

**Board Chair:**

Ike Holt, III

**Planning Director:**

Matthew Hoagland



Alamance County Development Center  
Conference Room  
1946 Martin Street  
Burlington, NC 27217  
June 18, 2026 at 5:30 PM

# ALAMANCE COUNTY BOARD OF ADJUSTMENT

## Meeting Minutes

**Members Present:** Bill Poe, Ike Holt (Chair),  
Ray Cobb, Rene Matthews, Michael Owens

**Members Absent:** Debra Hyder, Michael  
Wilson

**Staff Present:** *Planning Director:* Matthew  
Hoagland, *County Attorney:* Rik Stevens,  
*Assistant County Attorney:* Michelle Horn,  
*Assistant County Attorney:* Kwame Oyata,  
*Planner 1:* Keyshawn Haith

### I. CALL TO ORDER

Meeting was called to order by chair Ike Holt at 5:30 PM.

### II. OLD BUSINESS

#### A. Approval of May 21, 2026 Meeting Minutes

Ike Holt: If not, I'll be happy to entertain a motion to approve the minutes as presented with the new change.

***Motion to approve minutes: Michael Owens***

***Seconded by: Ray Cobb***

***All members voted in the affirmative to approve the May 21, 2026 meeting minutes.***

### III. NEW BUSINESS

#### A. Kirkpatrick et al. Administrative Appeal Hearing

Chairman Ike Holt: My name is Ike Holt, I'm the chairman of the Alamance County Board of Adjustment, and I'd like to welcome you all to our meeting tonight. This is the June 18th, 2026 meeting. I usually start these proceedings with a brief history of what the Board of Adjustment is. Most people, including myself up until a few years ago, really didn't know what a Board of Adjustment is. And there is some real important distinctions between other boards that operated in Alamance County and this Board of Adjustment.

The easiest way for me to describe our operation is, after our business is over with — old business — what I'll open up after that is called a hearing, an evidentiary hearing. During that hearing, one of the things that makes this board a lot different than any other board is that you really can't address us unless you have standing. Standing is a very important thing with us, and I'll address that a little bit further in detail as the night goes on. I tell people when they ask me what a Board of Adjustment is, I say, well, technically it's what's called a quasi-judicial board. Well, it ain't. Nobody knows what that is. And what that means is it's about the closest thing you can get to a court of law without being a court of law. Another big, big difference in this board is that not only do you have to have standing to talk to us and present your case — and that's one of my duties — I'll have to make some rulings on standing a little bit later tonight — but the audience is not allowed to speak. I'm sorry about that. And that's a big difference

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than what most county regulated boards and operated boards are. Again, it's sort of like a court of law. And other things that we do tonight — we'll be able to vote in a simple majority. Tonight is what's known as — well, we do two things. One of the primary things we do is we listen to various requests. If someone comes to the planning department and they've got an issue with something that's going on in their subdivision or their lot or what have you, they can appeal to us, and we can make a ruling.

Tonight, this is what's commonly known as an administrative hearing. This is a relatively new board. The county commissioners just established it three years ago. This is our third year of existence, and truthfully this is going to be our first appeal of this nature. I have put a lot of study into it.

So, if nobody makes a motion, it automatically dies. Or if someone makes a motion and there's not a second to that motion, it automatically dies. I'm just trying to get all this legwork set out to start with again to get back sort of as the procedures tonight. After Matthew presents the case number and the brief history, then we'll do some homework, so to speak. We need to approve the minutes or disapprove the minutes from our previous meetings. After that, I'll address the issue of standing when we start the new meeting, and I'll also poll the members of the board as to any potential conflicts of interest they have. And we may have that tonight. As a matter of fact, I'm pretty sure that we are going to have that also. I'll ask them about any communications that they may have had with anybody. It's important for us to be impartial and to listen to the evidence that's presented to us. Like I said, it's just like a court of law. We can't do maybe what we want to do or what we think is right or what we, you know, we're just not allowed to think like that. It's just like going into a court of law. The appellants in this case are burdened with the proof of making your case to us. We will probably ask you guys some questions. We'll probably ask Mr. Phillippie in his representation and his counsel some questions. And then there will come a time, hopefully tonight, a little later on, that I will probably close the evidentiary hearing and then we'll start deliberations among ourselves. At that time, you guys won't have the opportunity to have any more input.

Unfortunately, one of the bad things about this board is we have to deliberate in public. It's not like a court of law where you go in a closed room and sit down and fuss about things and argue about things and try to come to a reasonable verdict. But here we have to do it all in public. So, if anybody has any questions for me, I'll be glad to answer them. Now, as I said, once these proceedings get started, you might want to talk to me, and I might not let you. You know, it just depends on where we're at and what's going on at that particular time. We don't make the rules. These rules that I've been talking to you about come straight from North Carolina law. That's the way it's done not only on this Board of Adjustment, but if you go to any other boards of adjustment, it's the same way. We do have some rules of procedure that you're going to hear a little bit about tonight. And one of those first things that I'm going to do is state for the record that Mike Wilson is unable to be with us tonight, and he is absent with an excused absence. So according to our rules and procedure — Rene, if you will please come forward. This is a five-member

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board and we have two alternates. So, we like to have five people. That makes everything work a little better and everybody gets a better shot. It could be fair. Is there anything that I need to cover that I did not?

\*No responses\*

Ike Holt: OK, all right then. We're going to—I'm going to open to old business now. I trust all of my fellow members have had an opportunity to review the minutes of our May 21st, 2026 meeting. I noted an error under old business that identified Michael Chandler, who's making the motion to approve. I believe that should be corrected to Mike Owens, not Michael Chandler, and that was the only thing that I observed. Does anybody else have anything that they saw?

OK, we're going to, I'm going to formally open up this hearing now. It's called the judicial hearing. So as of right now, it's not a board, a formal committee meeting. It's getting back to that sort of judicial kind of thing, quasi-judicial kind of thing. Matthew, would you please at this time state the case number and a brief summary?

Planning Director Matthew Hoagland: Board of Adjustment members, appellants Matt Kirkpatrick, Linda Kirkpatrick, Carol Davis, James Powell, Cassandra Salo, and Larry Salo have filed an appeal of an administrative determination made by me, Planning Director Matthew Hoagland. This determination was transmitted via e mail to attorney Robert Hornick of The Brow Law Firm by Alamance County Attorney Rik Stevens on March the 31st, 2026. This appeal is filed as case #2026 02 and was submitted on April 30th, 2026. It relates to current and proposed activities on the property located at 4115 Clapp Mill Rd. in Burlington, owned by Mr. Kenneth Phillippie. At this time, Mr. Chairman, I would like to enter the packet of administrative materials — or allow for the packet of administrative materials to be entered into the record — unless there is an objection.

