and lot owner, or the Homeowner's Association, when formed, acting through its board of directors, may give written notice, by regular mail sent to the last known address of each owner according to the Declarant's or to the association's records, of the time and place of a meeting at which the proposed change shall be considered, to each and every lot owner of record. If seventy-five percent (75%) or more of the lot owners shall vote in favor of the change, modification, or amendment the same shall thereupon be considered as approved.

Cancellation may be approved if and when the North Carolina Department of Transportation accepts total responsibility for the maintenance of the private road, and seventy-five (75%) or more of the lot owners vote in favor of the cancellation.

For purposes of this provision, the declarant shall be considered as a lot owner, and each lot owner shall be entitled to one vote for each lot owned (i.e., and owner owning three lots shall be entitled to three votes; four lots, etc.)

**ARTICLE (#)**

The invalidation of any portion of these Restrictions and Covenants by judgment or court order shall in no way affect any of the other provisions contained herein, and those provisions shall be severable from the invalidated portion and shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed on the day and year first above written.

(SUBDIVISION DEVELOPER NAME) \_\_\_\_\_ (SEAL)

**AUTHORIZING DEVELOPMENT OFFICIAL NAME & TITLE**

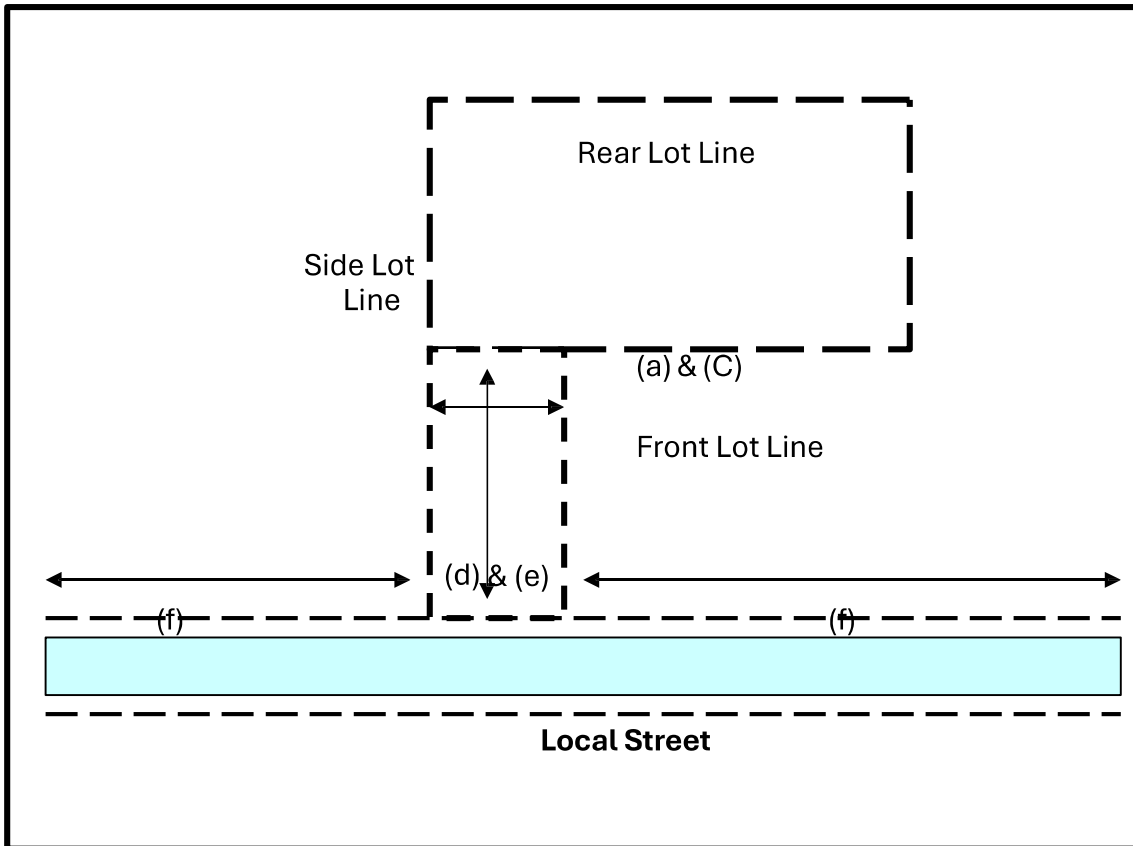
STATE OF NORTH CAROLINA COUNTY OF ALAMANCE

I, \_\_\_\_\_, a Notary Public, do hereby certify that **(AUTHORIZING DEVELOPMENT OFFICIAL NAME & TITLE)** personally appeared before me this day and acknowledged the due execution of this foregoing instrument. Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ (SEAL)

