

**Board Chair:**

**Planning Director:**  
Matthew Hoagland



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
January 8, 2026 at 7:00 PM

# ALAMANCE COUNTY PLANNING BOARD AGENDA

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

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

**Absent:** Mac Jordan

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

## I. CALL TO ORDER

Planning Director Matthew Hoagland called the meeting to order at 7:00 p.m. and welcomed everyone in attendance. He stated that the January meeting of each year serves as the board's organizational meeting in which they elect offices and approve the year's calendar.

## II. OATHS OF OFFICE

1. Lee Kimrey

Mr. Hoagland explained that North Carolina law requires Planning Board members to take an Oath of Office prior to entering upon their official duties. He noted that Mr. Lee Kimrey was our only new member begging a term at tonight's meeting. Mr. Kimrey had his oath administered by Assistant County Attorney Michelle Horn.

## III. ROLL CALL

Mr. Hoagland noted that eight of nine members were present, which is more than enough to conduct official business.

## IV. ELECTION OF CHAIR AND VICE CHAIR

Mr. Hoagland explained that he would oversee the election of chair as Planning Director and indicated that once elected, the new chair would preside over the remainder of the meeting. He then asked for any nominations for chair of the Planning Board for the 2026 term.

Mr. Chandler made a motion to nominate Rodney Cheek to serve as chair. That nomination was seconded by Mr. Isley. Mr. Hoagland asked if there were any other nominations for chair. Hearing none, Mr. Hoagland asked for a vote. Mr. Cheek was approved unanimously.

Mr. Cheek then asked for nominations for the position of vice chair. Mr. Bare nominated Lee Isley and it was seconded by Mr. Dodson. Hearing no additional nominations, Mr. Cheek asked for the vote and the board voted unanimously to elect Mr. Isley as vice chair.

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

November 13, 2025 Regular Meeting

The Board reviewed the minutes from the previous meeting and the following corrections were noted:

- A clarification regarding audio and video synchronization issues during the meeting recording.
- Mac Jordan should be listed as absent.

A motion to approve was then made by Mr. Dodson, seconded by Mr. Chandler and approved unanimously.

Mr. Bare then made a motion to move everything under the heading of “Old Business” to the next item on the agenda ahead of “Public Comments.” Mr. Bare’s motion died for lack of a second.

## **VI. PUBLIC COMMENTS\***

Chairman Cheek opened the public comment period and advised speakers that the three minute time limits would be enforced to ensure fairness.

Deborah Klar stated that she and her husband reside at 4515 Regulator Drive and expressed strong opposition to additional Land Clearing and Inert Debris (LCID) landfills in Alamance County. She recommended a temporary moratorium on new LCID permits to allow for data collection and review, including current capacity, fill rates, projected closure dates, and expansion potential. She suggested capacity limits, a special zoning ordinance for LCID facilities, original tracking requirements, additional fees for debris originating outside the county, and limits on soil removal. She also questioned site access modifications and whether regulatory requirements had been met.

Bob Hornik identified himself as an attorney with the Brough Law Firm in Chapel Hill here representing the Kirkpatrick Family and various other residents in the area. Mr. Hornick acknowledged the document he sent to the Planning Board prior to the meeting and urged denial of the application based on alleged noncompliance with UDO Section 6.5.3(F), asserting that the facility does not directly access a state-maintained road. He also raised concerns about visual impacts when the mound is complete and filled. He finally noted that there has been prior site

activity on the property without a county permit for about the last year or so. He encouraged the Planning Board to deny the permit based on these reasons.

Betty Slade said she has lived in the area for 48 years and that every day now is a nightmare. She described impacts from truck traffic, noise, dust, soot, and air quality. She said the property is already operating without a permit. Finally, she expressed concerns about health effects, road conditions, and quality of life and urged denial of the application.

Robin Hart spoke for herself and on behalf of her husband in opposition, emphasizing concerns about water quality, air quality, noise, and quality of life. She urged the board to add restrictions if possible and to consider the long-term impacts on residents.