Ike Holt: I'll allow it. At this time, I'm going to poll the members of the Board as to any potential conflict they may have or any improper conversations that may have taken place. And I'm going to start with myself because I probably know as many people in this deal as anybody. It goes back a long way, I believe, to the 1970s, when Mrs. Kirkpatrick and her late husband built their home on Clapp Mill Road. I believe that they bought the materials from Holt Lumber Company, and I can remember coming out there on one occasion — Willard Thompson, if my memory serves me right, was the builder. He had a question about how something was being done, and I remember a question about how something was being done. So, I went out there at that time, and I'm not trying to give away our age, but that was in the 1970s, I believe. Also, on the other side of the coin, Mr. Phillippie — his father is my neighbor. He lives within hollering distance of me through the woods. I'm ashamed to say that the neighbors don't visit like they

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used to when I was a little boy, and I probably haven't talked to Larry a half a dozen times in the last five or ten years. I meet him on the road quite a bit and throw my hand up at him if I recognize him. But I believe in transparency, and I want to be as transparent here as much as possible. Mr. Koontz — I believe I was involved with it, well, I know that I was. I was an heir to a mistake that Mr. Koontz made. I met him only briefly that one day. Dr. Powell, who I don't believe, is here tonight — I met Dr. Powell through a mutual friend. He actually came out to my farm in the southern part of the county, and we sat on my gazebo one afternoon — it's been a few years ago — and our conversation primarily was about genealogy. He and I both like genealogy issues. So, I do not feel like I have had any conversations with anyone concerning this hearing tonight, that is. During the course of my job as being chairman, I have spoken on occasion with Matthew. Most of it was nothing about the particulars — I'm really careful about that. And when I've talked, I called all the members of the board in the last 48 hours to remind them of tonight's meeting, and we didn't really discuss it. We discussed other things, but not anything particular. So having said all that, I feel like I can make an unbiased opinion tonight. So that's transparency. Mr. Cobb, let me introduce the members of the board again. My name is Ike Holt. This is Ray Cobb — he's the vice chair. Deborah Hyder is a full member. Mike Owens is a full member. As you heard me state earlier, Mike Wilson — he's out with an excused absence. And the two alternates, Rene Matthews, who I called forward a few minutes ago, is an alternate but a good member, and she does have experience sitting on a case before. And Bill Poe is the other alternate.

Ray Cobb: I don't have any conflicts. OK. I mean, I know a couple people involved, but there have been no discussion. I'm good. I can make an important decision.

Ike Holt: Deborah, you and I have had a conversation about this before. And I think Deborah has a bona fide reason probably not to serve on you. So, do you want to tell us a little bit about that?

Deborah Hyder: Well, I've known him since he was a little boy and with my son. And so, he's a good guy. And—

Ike Holt: And I believe your son works with him. Is that right?

Deborah Hyder: Yes sir.

Ike Holt: And I believe you told me at an earlier date that you had actually been out to the property with Mr. Phillippie.

Deborah Hyder: Yes, and it was really neat.

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Ike Holt: In, in a prior conversation with Mrs. Hyder, we came to the mutual agreement that we felt like, because of her relationship with Kenneth — having known Kenneth for a long, long time — that she would be more comfortable. She feels somewhat uneasy, and I understand. So, is that still your wish there, to step aside?

Deborah Hyder: Yea.

Ike Holt: If you would do that now, please?

Deborah Hyder: Yea.

Ike Holt: And again, according to our Rules of Procedure, I'm going to ask alternate #2, Mr. Bill Poe, to come forward and take her chair.

Rik Stevens: Mr. Chair, yes, I understand your process and I understand the nature of the conflict. I think the board needs to vote on whether or not they believe the conflict exists before a decision is made on that.

Ike Holt: I'll make a motion that we accept Mrs. Hyder's explanation as to not serve on the vote.

Motion made by Ike Holt

Second By: Michael Owens

All members voted in the affirmative.

Ike Holt: So, Bill, if you will step forward, I'm sure you heard the things that I said earlier. So, you're next in line.

Bill Poe: The only thing I know of Phillippie's is that, you know, serving on the Planning Board, we did approve an extension of his Conville Road project. And I'm—I can't even picture who, who Mr. Phillippie is. OK? That's how, that's how it goes. After the county commissioners had approved, I did receive a phone call from Mr. Kirkpatrick about the names of attorneys that we had used when I was part of the fight on Snow Camp and shared that information with them. We had a brief conversation, nothing of any consequence. I do not know anybody in Kilpatrick's or anybody on that side.

Ike Holt: Do you feel as though the conversations with Mr. Kirkpatrick would affect your performance on this board tonight?

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Bill Poe: No sir, I do not. I'm interested in hearing the cases presented and see how they tie into an ordinance that I helped.

Ike Holt: Did the conversation go beyond the lawyer issue?

Bill Poe: Very briefly he asked me if I had saw the county commissioners meeting, and I told him I did, and I was interested in their attorney's approach to the classes — how this, if they were trying to — because it was permitted as a Class 1, and the way I watched the county commissioner meeting, they presented that it was more than a Class 1, 2, or 3. So that's interesting to hear that, but actually testimony that I'll be keen in.

Ike Holt: Do you feel like you can have an open mind?

Bill Poe: Yes

Ike Holt: I'll put it up to the board to vote again. Based on what Bill has said, I'll make a motion that it's OK for Bill to serve on the board tonight.

Michael Owens: Should we put it forward to these people, let those decide if they could feel comfortable? Because if not, and the ruling don't go one way or the other, they could possibly use that as a— or point score appeal process.

Ike Holt: I think that's a board decision to make.

Motion made by: Ike Holt

Second: Ray Cobb

All members voted in the affirmative.

Ike Holt: OK, Mike, do you have any potential conflicts or anything that you need to—

Mike Owens: I mean, I went to school with Larry, but I haven't spoken to him, I don't know, maybe 10, 20, 30 years. I don't know. I don't even know his son because I don't know him.

Ike Holt: Rene, how about yourself?

Rene Matthews: No one here knows me, I am good.

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Mike Owens: I also know Kirkpatrick's brother too, as well.

Ike Holt: I'm going to administer some oaths now. For the record, all of the members of the board as well as the alternates have been taking an oath earlier. The reason that I'm administering the oaths this early on is because there's going to be some questioning when it comes to standing. And just because you take the oath does not mean that you will be able to participate beyond taking the oath. It'll have to come out to the standing. So — and that includes staff. Matthew will have to take the oath, and Mr. Phillippie and his counsel, and Mr. Hall — I got to get that in my brain — Mr. Hall will need to take the oath, and the appellants that wish to participate tonight will also have to take the oath. So, if you guys will please stand, I'll administer the oath at this time. And I may have to do this again later on if somebody else comes into the picture. I'll just do it — if you will please, do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.