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

## Appendix N K. Specifications for Exclusive Access Easements



### Lot Served by Exclusive Access Easement

- a) An Exclusive Access Easement shall serve only one single-family dwelling and its uninhabited accessory structures.
- b) Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer.
- c) Minimum lot size shall be 1 acre.
- d) The minimum easement width shall be 25 feet.
- e) The minimum length shall be 300 feet.
- f) The minimum separation between easement and any other platted access or right-of-way shall be 150 feet.
- g) Location of the easement must be recorded on a plat.
- h) The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

## Appendix ~~Θ~~ L. Specifications for Preliminary Plans and Final Plats

### ~~I.~~ Title Data

- ~~A.~~ Date of submission.
- ~~B.~~ Name and address of owner(s)
- ~~C.~~ Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- ~~D.~~ Location designation (township, county, state), and location map showing the property to be subdivided and surrounding area.
- ~~E.~~ Name and address of surveyor.
- ~~F.~~ Scale in figures and bar graph.
- ~~G.~~ North arrow.
- ~~H.~~ Preliminary Plan" notation.

### ~~II.~~ Existing Conditions (on property to be subdivided and within 300' feet of property being subdivided)

- ~~A.~~ Street right-of-way, width of pavement and names.
- ~~B.~~ Location and size of public utilities: sewer & water.
- ~~C.~~ Location and size of bridges, culverts and other storm drainage facilities.
- ~~D.~~ Location, width and purpose of all easements.
- ~~E.~~ Bearings and distances of property boundary.
- ~~F.~~ Surrounding property lines, property owners and subdivisions.
- ~~G.~~ Boundaries and identification of political subdivisions.
- ~~H.~~ Boundaries and identification of land use districts.
- ~~I.~~ Buildings.
- ~~J.~~ Topography including watercourses, wooded areas and contours at five feet (5') intervals or less.
- ~~K.~~ Location, extent and identification of marginal land.
- ~~L.~~ Driveways and roads (in use or abandoned) leading to other property.
- ~~M.~~ Other natural or manmade conditions affecting site development.

### ~~III.~~ Proposed Plans

- ~~A.~~ Street alignments, right of ways and names.
- ~~B.~~ Public utilities: sewer & water with connections to existing systems shown.
- ~~C.~~ Location and size of bridges, culverts and other storm drainage facilities.
- ~~D.~~ Location, width and purpose of all easements.
- ~~E.~~ Lines, numbers and approximate dimensions of lots and blocks.
- ~~F.~~ Minimum building setback lines.
- ~~G.~~ Public use sites.
- ~~H.~~ Site data:
  - ~~a.~~ Acreage of property to be subdivided.
  - ~~b.~~ Acreage of public use sites.
  - ~~c.~~ Number of lots.
  - ~~d.~~ Average lot size.
  - ~~e.~~ Square feet of each irregularly shaped lot.
  - ~~f.~~ Linear feet of streets

Information Category	Information to be Displayed	Preliminary Plat	Final Plat
<b>I</b>	<b>Title Block:</b>		
A.	Name of subdivision	X	X
B.	Name and address of owner(s)	X	X
C.	Name of subdivider	X	X
D.	Name and address of engineer, professional surveyor or architect	X	X
E.	Date of submission	X	X
F.	Scale of drawing in feet per inch (Minimum one inch = 100 feet on preliminary plat and one inch = 60 feet on final plat)	X	X
G.	Vicinity map	X	X
H.	North arrow	X	X
I.	"Final Plat" or "Preliminary Plat" notation	X	X
J.	Location designation (township, county, state)	X	X
<b>II</b>	<b>Site Data: on property to be subdivided and within 300' of property being subdivided</b>		
A.	Total acreage	X	X
B.	Acreage in parks and recreational uses and other nonresidential uses	X	X
C.	Total number of parcels produced	X	X
D.	Acreage in smallest lot subdivision	X	X
E.	Boundaries of tract shown with bearings and distances	X	X
F.	The location of any natural or manmade features which may affect the suitability of the land for subdivision such as watercourses, rock outcrops, electric transmission lines, etc.	X	
G.	The existing and proposed uses on the proposed subdivision, lots, and if known, on the adjoining parcels	X	
H.	Name of the owners of adjoining properties	X	X
I.	The name of any adjoining subdivision of records as proposed and under review	X	X
J.	Zoning classification, if any, both on the land to be subdivided and on adjoining land	X	
K.	Existing property lines on the tract to be subdivided and on adjoining properties	X	X
L.	Minimum building setback table	X	X
M.	Proposed lot lines, minimum building setback lines, lot and block numbers, and approximate dimensions	X	
N.	Appropriate Certificates		X
<b>III</b>	<b>Street Data:</b>		
A.	Proposed streets	X	X
B.	Location and dimension of rights-of-way	X	X
C.	Pavement widths	X	X
D.	Approximate grades. Final grades	X	
E.	Public Street name and State Rd # Private Street name with Deed Bk/Pg #	X	X