Henry Vines thanked the board for the time he was allowed to serve on the Planning Board. He noted that he is running for county commission and that if elected then the Planning Board will have a voice on that board. He expressed opposition to the landfill, citing concerns about compliance with the UDO, long-term responsibility for landfill sites, and the number of LCID facilities in the county.

Sherry Ford introduced herself and said she lives along NC Highway 62 in the Village of Alamance: Ms. Ford expressed concern about truck traffic through the Village of Alamance and questioned why Alamance County should accept debris from other jurisdictions. She emphasized the need for zoning protections.

Bob Chatham, who lives in the Millstone neighborhood, stated that he attended the meeting to support nearby residents and opposed the landfill.

Calandra Salo said she lives on Jacks Creek Trail. She spoke about the importance of fairness, long-term planning, and mitigation of future impacts. She urged the Board to consider safeguards for residents and community growth. She said that she and her husband recently moved to Alamance County from Massachusetts and didn't even think to check the zoning. She encouraged the board to think about what rules they could put in place now to protect residents from these types of issues moving forward.

Larry Salo identified himself as a resident of Jacks Creek as well. Mr. Salo suggested alternative locations for landfill operations, possibly provided by the City of Burlington, away from residential areas and raised concerns about potential legal exposure if the application were approved.

## **VII. BOARD/COMMISSIONER RESPONSES**

Chairman Cheek said that public comments have concluded and asked if anyone had anything they would like to add. Mr. Kimrey said he did have a follow-up question and asked Mr. Hoagland about the existence of the private road leading to the proposed landfill site.

Mr. Hoagland said that in the Planning Department's analysis this is not a private road. There are three address points on the road and they're all labeled as Clapp Mill Road properties. He said if

this were a private road then they would not deem the application complete and allow it to move forward.

Mr. Hoagland explained that he had been in conversation with the county's GIS staff and referenced the county's addressing ordinance. Specifically, Section 2.2 requires that streets be named when they meet the minimum standard of serving three households and being at least 200 feet in length. This driveway meets that standard and was likely addressed for 911 purposes in case there's an emergency and the responders need to identify it for such purposes. He said, however, that does not put it into the category of a private road through the eyes of the Subdivision Ordinance or even a non-conforming private road.

In particular, Mr. Hoagland explained that for a road to be seen as an existing non-conforming private road, it must meet the definition of such in the ordinance and be identified as a road on the county's 1974 aerial maps. When Planning staff investigated those 1974 maps, the driveway was labeled 4115 Clapp Mill Road, the exact same as it is today. He concluded by saying that the research and evidence led the Planning Department to believe this is simply a driveway coming off of Clapp Mill Road and not its own private road.

Mr. Kimrey then asked about the neighbors concerns for trucks on Clapp Mill Road and the results of the traffic analysis. Mr. Hoagland said that he had the traffic analysis as part of his staff report which he plans to present to the board momentarily.

There was some minor commentary from Mr. Bare, Mr. Hoagland, and Attorney Bob Hornick about whether or not this constituted a private road. Mr. Hoagland mentioned that the required NCDOT Driveway Permit was for the connection to Clapp Mill Road, but Mr. Hornick responded that the proposed site does not have any frontage on Clapp Mill Road. Mrs. Perkins interjected with a point of order that they get back to the agenda and allow staff to present their report on the status of the permit application.

Chairman Cheek acknowledged the point of order and asked Mr. Hoagland if he was ready for the Old Business items.

## **VIII. OLD BUSINESS**

### **1. Phillippie LCID Landfill Intent-to-Construct Permit (continued from Nov. 2025)**

Mr. Hoagland then presented the following report:

“Planning Board members, during your November 13, 2025 meeting, you requested further information regarding four specific items found to be deficient with the initial Intent-to-Construct Permit application for the proposed Phillippie LCID Landfill at 4115 Clapp Mill Road, Burlington. items were:

- 1) An incomplete traffic impact analysis based on the requirement that places such a burden upon the industry being regulated by the ordinance.
- 2) A plan to re-plant vegetation in the operations setback buffer once the temporary sediment basin is no longer in operation.