All say "I do" in unison

Ike Holt: I want to address standing a little bit. Now let me back up before I do that. I want to address Mrs. Salo's subpoena request. I have given the members of the board tonight an email that I received from Matthew, I believe it was on Tuesday, June 9th, concerning three subpoenas. Mrs. Salo would like to have me subpoenaed, and I want to address those subpoenas now for the record. The first person was Matthew Hoagland, and I know you didn't know this, but Matthew is required by law to be here tonight at this proceeding. Since he is the county official that the appeal concerns — he's the person that made the judgment that is being appealed — that was a moot point with him. Chair — Chair, Commissioner's Chair Kelly Allen. This one's a little bit more complicated, and that's the reason I want to explain to you why I did not subpoena Mrs. Allen. In reviewing the materials, the email of March the 31st is critical, and I made the finding and determination — based on what you have said — and I'll enter that for the record as pertaining to subpoena Chair Kelly Allen. And this, I quote: "procedural questions regarding April 20th meeting and to cross examine comments the Chair made during the meeting." I'm afraid that, as far as I'm concerned being the chair, that that's beyond our scope of what we're doing here tonight. March the 31st and beyond is not our concern. So therefore, I did not issue the subpoena for Chair Allen. Now, you have the right, if you would like, to appeal that to the entire board — to have the board — and should you, and should the board go along with what you want, then I'll be glad to subpoena her. But it will, obviously, have to be at another time. So that's my reasoning that I did not: because March 31st is a critical day, and I'm sure that's going to be talked about a lot tonight. So, if not, I'll proceed on.

The Wilson Engineering Group — Mr. Hall. I did in fact subpoena Mr. Hall, and he graciously showed up for us tonight. So, thank you, Mr. Hall. I just wanted to get that into the record this week. OK. The

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next thing is address standing. This is a tough one. Keyshawn, if you will, please put up on the board 160D — North Carolina Statute 160D 14 02(c). And what that statute covers is who does and does not have standing as dictated by statute. Let's let him get that up here.

Let me get to my right page here — it's pretty self-explanatory. And in the case with you guys in the appeal, I think the area that most covers is: any person who will suffer special damages as a result of the decision being appealed. The others are local government, an incorporated area, an association, and ownership. That's what allows Mr. Phillippie to be here tonight. He has standing already just because it's his land and he's the person that's being questioned. So really the only—well, the primary, I should say, I don't want to say only—the primary reason that you guys could possibly have standing is special damages. Now I want to talk a little bit about special damages. Just because—let me back up a little bit. One of the interesting things here is a lot of people don't understand: just because you have adjoining property to a piece of property, like—and I'll say right up straight—Mr. Phillippie's property, just because you have adjoining property, that does not give you the automatic standing. Now, if that property that you own will suffer special damages, then in fact you have a much better possibility of establishing standing. So having said that, I want to address—and of course I have read what Mr. Hornick, I believe, maybe sent to the board as to your potential standings. So, I'd like to give each one of the appellants the opportunity, if you would like, to expand on that before I start making these decisions about standing, if there's any new things. Like, for example, let me expand a little bit more on what I was saying. I know that in the appeal, some of you addressed financial—a potential financial loss. Well, unfortunately, just that being your opinion is not good enough for us. You would have to have a professional witness or an expert witness that could give us evidence of where similar situations have caused a decrease in property values. So that's something to keep in mind here. So again, if any of you guys would like to address standing before I make these decisions. And again, if you don't agree with my decision, it can be appealed to the entire board — and that won't hurt my feelings. You know, I will say, Mrs. Salo, in your case, I'm of the opinion — because I honored your subpoena — that that automatically has given you standing. So, you have made your hurdle, so to speak, with standing. If you like, I can address each one of you individually, or if you want to speak up now, now is your opportunity to speak up if you have anything to add as to standing.

Carol Davis: Well, I'm Carol Davis and I own adjoining property to the Phillippi landfill. And I have the distinction of being the only landowner in the county who has not one but two LCID landfills adjoining my property. So, there's noise coming from the south from Alamance LCID, and there's noise coming from the north from the Phillippi landfill. It affects our—I mean, we have a hunt club that leases our land. You know, the additional noise and all will probably affect their hunting, their ability to successfully hunt. We raise corn and we rent our land to farmers—don't know that that will have—that they would be

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affected by that. But it's more the fact that I've already got a landfill that adjoins my property, and now I'm going to have two.

Ike Holt: So, so you feel like your special damage is — is like you stated in the application — dust, noise.

Carol Davis: Absolutely.

Ike Holt: Anyone else? OK. If not, I'm going to make some determinations as to standing. Mrs. Salo, I do—as I said earlier—you have standing. Mrs. Davis, I'm going to rule that you in fact do have standing, based on your property adjoining and there is a potential for dust and noise. I don't believe again Dr. Powell is here, so I guess it's a moot point. I don't need to address his standing. Kirkpatrick's, I've read what you put forth in the application and what Mr. Hornick said. If you will, Keyshawn, please put up the slide that shows the property in proximity to Mr. Phillippie's. And let's see if I can read—OK, that's good right there.

A is Mr. Salo.

B is Dr. Powell.

C is Mrs. Davis.

And D is Kirkpatrick.

I believe that the Kirkpatrick's also addressed the issue of traffic on Clapp Mill Road. The property actually does not join yours — it's across the road, I believe. And I think in fact there's probably a couple of other property owners between you and the highway before, between—you know—Clapp Mill Road. I've done a lot of research, you know, as to the issue of traffic. I know that there was a DOT study done, and I don't feel like the traffic is a unique special-damage situation. I know that there's going to be an increase of heavy traffic on the road. I understand that. But, you know, there would also be an increase in traffic if Mr. Phillippie had chosen to put a subdivision there or other things — not the same traffic. "So yes, ma'am, Mrs. Kirkpatrick — like I said, you can address..." This is a time when you can—you can talk right now if you'd like to.

Mrs. Kirkpatrick: We have—with our land, where we're situated—is actually just across the road to the bridge. And there's where the landfill starts. So, our land goes down to the bridge. "Yes ma'am." So, we're kind of going I have been run off the road with trucks. I had to stop because of the curves. I was in a curve, and I had to actually pull over—not pull over, rush over—because a truck was already on my side of the road. Now the DOT bless their hearts, yes, they did say that they widened the road. They widened two curves two feet on one side. That's it. Nothing else. Everything else is the same except they put torn gravel over it. So, we have now edges of the—you know—the soft edges. So that's really a very

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dangerous thing because we have school buses that come in, we have other traffic, and we have traffic coming from Phillippi and from the landfill on Council Road, which we also hear—I also hear that too. So, we have traffic cutting through—the trucks cut through there going over to Highway 62. Plus, we have the landfill traffic on 4115, which is— so we have passable, not even passable trucks. I mean, we’ve got a picture. I’ve got a picture of trucks right beside each other and can hardly get through. They’re—I mean, they’re touching, almost touching the window, you know. So it’s really very dangerous when you’re pulling out. The driveways are not at a place. I think I counted—was there 20? I think there’s 20 houses or more on that road. There’s more than that, I counted one time; Some 47 houses that need driveways, plus two housing developments that come out — a very populated road — and they cannot see what they cannot see, the how many distance you’re supposed to see, from, you know, from one place to the other. I mean, to be able to come out of their drive to be able to tell whether a truck is coming or not because of the hills and because of the curve.