F.	Street maintenance agreement if private streets/driveways are allowed on 30-foot minimum easement		x
G.	Existing nonconforming road(s) labeled	x	x
H.	Existing and platted streets on adjoining properties and in the proposed subdivision	x	
<b>IV</b>	<b>Utility Data:</b>		
A.	Location and dimension of easements	x	x
B.	Utility layouts including:		
	Sanitary sewer	x	
	Stormwater	x	
	Water distribution	x	
	Natural gas to located in the utility easement or right-of-way	x	
	Telephone/cable to be in the utility easement or right-of-way	x	
	Electric lines to be in the utility easement or right-of-way	x	
C.	Other easements showing locations, widths and purposes	x	
D.	Location and dimension of areas to be used for other than residential uses	x	x
E.	Areas to be dedicated or reserved for public use	x	x
F.	Future ownership of recreation and open space lands at date of recording	x	x
G.	Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line including dimensions, bearings or deflection angles, radii, central angles and tangent distance for the centerline of curved property lines that are not the boundary line of curved streets		x
H.	All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute		x
I.	The accurate locations and descriptions of all monuments, markers and control points		x
J.	A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established	x	x

## Appendix P M. Specifications for Construction Plans

### **I. Plan**

#### **A. Title data:**

- a. Date of submission.
- b. Name and address of owner(s).
- c. Name of subdivision.
- d. Location designation (township, county, state).
- e. Name and address of engineer.
- f. Scale in figures and bar graph.
- g. North arrow.

#### **B. Street data:**

- a. Physical features and structures in right-of-way and elsewhere as affected by street construction.
  - b. Sufficient data on the center line or proposed streets to readily verify compliance with the provision of this Ordinance including horizontal curve data (point of intersection, delta angle, degree of curve, radius of curve, length of curve, tangent distance), station equality at intersections, width of existing pavements, right-of-way and typical street section.
- C. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.
- D. Storm drainage facilities including the location, size and drainage area of bridges, culverts and drain pipes.
- E. Erosion and sediment control plans.

### **II. Profile**

#### **A. Street data:**

- a. Center line profiles of proposed streets. Said profiles shall be extended beyond the property being subdivided sufficiently to verify the feasibility of the proposed street.
  - b. Center line vertical curve data and elevations.
  - c. Center line profiles of intersecting (existing and proposed).
  - d. Grades.
  - e. Station and elevation of intersecting streets.
  - f. Existing street and property line elevations.
  - g. Street names.
  - h. Benchmark description and elevation.
- B. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.
- C. Storm drainage facilities including top and invert elevations for catch basin and manholes.

## Appendix Q Specifications for Final Plats

### **I. Title Data**

- ~~A. Date of submission.~~
- ~~B. Name and address of owner(s).~~
- ~~C. Name of subdivision.~~
- ~~D. Location designation (township, county, state).~~
- ~~E. Name and address of surveyor.~~
- ~~F. Scale in figures and bar graph.~~
- ~~G. North arrow.~~
- ~~H. "Final Plat" notation.~~
- ~~I. Appropriate Certificates.~~

### **II. Surrounding Properties Information**

- ~~A. Property lines, property owners and subdivisions.~~
- ~~B. Right of Way, easements, reservations and public use sites located and identified.~~

### **III. Property Being Subdivided**

- ~~A. Street right of way, widths of pavements and names.~~
- ~~B. Property boundary lines including bearings and distances.~~
- ~~C. Block and lot lines and dimensions.~~
- ~~D. Minimum building setback lines.~~
- ~~E. Identification and dimensions of easements, reservations and dedicated area.~~
- ~~F. Locations, extent and identification of marginal land.~~
- ~~G. Sufficient data of monuments and markers to determine readily and reproduce on the ground, the locations, bearing and length of all the above items.~~