- 3) A determination of any wetlands or woody swamps to be part of the Operations Area as defined by the Army Corps of Engineers.
- 4) A ceasing of construction activities until a decision is made on the Intent-to-Construct Permit.

The board also asked that I transmit this in writing to the applicant which I did in a letter dated November 14, 2025. That letter is included in your agenda packet. In order to satisfy this request, the applicant submitted the following information which is also included in your agenda packet:

- 1) A Trip Generation Estimate Analysis
- 2) A revised site plan with Operational Buffer Restoration Planting Plan
- 3) And a memorandum from Wetland Solutions, LLC

Finally, the applicant also requested a site inspection to be conducted by Alamance County Planning Department staff to verify a ceasing of construction activities. We conducted this site visit on December 16, 2025 and I have included a memo summarizing that visit in your agenda packet as well.

Please allow me to briefly elaborate on each of the items submitted to satisfy the Planning Board's request, beginning with...

#### Item 1, the Traffic Analysis.

Please note that I plan to give you a somewhat detailed summary overview. If you have more in-depth questions for the engineers involved in this project, they are on hand to answer them.

Section 6.5.3.F of the Unified Development Ordinance requires that "All industries regulated by this section shall be required to demonstrate if their 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 North Carolina Department of Transportation (N.C.D.O.T.)." The same section goes on to require that you use the Institute of Transportation Engineers' "Trip Generation Manual" to determine the average number of daily trips generated by the proposed industry. Further, it requires that the "regulated industry shall add these projected daily vehicle trips to the most recent traffic counts performed by N.C.D.O.T. for the surrounding road network."

My letter asked that the applicant conduct this analysis and determine if the proposed development will exceed the carrying capacity of the road which accesses the property. In this case that would be Clapp Mill Road (State Road Number 1129).

In their response, Wilson Engineering Group stated that they consulted tables from the Institute of Transportation Engineers' Trip Generation Manual. Those tables include use types like institutional, retail, and service industries, for example, but do not include LCID landfills. When a use type is not found in these tables, the Trip Generation Manual recommends finding the closest similar land use and using similar site-specific data to develop trip rate estimates.

Wilson Engineering Group identified the LCID Landfill at 4301 Kimesville Road, Burlington,

located within ½ aerial mile, as a similar use to conduct their analysis. They analyzed factors like the 7-acre operations area and the average 400 cubic yards of debris delivered each week. This analysis yielded an average estimated 53.3 dump truck trips per week or 9.7 average trips per day.

These same factors were used to analyze the potential 55-acre operations area of the proposed LCID Landfill on Clapp Mill Road. The resultant calculation here yielded an estimated 76.2 truck trips per day, a factor increase of 7.86 times that of the Kimesville Road location.

Wilson Engineering also used NCDOT and Federal Highway Administration materials to estimate a current usage of 600 vehicles per day on Clapp Mill Road. When adding the estimated 76.2 trucks per day, they estimate a total of roughly 677 vehicles per day. Meanwhile, the level or service table D that they used from NCDOT indicates a carrying capacity of 14,300 vehicle trips per day for roads of this type.

With a carrying capacity of 14,300 being over the anticipated 677 vehicle trips per day, the engineers state that their professional opinion is that the new LCID Landfill will not push the road over its practical carrying capacity.

#### Item 2: Temporary Sediment Basin Replanting

The Planning Board noted that there are plans for a “temporary sediment basin” inside the boundary of the 150-foot area of operations buffer. Section 6.5.3.E of our ordinance states that “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.

My letter asked the applicant to include a plan to replant a vegetative buffer in this area once the temporary sediment basin is no longer in use or verify that it is required by other local, state or federal permits or regulations.

In their response, Wilson Engineering submitted an amended site plan and Operational Buffer Restoration Planting Plan, dated December 17, 2025, aimed at complying with Section 6.5.3.I of the UDO. For Class 1 uses like LCID Landfills, that section requires a minimum screening width of 50 feet, two staggered rows of plantings, a spacing of 8 to 10 feet on center, plant sizes at 36 to 48 inches in height in seven-gallon containers, and it encourages mixed borders.