Ike Holt: What I’m looking at here specifically is unique circumstances to you guys that would cause you to have special damages. The argument you have would apply, in my mind, to everybody that lives on Clapp Mill Road. It’s not unique to you guys. So standing means special damages that are unique to you, and it sounds like it’s equally damaging to a lot of people. Yeah. I understand that — I understand your argument completely. I understand your argument completely. But from a standing point for us tonight, I just can’t see that your damages are special, other than someone else along Clapp Mill Road.

Mrs. Kirkpatrick: I have seen—I have two landfills at one end of my land and one on the other. So, I’m in between two landfills, plus there’s another landfill that they’re selling mulch on. I mean, it’s not called a landfill, but they’re selling mulch and that’s on Clapp Mill Road too. So, it’s—we have the day, and we hear the beeping of the equipment moving back and forth. Sunday, we heard it—not this past Sunday, but we have heard it on Sundays. It’s noise pollution. It is inhaling pollution. It is traffic pollution. It is a very dangerous place to have a landfill because there’s 200 residents. Is there another landfill in Alamance County?

Ike Holt: Let me intersect you. We’re not here tonight to make a judgment as to whether you’re to have the landfill or not. That’s not our job. Our job tonight is very specific. It’s about an e-mail, and that addresses Matthew. So, I’m going to make a ruling. Again, I don’t feel like traffic is unique to you guys. I think it’s everybody on Clapp Mill Road. I think your property not being in close proximity to Mr. Phillippie’s landfill— so I’m going to make a determination that you do not have standing. Now, if you like, you can certainly appeal that to the board. They have heard our conversations here. They have also received the written material from Mr. Hornick as to what your standing was. So, if you would like to appeal my decision about standing—this isn’t anything except about standing, that’s all this is about—as to whether or not you’ll be able to— The big deal is whether or not you’ll be able to talk to us after I make

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the judgment on standing. As it is now, and I'm saying that you do not have standing, that means you will not be able to address us or address anybody participating tonight. So, it's up to you guys if you would like to appeal my decision to the board. You're certainly welcome to do that. If not, we'll proceed on. So, do, do you wish to appeal or not?

Mr. Kirkpatrick: Not tonight. I, I would rather just proceed. The distance of our house to that—the entrance to that—we can hear every single truck that comes in.

Rik Stevens: Mr. Chair, I would suggest that at least for the named appellants, even though they're not here, it's probably best to go ahead and rule on standing for each of them — that way...

Ike Holt: I will rule on his [Dr. Powell] standing, that he does in fact have standing because of the proximity of his property to Mr. Phillippie's landfill, and same reasons that I applied to Mrs. Davis's property. It would—noise, potential noise pollution, and dust pollution.

I want to address expert witnesses for a second. If you would please, Mr. Hall, for the benefit of the Board and for the record, would you state your credentials and what qualifies you to be an expert witness in this situation, such as your education, etcetera?

Caleb Hall: I have a degree in civil engineering. And that is my title at social engineering group in civil engineering.

Ike Holt: And I believe for the record that you have been an employee if Mr. Phillippie?

Caleb Hall: Yes

Ike Holt: You're the person that actually did the lab work in the in a lot of the permitting processes?

Cabel hall: That's correct.

Ike Holt: OK, well, I will accept your standing in your credentials. Is there anybody in the audience that feels like they might have potential standing?

David Tierney: My name is David Tierney. I'm the next-door neighbor to the Salos. So relative to their property, A, I'm the one immediately to the left.

Ike Holt: OK, because you are not an appellant do you feel like you suffer special damages?

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David Tierney: Now that you've explained what those are, I've experienced all the same things that the Salos have. So yes, I do believe that.

Ike Holt: OK, then let me explain I would accept your standing, but you're not an appellant. So, you would just serve as a witness with standing. At any point in time, should the appellants — they could ask you for your opinion, ask you about something, or so could Mr. Phillippie's counsel, or the board in this way. Is there anyone else?

Larry Salo: Yes, Sir. I'm the husband.

Ike Holt: Oh, you're already you're already involved here.

Ike Holt: Would you be willing to take the oath, please? Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth, so help you God.

David Tierney: I do.

Ike Holt: OK, getting back—and I think I touched on this a little bit earlier because everything sort of gets drug out here. Like I said, we got to be careful about how we proceed. If staff will have the first opportunity to present anything that they want to the board in addition to what has already been supplied to us, then the appellants — you guys — will have an opportunity to put forth your program. Then Mr. Phillippie's counsel and Mr. Phillippie himself, if he likes, will be able to present their case. The expert witness can be questioned by anybody involved, and then at the end of that it should be necessary.

And again, this is where it gets a little bit on thin ice. You guys can question back and forth a little bit, but I'm going to be strict and keep it regulated to the March 31st e-mail and what happened beforehand — Matthew making the decisions that are in question. So, Matthew, do you have anything further that you'd like to present?

Rik Stevens: Mr. Chair, I think we're just going to defer. We've already submitted our packet on appeal. You've admitted that to the record. We think the emails speak for themselves, and I don't think Mr. Hoagland has anything else to offer at this point. It's the appellants' case to make, so we'll allow them to make it.

Ike Holt: I'd like to at this time say, if—if just—if one person would like to do, if both of you would like to speak, that's, that's OK. But I would ask, just please don't be repetitive. You know, once something's

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said, we're all fairly intelligent people up here. We can—we can handle it from there. So, whoever would like to go first will be fine.

Carol Davis: Mr. Chairman, members of the Board, ladies and gentlemen, good evening. My name is Carol Davis. I own property at 4920 Kimesville Road, Burlington, which is abutting property to the subject parcel at 4115 Clapp Mill Road. I'm appearing tonight as an aggrieved party under the General Statute 160D-406, to appeal the County's determination regarding a wood treatment processing application submitted for the same property on the grounds of violations of local ordinance requirements related to that application. I'll present that appeal following the LCID presentation.

