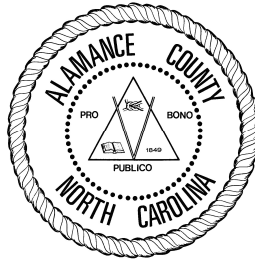


**Board Chair:**  
Rodney Cheek

**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.