Their proposed planting plan, as depicted on Page 4 of this Restoration Plan, indicates that planting will occur immediately following removal and filling of the Temporary Sediment Basin 1. This replanting will include two staggered rows planted on 10-foot centers of the following: Loblolly Pine 60 to 90 feet at mature height; American Holly 40 to 60 feet at mature height; and Sweetgums 60 to 75 feet at mature height. These plantings are to be at least 36 to 48 inches tall in seven-gallon containers and rows shall be spaced apart 10 to 12 feet.

#### Item 3: Wetlands or Woody Swamps in the Operations Area

In their review, the Planning Board noted that Section 6.5.3.G of the UDO does not allow for “Any area classified as wetlands or woody swamps by the US Army Corp of Engineers” to be part of the Area of Operations. They mentioned that nothing in the application packet made mention of whether or not these wetlands or woody swamps were present.

My letter to the applicant asked that if such wetlands or woody swamps exist in this area of operations, then please amend the existing site plan or submit a new site plan to indicate their location. If there are no such wetlands or woody swamps then please certify that there are not, in writing.

In their response, Wilson Engineering included a memorandum from Adam Carter, Senior Environmental Scientist with Wetland Solutions, LLC. Mr. Carter’s memo states:

*“A site investigation and wetland delineation based upon section 404/401 of the Clean Water Act has been conducted for the above referenced property, located at 4115 Clapp Mill Road, Burlington, Alamance County, North Carolina (“site”). The purpose of this investigation was to determine the existence and extent of areas that exhibit the characteristics of jurisdictional wetlands under Section 404 of the Clean Water Act. All wetland investigations were completed in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0).”*

*This report represents my professional opinion that no areas meeting the required criteria for jurisdictional wetlands were observed within the proposed Areas of Operation (Phases I and II) on the project site. While a jurisdictional stream is present on the southern perimeter of the property, neither the stream or the 100-foot stream buffer are located within any of the proposed Operations Areas. The criteria used to assess for jurisdictional wetlands include hydric soils, hydrophytic vegetation and wetland hydrology. We have provided a map of the top of bank delineation for the jurisdictional streams within the project area. As shown on the map, the proposed disturbances are outside of the 100 foot stream buffer.”*

#### Item 4: Ceasing “Construction Activities.”

Finally, the Planning Board requested further information regarding any ongoing “construction activities” in pursuit of the Intent-to-Construct Permit.

Section 6.5.4.B. of the Alamance County Unified Development Ordinance states: “An Intent-to-Construct Industrial Development Permit shall be required before the owner or operator of a regulated industry commences any construction activities.”

Article 7 of the Alamance County Unified Development Ordinance defines “Construction Activities” as follows: “Any studies, investigations, improvements, or other activities undertaken at the site of a proposed regulated industry pertaining to the construction, placement, erection, or establishment of the same, including but not limited to surveys, soil and other environmental tests, clearing and grading, pouring footers or pads, placing building materials or equipment at the site, locating or constructing buildings, structures, or

*other improvements, or any other similar activities, except those similar activities constitute operations as defined in this ordinance.”*

The applicant requested that Alamance County Planning Department staff conduct a site inspection on Tuesday, December 16, 2025. A site inspection was then conducted by Planning Director Matthew Hoagland and Planner II Jonathan Grace at approximately 2:45 p.m. that day. Applicant Kenneth Phillipie and Caleb Hall from Wilson Engineering Group were also present during this site inspection.

The result of this site inspection was that Alamance County Planning Department staff found no ongoing “construction activities” in pursuit of the Intent-to-Construct Permit to be taking place on the property

This concludes my summary of these four requested items from the November meeting. If you have questions about these, I will be glad to answer them or, again, you may ask the engineers on the project who are on hand tonight.”

Mr. Isley asked clarifying questions regarding the Planning Board’s role, the next steps depending on approval or denial, and the results of the traffic analysis. Mr. Hoagland read from Section 6.9.4.B.3 of the UDO which gives the board the authority to recommend approval of an application or to deny it in writing.