I'm also appearing on behalf of the abutting neighbor group, which includes the following property owners, all of whom are aggrieved parties who are not here and perhaps do not have standing but are abutting property owners. They are Cassandra Salo, David Tierney, Ronald Gammon, Jesse Nikitin, and Michael McMahon. I'd like to introduce the primary presenter on the LCID and strict intent-to-construct permit appeal, Mrs. Cassandra Salo. That permit, HIDO Permit Number 26-HIDO-001, is being appealed by Cassandra Salo, who resides at 4244 Jack Creek Trail, Burlington. Her property abuts the subject parcel directly, and she is standing as an aggrieved party. Cassandra has prepared a thorough document-based presentation addressing specific violations of the Alamance County Unified Development Ordinance that formed the basis of the permit approval. She is presenting pro se on behalf of herself and the abutting neighbor group. Before she begins her presentation, I'd like to make a motion for the record. Under the—every quasi-judicial decision of this Board must be based on competent, material, and substantial evidence in the record. To ensure this Board has a complete evidentiary record before it tonight, I move that the following be entered into the record as evidence:

- Mrs. Salo's full slide presentation, including all exhibits, documents, and permit records referenced within it.
- My full slide presentation on the administrative determination appeal, including all exhibits, documents, and permit records referenced.
- The LCID UDO compliance schedule and all appendices submitted by the applicant as part of the April 20th, 2026 Board of Commissioners agenda packet.
- The Treatment and Processing Permit Application #25-PHILLIPPI-02, including all appendices submitted by the Wilson Engineering Group.
- Any and all documents introduced, referenced, or relied upon by either party during tonight's proceedings.

I ask the Chair to confirm that these materials are accepted into the record before the presentation begins.

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Ike Holt: No, ma'am, I will not do that until after the presentation.

Carol Davis: I will now yield the floor to Mrs. Salo to present the LCID appeal. Following her presentation, I'll come back into mine.

Ike Holt: Again, before you start, I would like to reiterate that we—the only thing that we're going, I'm going to allow you to address is the two issues that you are appealing on. That is all this is about tonight. That is Attachment B for us on page 10. And let me say up front, in our packet of information, we already have some of the stuff I believe that Mrs. Davis referred to. We already have that. But anyway, we need to keep being focused here in your presentation, and we'll certainly—I don't mind—but if you go beyond what the scope of our hearing is, then I'm probably, you know, going to intercede.

Cassandra Salo: My presentation focuses exclusively on the LCID intent-to-construct permit approval. Some of the evidence I represent comes from the TNP application because the TNP applicant's own document naming the LCID permit directly and addressing the same sediment basin speak to the same setback violation I'm appealing tonight. Carol Davis will present separately on the TNP permit on its own violations.

So, in summary, before I show you a single piece of evidence, I want to tell you exactly what I am disputing tonight — not the existence of the ordinance, not whether Mr. Phillipie has the right to apply — one narrow question:

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

The ordinance requires that areas of operation be identified. How do you identify them? You look at what is actively in use.

UDO definition — Area of Operations:

“The portion of a tract of land on which an industry is situated that is actually under use or may be actually put to use in the future for operations by the industry, including the area occupied by buildings, structures, parking, equipment, storage, stormwater control measures, and other uses necessary for the business. Area of operations shall not include required setbacks or those areas required by this ordinance or any other regulations to be kept in a vegetative state.”

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So where was I — stormwater control. Once you've identified what is actively in use, that area becomes by definition your area of operation, and area of operations cannot be inside a setback. And the Phillippi LCID intent-to-construct permit was approved in violation of that ordinance.

This is the core of everything I'm going to show you tonight. There are other violations in this record, but this is the one that brings them all to the forefront because it exposes what the other side has done throughout — substituting interpretations for what the ordinance actually requires. Everything comes back to one question: is the road actively in use? If it is, it is an area in operation, and it cannot lawfully be where it is. So, I'm going to start with the intent of the ordinance — 6.5.1:

“The following regulations of industrial development are adopted for the purpose of promoting the health, safety, and general welfare of the citizens of Alamance County and to promote the peace and dignity of the county. These uses, by their very nature, produce objectionable levels of aesthetic impact, traffic, noise, odors, vibrations — we've heard them all tonight. These standards shall allow for the placement and growth of such uses while maintaining the health, safety, and general welfare...”

Paul Koontz: Mr. Chair, I don't want to interrupt the presentation, but I just want to make a note that the area of operation and the driveway are not included in the appeal of #1 or #2.

Ike Holt: Yeah, I am being lenient. When we get down to the actual discussions of it, then it'll be a different appeal.

Cassandra Salo: Can you tell me what I need to reach you?

Ike Holt: The first appeal was what it says: of March 16th, 2026 at the Phillippi LCID Landfill site, 4115 Clapp Mill Road, such as incineration of land-clearing debris and yard waste, and composting, constitute uses regulated by UDO Section 6.5, the Heavy Industrial Use Ordinance. That's the first question. Whether a landfill accepting land-clearing debris constitutes a Class 1 or Class 3 use regulated by UDO Section 6.5.2 — those are, and for your sake, those were the questions that were presented by Mr. Hornick to Mr. Hoagland initially, and then Mr. Stevens, I believe, responded to that with the county's official response.

Cassandra Salo: Carol, I'll let you go first

Carol Davis: As I said, my name is Carol Davis, and I am property abutting the Phillippi landfills back to the south. I am appealing the administrative determination issued by the Alamance County Planning Department on March 31st, 2026. Let's make sure everything works. Yes. At the end of my remarks, you will understand the events that led to our request for an administrative determination from the Planning Department, the substance of the Planning Department's determination and what's happened since it was

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issued, and our remedy requests to the Board of Adjustment. Let's begin with a brief history. In the fall of 2025, residents living in the Clapp Mill Road area began to see large dump trucks entering and exiting 4115 Clapp Mill Road. They heard loud industrial grinding noises, saw and smelled smoke, and in some cases experienced ash falling on their homes and properties. When the notices and signs went out about a proposed landfill at 4115 Clapp Mill Road, residents filled the Planning Board meeting room to complain about what they experienced and to voice their opposition to the landfill. The Planning Board delayed action on the landfill permit in November of 2025, and again in January of 2026. The Planning Board next reviewed the landfill permit at their March 12th meeting. Residents opposed to the landfill raised these issues again:

1. The road not being included in the area of operations and resulting operation setback violation, which Mrs. Salo had begun to review; and
2. The ongoing activities at the site — incinerating yard waste, grinding stumps, concrete, and asphalt — sure looking and sounding like heavy industrial activities.

Shouldn't these activities taking place at the site of a landfill that hasn't even been approved yet require some kind of permit or oversight from the county, or at least be mentioned in the landfill application? Members of the Planning Board wondered about this too and asked Mr. Hoagland about the residents' concerns. The meeting minutes record his response. It's worth noting that Mr. Hoagland used the phrase "waste processing facility" in his discussion with Mr. Phillippie and identified incineration as a Class 3 land-use category under the UDO. His use of "waste facility" was appropriate because the day before the March meeting we discovered Mr. Phillippie had submitted a Wood Treatment and Processing Facility application to NCDEQ in December of 2025 for 4115 Clapp Mill Road — the same location as the proposed landfill. It turns out that the activities residents noticed at 4115 Clapp Mill were being conducted under an NCDEQ Yard Waste Notification, which allows grinding and processing of yard waste on up to two acres of land. Mr. Phillippie also has an NCDEQ air quality permit for his incinerator at that location. This slide gives you an idea of the activities in the Wood Treatment and Processing application. The application also expands the area dedicated to these activities by nearly 600% — from 2 acres to nearly 13½ acres. Surely this increased level of activity requires permitting under the UDO. And remember, Mr. Hoagland already identified incineration as a Class 3 activity. Mr. Phillippie agreed to remove the air-curtain incinerator from the site, but the incineration activities are still included in the treatment and processing application. So, this application describes a Class 3 regulated land use, as identified by Mr. Hoagland. And because the Wood Treatment and Processing Facility is located at 4115 Clapp Mill Road — the same location as the landfill — it triggers the co-location section of the UDO and therefore requires a separate area of operations and a separate intent-to-construct permit. Here are the site plans for the landfill and the Wood Treatment and Processing Facility. The Wood Treatment and

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Processing Facility footprint occupies nearly half of the Phase One section of the LCID landfill. That seems like co-location to me.

So, what regulated land-use category applies to the Treatment and Processing Facility? Is it a Class 1 landfill? Probably not, given that landfills are for long-term storage. What about Class 2 resource extraction? Perhaps, given the blending of soils with ash or mulch, which is included in the treatment and processing facility permit. But Mr. Hoagland already called the incineration activities a Class 3 Waste Processing Facility. So, the closest land-use listed is “Waste Facilities.” And here’s where we — and the County — ran into trouble. “Waste Facilities” is not defined in the UDO. Was this an error? Why is “Waste Facilities” a regulated land use if it isn’t defined? How are residents protected if the County can’t define “Waste Facilities”? Fortunately, the UDO takes a common-sense approach to defining terms. Section 7.1.1 states: “Words or phrases used in this ordinance should be interpreted to give them the meaning they have in common usage.” And there are four definitions in the UDO that have the words “waste” and “facility” in them: hazardous waste management facility, solid waste disposal facility, waste processing facility, and solid waste management facility. When we compare the UDO “waste processing facility” definition to the Wood Treatment and Processing application, the terms actually line up fairly nicely — composting, composting processed through grinding or on-site incineration, temporarily stored, stored temporarily. So “Waste Facilities” is probably the best definition for this application. Now let’s return to the March 12th Planning Board meeting. After the Board members concluded their discussion, a motion was made and seconded to determine that the LCID landfill permit was complete and to recommend that the County Commissioners approve the intent-to-construct permit. That was five in favor, one opposed, and one abstention. Board member Henry Chandler, who abstained, said for the record that although the application materials appeared to be in order, he remained concerned that something wasn’t right. Apparently, Mr. Hoagland also shared that concern, because the very next day Mr. Hoagland emailed Mr. Wilson, Mr. Phillippie’s consulting engineer, about the treatment and processing application to find out what was going on. Mr. Wilson replied that the State required the treatment and processing permit as well as an air-quality permit for the air-curtain incinerator to be in full compliance with state regulations. Mr. Wilson asserts that the grinding and mulching operation is already covered by Mr. Phillippie’s yard-waste notification.

This raises two concerns:

1. If the State requires two permits to operate an air-curtain incinerator legally, shouldn’t Alamance County require at least one?

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2. The NCDEQ yard-waste notification allows processing on up to two acres of land. The treatment and processing application says this work area is a 450 by 1300 square-foot area on the site. That's 13.4 acres — a huge increase from the current level of activity.

Another reason the State requires this treatment-processing permit. Perhaps two acres isn't enough to warrant an Alamance County permit, but surely waste processing on 13+ acres is a big enough industrial operation to require a county permit — especially since the State requires one. Later on, March 19th, Mr. Hoagland asked Mr. Wilson about the blended topsoil amendments in the application because they trigger a Class 2 resource-extraction classification. Mr. Wilson acknowledged that Mr. Phillippie planned to blend mulch and/or ash with topsoil and sell it to the public as a soil amendment. But because of recent interpretations of the Alamance County UDO with respect to resource extraction — and despite conventional practice and local precedent among other LCIDs in the area — Mr. Phillippie understands that absent official authorization from the County, he would be unable to sell excess overburden from the LCID operations without a land-use reclassification to Class 2. Mr. Wilson alleges other Class 1 LCID landfills in the area are selling excess overburden from their operations, which is a violation of the UDO. But because of these recent interpretations, Mr. Phillippie will not do so. On March 20th, the landfill opponents submitted a formal request to the County Attorney for an explanation of why the concerns we raised about the co-located activities on the site — and the arguments related to the setback violation with the UDO in the LCID landfill permit application — were not valid. By declining to require a permit for the treatment and processing facility, the County is ceding its responsibility and authority to the State. If the State approves the Treatment and Processing Facility permit with Class 2 blended topsoil, and the Class 3 incineration activity is still in it, and Mr. Phillippie engages in those activities, the County's only recourse is an enforcement action — and nobody wants that. It would be far easier for the County to require a permit in the first place. But that's not what the County determined.

So, the Planning Department rejects our arguments. But then, two weeks later, the Planning Department moved to amend the UDO. On April 9th, Mr. Hoagland presented several proposed changes in direct response to the Planning Board. Would you be surprised to learn that many of these changes were directly related to the land-use definition and classification issues we raised? I was surprised — especially by the timing. Was this a coincidence, or did the issues we raised make the Planning Department uncomfortable? The first amendment changes "Waste Facilities" to "Waste Processing Facilities." I believe that's what we said, and it confirms that "Waste Processing Facility" was always intended to be a "Waste Facility." But before I get too carried away, the draft amendment also changes the definition of "Waste Processing Facility." It now lists the types of solid waste that qualify, and it specifically excludes vegetative and yard waste. This ensures facilities processing or incinerating natural vegetative materials won't meet the proposed definition. Mr. Hoagland says the proposed definition was developed based on the NC Administrative Code, which is curious because NCDEQ's information about Treatment and Processing

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Facilities — which is the term the State uses — also lists the types of solid waste that qualify. But the State specifically includes vegetative yard waste in its list.

Article 1.3A of the UDO states:

“Nothing contained herein shall repeal, modify, or amend state, federal, or state law or regulation, or any ordinance or regulation pertaining thereto. When other ordinances or statutes impose more restrictive standards than those contained in this ordinance, the more restrictive ordinances shall govern.”. The next amendment deals with resource extraction. Recall: the Planning Department concluded on March 31st that blended topsoil activities qualify as Class 2 resource extraction. Mr. Wilson stated Mr. Phillippie wouldn’t do these activities. Now the County proposes to amend the UDO to allow these activities without triggering a Class 2 regulated land use. The Planning Department’s interpretation of the activities in the treatment and processing application have certainly changed over time. In March, the incinerator cost Mr. Hoagland a “Class 3 Waste Processing Facility.” When he learned about the top-soil amendments, he identified those as Class 2 resource extraction. And yet, in his determination on March 31st, he ignored his earlier concerns and said if “Waste Facilities” isn’t defined, it isn’t regulated. Less than two weeks later, draft UDO amendments and definitions are proposed that, if adopted, ensure that all the treatment and processing activities Mr. Phillippie wants to pursue at 4115 Clapp Mill Road will never be regulated by Alamance County. I suspect this wasn’t an accident. By excluding vegetative material from the Waste Processing Facility definition, the County ignores the fact that the State includes it — and that’s a violation of the UDO. Mr. Wilson alleges resource-extraction violations have become conventional practice and local precedent at other LCID landfills in the area, according to his email. Is this resource-extraction change an attempt to legitimize these practices rather than correct them through enforcement? Given the laser focus of these draft changes to counteract every issue we raised about the Phillippi Treatment and Processing application, and the speed with which these changes have been proposed, I can only conclude that we’ve been right all along.