Mrs. Perkins expressed concerns about the interpretation of access requirements, the use and documentation of easements, and whether the site plans clearly reflected property boundaries, buffers, and easements. Mr. Hoagland responded that when they analyzed the application and properties, they did so through the context of the county’s Subdivision Ordinance. This ordinance defines private roads most completely and sets standards for how they’re recognized and constructed. As an example, he pointed out that state law and local subdivision regulations have always exempted larger lots from having to comply with private road standards. Since all lots along the drive are greater than 10 acres, he didn’t think any action by any property owner ever elevated this road into needing to be categorized as a private road. He then relayed similar comments about determining non-conforming private roads as he did earlier in the meeting.

Chairman Cheek recognized Mr. Hornick again to speak briefly. Mr. Hornick reiterated that the ordinance states all facilities regulated by the ordinance must have direct access from a state-maintained road. He again urged the board to deny the permit based on this fact.

Mrs. Perkins again mentioned her concerns with road access. Mr. King asked if property ownership made a difference in determining access to a state-maintained road since Mr. Phillipie owns both properties. Mrs. Perkins spoke again about legal deeded access and whether or not this could count as direct access.

Mr. Isley raised questions about access to the site, specifically whether the landfill complied with the ordinance requirement for access from a state-maintained road. Mr. Hoagland clarified that the ordinance doesn’t say anything about the driveway length to the area of operations of an industrial property. He reiterated that, based on the many factors they considered, the staff didn’t

see that the road access wasn't allowable under the ordinance. Mr. Isley asked if all homes along the drive Clapp Mill Road addresses and Mr. Hoagland confirmed that they all do.

Mr. Dodson asked legal staff about the particulars of the easement from the 1962 deed. He said it seemed to allow for whatever path it needed to take to cross the property.

Mr. Kimrey asked again about the traffic analysis and whether or not the development would "push" the road over its practical carrying capacity. Mr. Hoagland referenced the NCDOT document used in the analysis which gives Clapp Mill Road a capacity of 14,300 vehicles per day. The applicant estimates roughly 677. The rough math would mean more than 13,000 vehicle trips per day could still be accommodated even after the development was in place. Mr. Kimrey asked for further clarification. Mr. Hoagland responded that in this case if the analysis showed that the development would cause the road to carry 14,301 or more vehicles per day then the applicant would be required to conduct an official traffic impact analysis.

Mr. Kimrey then asked about many of the public comments relating to the current operations on the property and asked if Mr. Hoagland could address that. Mr. Hoagland reference their site visit on December 16, 2025 to confirm that no current construction activities were taking place. He then said that, during their site visit, they discussed the paved driveway entrance, the existence of an air curtain incinerator, the crushing of concrete, and a mailbox kiosk for depositing documents. He said that in his conversation with Mr. Phillipie during that site visit, this current activity constitutes commercial activity taking place on the site which should have gone through their Technical Review Committee process when it was first established. In response, Mr. Phillipie then submitted an application, a site plan, paid the application fee and underwent TRC review on Monday, December 29, 2025. He also furnished NCDEQ and NCDOT permits to comply with those state agencies. Mr. Kimrey asked if they had fully complied with everything the county asked for and Mr. Hoagland responded that they had.

Mr. King asked to confirm that they had an existing NCDEQ Air Quality and NCDOT Driveway Permit for the current operations and Mr. Hoagland confirmed that they did.

Mrs. Perkins asked again about various items like fencing limits, lighting, the self-locking gate, neighboring wells, and easements. She continued to express concerns about the details of the application packet but acknowledged she may have missed some things by not being at the November meeting.

Mr. Dodson asked about the overall process and Mr. Hoagland spoke about the staff site visit required in order to confirm that the property would be built out as approved. He also asked about some details on the temporary sediment basin graphic in the site plan and Mr. Hoagland stated that the applicant had already addressed that discrepancy.