The Phillippi Wood Treatment and Processing Facility requires a Class 3 permit under the current UDO. The determination of March 31st — and the draft changes — are attempts to avoid what is required. So based on the current UDO, I have four requests for this Board:

1. Find that Waste Processing Facility, as defined in Section 7.2 of the UDO, is a Class 3 regulated land-use Waste Facility.
2. Find that the Phillippi Wood Treatment and Processing Facility proposed for 4115 Clapp Mill Road is a Class 3 regulated land-use Waste Facility.

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3. Instruct the Planning Department to require a Class 3 intent-to-construct permit process for the Phillippi Wood Treatment and Processing Facility, to resolve the UDO Section 6.5.3(G) co-location issue and the Section 6.5.4(B) separate-permit issue with the Class 1 landfill also located at 4115 Clapp Mill Road.
4. Require the Planning Department to pause the adoption process for the draft UDO amendments first presented to the Planning Board on April 9th.

Thank you for the opportunity of speaking with you about these issues tonight.

Cassandra Salo: Well, I spoke to my lawyer — our lawyer — and he said according to 160D-406(e), applicant shall not—I should be able to make matters, I should be able to appeal on additional subject matter. According to 160D-404-06(e), I don't have that in front of us. And he says if that's true, if this board doesn't allow it, it's an error of laws.

Michelle Horn: NCGS 160D-406(e) references the appearance of official new issues. I'll read it out: "The official who made the decision, or the person currently occupying that position if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness..."

Ike Holt: That doesn't pertain here.

Michelle Horn: "The appellant shall not be limited at the hearing to matters stated in a notice of appeal. That if any party or the local government would—if any party would be unduly prejudiced by the presentation of matters not presented in a notice of appeal, the Board shall continue the hearing."

Ike Holt: Well, no, I think I understand your point now, that you should be able to present new evidence. I, I, I understand, and I will — if you have new evidence to present, we'll be glad to look at that.

Rik Stevens: Mr. Chair, we would move that we continue the hearing on the new matters because we've not been properly noticed on any matters outside of those which were presented in the appeal. So, under the same statutory subsection, we'd ask for a continuance on the new matters.

Ike Holt: I'll go along and uphold that. I'm, I'm going to, do you understand what he's saying?

Cassandra Salo: Yes, I do.

Ike Holt: Mr. Phillippie's counsel, I'm sure, may want to address some issues, and then we can go back for a question-and-answer period.

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Paul Koontz: So, well, I think if the hearing's going to be continued, then the hearing is just continued so that all the evidence can be presented, so that then we can cross-examine at that time, so there can be determination made.

Ike Holt: Do you have specific...

Cassandra Salo: All the evidence that we have is exactly what was presented by Mr. Hoagland's team. So, there's no new evidence. Mr. Hoagland's team has submitted him all the evidence. So, there's no new evidence that—

Rik Stevens: Well, we've received a number of exhibits. I don't know if they're all the exhibits or what you intend to present, but your appeal was the two narrative issues that were read aloud and described. And it seems as though your presentation relates to entirely different issues than the two appealed issues. So, I'm not going to say that I don't think you have the right to appeal additional issues. What I'm saying is that without notice, we have the right to ask that the hearing be continued, to give us the opportunity to present and to defend all those issues.

Ike Holt: So therefore, you have, you're saying you have no new evidence to present to us, right?

Cassandra Salo: It's evidence everybody already knows. We've lived it. We've all lived it for months.

Ike Holt: I feel as though we have the relevant materials needed to make a determination. I don't know what would be—you know, again, the scope does not go—because Mrs. Davis went into wanting us to make the Planning Board do something. Well, that's beyond our scope of possibilities. We don't do that, you know. So, I, I, I don't—I think this is moot. I think it's a moot point here. If, if there's no new evidence to be presented — if that, if that, if that's what you're saying — and the county is saying if there *is* new evidence, we want to look at it and have a continuation. Am I reading that right?

Rik Stevens: Correct. I mean, to the extent that they're not going to present or ask for any additional issues to be decided on appeal, then we'll withdraw our motion to continue. But if they insist on having new issues heard that are outside the two issues they presented on appeal, then we'd ask for a continuance to be able to examine what they—that's what I understand.

Ike Holt: That's the way I understand it.

Rik Stevens: So really, I think the choice is up to them as to how they want to proceed

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Ike Holt: That's my point. If you have new information to present, then we—based on what the county is saying—they want to look at that first.

Cassandra Salo: Is that what they already have?

Rik Stevens: You, you filed an appeal on two issues, and so to the extent that we're here to evaluate issues, those are the two we're prepared to evaluate. You're correct in stating—I believe you're correct in stating—that the statute gives you the ability to present new issues, but it also gives us the ability to ask for a continuance to evaluate what you're planning to present. So, the fact that you've given evidence that supports the new claim is one thing, but you didn't lay out the claim in and of itself in the appeal document you submitted. That's our issue.

Matthew Hoagland: May I say just a couple of sentences and maybe clarify what I believe you're saying here? Prior to today's hearing, we were asked by the appellants — for storage and documentation purposes — if we could make available an online folder for them to put materials into. That online folder is linked to our department accounts. It is just stored in a OneDrive location. It's not part of the evidence of the hearing. If it were to be properly — correct me if I'm wrong — there would need to be a motion to enter that officially into the evidence of the hearing.

Rik Stevens: Well, we're not concerned about that. We're concerned about the fact that the two issues that were presented to the appeal were the two issues that were read out loud. And the evidence is the evidence, but the issues on appeal are those two issues. And, and I think what we have heard — what we almost heard — is an appeal of an issue that doesn't relate to whether or not the current activities were a regulated land use or whether there was a landfill accepting land-clearing debris constituting a Class 1 or Class 3 use under the UDO. Those are the two issues that we are prepared to address.

Cassandra Salo: But there was also a section in that, I believe it was the last paragraph, about the determination and the interpretation there.