Ernest Bare asked whether staff believed the applicant had acted in good faith and complied with existing written regulations. Staff responded that, based on their review, the applicant had met the ordinance standards as written.

Board members then discussed various items related to the temporary sediment basin, documents in the application packet, the site plans, and whether the property has direct access as required by the ordinance.

Chairman Cheek then recognized a lady from the audience who spoke about the dirt road within the property. She said in 1966 it had just one house on it. Until recently, it was not named but had been recently widened. She thinks it is a private road, and they are using it as an entrance to the landfill. She expressed additional concerns about Clapp Mill Road not being able to handle the proposed increase in traffic and more dump trucks.

There was more discussion on various items until Mr. Chandler asked County Attorney Stevens to weigh in on the aspect of it being a private road. Mr. Stevens said that based on what has been presented tonight he does not believe this is a private road. However, he said the questions of whether or not it accesses a state-maintained road is currently before this board to decide.

After some additional discussion on various items, Mrs. Perkins said she could not vote for the current application as presented and would have to see a reorganized set of documents that address each of the elements of the ordinance. She said she would also like some clarification on what constitutes direct access to the road. Mr. Hoagland responded that perhaps that exact question and responsibility is now before the Planning Board and maybe they must answer that question and set that precedent.

Some additional discussion took place, including the possibility of recombining the properties to ensure the landfill property directly connected to Clapp Mill Road. Engineer Jesse Wilson spoke from the audience, addressed a few concerns, and asked if they could address some of the items discussed and do this one more time. Attorney Hornick also spoke from the audience and encouraged the board to vote no.

Mr. Kimrey asked Mr. Hoagland if the applicant altered the property if it would fundamentally change their application. Mr. Hoagland responded that he did not think it would, but he would need to further examine the ordinance to be sure.

Mrs. Perkins made a motion to deny the application based on her concerns regarding compliance and documentation. The motion died for lack of a second.

Mr. Kimrey then made a motion to table consideration of the item until the next meeting and allow the applicant to address the concerns that the board spoke about tonight. County Attorney Stevens cautioned the board that they don't really have the power to condition approval by asking the applicant to submit specific items to them. Their power is more simply to approve or deny so a simple tabling of the issue is more appropriate. Mr. King seconded the motion. The vote on the motion was as follows:

- Yes: Rodney Cheek, Lee Isley, Henry Chandler, Lee Kimrey, Richard Tom King, Stephen Dodson
- No: Amie Perkins, Ernest Bare

Chairman Cheek then stated that the board would take a brief recess. After several minutes, the board reconvened.

Mr. Chandler then made a motion to move all of the draft UDO amendments to the next meeting. It was seconded by Mr. Isley and it was approved unanimously. As a result, all of following New Business items were moved to the next meeting:

**IX. NEW BUSINESS**

1. Second Consideration of UDO Article 6.12 Amendments
2. Second Consideration of UDO Article 6.13 Amendments
  
1. Consideration of Draft UDO Article 6.14 Amendments
2. Consideration of Draft UDO Article 7 Amendments

For informational purposes only, Mr. Hoagland explained that the Planning Board had undertaken a concerted effort to update and streamline the UDO and they began that process in January of 2024. The goal is to keep all changes in draft status until the board can take one final vote at which point it would go to the commissioners for one public hearing and final adoption.

**X. ANNOUNCEMENTS/DISCUSSION**

3. Planning Board 2026 Meeting Calendar

Mr. Hoagland explained that the January meeting serves as the board's organizational meeting and they must adopt a calendar for the upcoming year. Staff brought the proposed 2026 meeting calendar on the screen for all to view. Mr. Isley made a motion to approve the calendar; it was seconded by Mr. Bare and approved unanimously.

1. 2026 Board Photo

Mr. Hoagland informed board members that one of their department goals was to update the department's website, including new pictures of all the boards they work with. He then took a photo of all the board members together.

**XI. ADJOURNMENT**

Mr. Bare made a motion to adjourn; it was seconded by Mr. Chandler and approved unanimously. The meeting adjourned at 9:40 PM.