Ike Holt: There was initially, I think, in an e-mail from Mr. Hornick, that he did list three things. He listed, again, whether the current site activities — blah, blah, blah — and whether land-clearing debris constitutes Class 1 or Class 3. And then the third thing that Mr. Hornick addressed was whether the current use constitutes regulated uses as identified in Section 6.5.2 and as defined in the UDO Section .2. Now, I believe that in the information we have, the County Attorney addressed that. Am I right there?

Ike Holt: My argument is that there are two statements in the document on appeal. Well—well, one—no. One says, "Additionally, the section prohibits co-location." That's a statement. "Co-location of multiple uses on the site is prohibited." That's a statement. Those don't seem like questions to be answered. Those

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seem like statements that they are making about their belief as to a section of the UDO. The two questions that they asked this board to address are the two we've already talked about. So, I don't know how a statement — a purported statement of fact as to a thing — is the same thing as a question to be answered by the board. That's my argument.

Ike Holt: I agree. So, at this point, I think for the sake of our meeting tonight, unless you can give us specifics to address new—new evidence to present to us, then we will proceed, or the other option is continuance. Well, do you in fact have new evidence to present to us?

Cassandra Salo: It's regarding the determination that was made in March that led to the April 20th Board decision to approve application. So, if you're saying that I can't proceed?

Ike Holt: No, ma'am, no. What I'm saying is that this hearing tonight, you should be able to produce that new evidence. That's what this is — an evidentiary hearing. And I feel like that should have already been brought forward. And if you have documentation to back up that evidence, then I'm OK with the continuation so the county can look at that. But if you don't know, if you can't identify what that is, then, you know, we need to base our opinion on what we have.

Rik Stevens: I believe that we were prepared to argue as necessary whether or not these two questions that were asked in the appeal are things that the Board needs to decide. Beyond that, I think anything requires a new presentation of appropriate questions to the Board to decide, because they've asked you to decide two things: whether the current activities and uses are regulated, and then whether it's a land-clearing debris that constitutes a Class 1 or Class 3 use. Those are the two questions. And I'm trying not to get too much into the argument, but they just asked for additional things to be decided that weren't ever laid out in the initial appeal. And I feel like that's what we're getting ready to hear more of. And to the extent that that's what we're going to hear, I would argue that it's improper, and we have a right to a continuance to understand and evaluate the questions that we're being asked to defend.

Ike Holt: I agree.

Cassandra Salo: I'm fine with the continuance if that's the option on the table. Mr. Stevens is asking for a continuance. Is that correct?

Rik Stevens: If you intend to present new issues, yes.

Cassandra Salo: Then I am fine with continuing this.

Ike Holt: You intend to present new evidence, but you're not prepared to do that tonight?

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**Planning Director:**

Matthew Hoagland



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Cassandra Salo: Oh, I'm prepared to do it tonight and I have a package that closes all the evidence.

Ike Holt: So, you're prepared to give that to the county tonight for Mr. Stevens—

Cassandra Salo: Prior to my presentation tonight?

Rik Stevens: I think what we're conflating is evidence and questions on appeal. The two questions on appeal have been read out. I think we're all clear what those two questions are. It sounds to me as though you're asking the board to answer additional questions for you about the county's conduct. And if that's the case, what I would ask for — and what I think the board would require — is a more specific statement of what those questions are, what they're being asked to decide. Because right now there are two questions for the board to decide, and those are the two that are included in your appeals packet, and that's what we're prepared to defend tonight.

Cassandra Salo: So, the core question is 6.5.3(E) operation setback.

Rik Stevens: And that appears nowhere in your ask to the board to decide. And that's our concern — my concern.

Cassandra Salo: But I do have the right to present it?

Rik Stevens: Under statutory authority, I believe you argue that you do. I'm not contesting that. What I'm asking for is a continuance—

Cassandra Salo: And I'm okay with that. This — but this is not a question, hasn't already been stated and emailed and communicated. This is nothing new.

Ike Holt: Can the board proceed to just answer the proposal that's before us — the appeal that's before us — or are we required to issue a continuance and to let her produce this new evidence and give the county the time to look at it and make a defense for it?

Michelle Horn: I think it's going to make more sense to allow a continuance about what's being requested, because it's going to be more efficient for everybody to come back and hear this at once and not to have it piecemeal. Plus, if they're asking to introduce new information or questions, then — you know — pursuant to the statute, that would be unduly prejudicial to the County, to Mr. Phillipie.

Ike Holt: So, are they going to have to amend their application?

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Paul Koontz: I would just interject that I think they have proper notice that you have to put the issue in the appeal, and that's why it's a written appeal. And so, if you're going to raise that issue, it needs to be in writing so that all parties know what the issue is before you come to the hearing. And that was not done here by the appellants. And while it is an issue that has been discussed in public hearings, it was not made a part of this appeal for success. And so, while it could be raised verbally as a new issue, it really needs to be put in writing prior to the next hearing because it avoids the issue of not having proper notice.

Carol Davis: May I say—may I say one thing? I mean, one of the things that when we submitted our request to Mr. Hoagland and Mr. Stevens for a determination about the treatment and processing form or application, there were two emails. One was a March 20th email that I think came from Mr. Kirkpatrick, and then there was a March 24th email that came from me. And then our—you then said, OK, you have to talk to the attorney directly. So, our attorney then asked for determinations on everything we had in those emails. And in the March 20th email, we talked about—I mean absolutely all the stuff about the treatment and processing plant is what we talked about. But it says, regarding the March 20th memorandum—and this is from you—OK, the waste processing...

Rik Stevens: Mr. Chair, our request simply is to have the issues that are on appeal in writing in advance of the hearing, because that's what is required as part of the appeal process.

Ike Holt: I'll be glad to entertain a motion, and we can discuss this motion as to grant a continuation here. It seems like the appellants have additional information they would like to have properly presented, and the county certainly has a right to review that before this hearing takes — or a hearing takes — place so they can have a proper review, as well as Mr. Phillippie's counsel. Everybody can see what's involved. And so, if, if — and according to Mrs. Salo — they definitely do have new information that they want to maybe, information or maybe new requests, I'm not sure which one it is, but if you get that on paper, then everybody will understand what that is. Has anybody got any input about that?

Bill Poe: It seems like that it's not necessarily new information, but it's an additional appeal.

Ike Holt: That's right. Exactly. It sounds; it sounds like they're trying to make their appeal broader than what it is. And, and, and, and the county, as well as Mr. Phillippie, has a right to see that in writing and come up with a defense per se, to, to, to review that and to defend that before this board.

Ray Cobb: If we continue the appeal, would that not mean they had to pursue what they've already put in and start all over?

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Ike Holt: I wouldn't think so. I, I mean, it's just—it would be an addendum to the appeal. I assume they've already made—or that's a legal thing. It'd have to be worked in, or maybe a new appeal altogether?

Rik Stevens: Mr. Chair, if I may — yes, sir. I think what we will do in the interim between this meeting and the next meeting, if a continuance is granted, is reach out specifically to the appellants and ask them to outline numerically, in detail, what their appealed questions are for this board to answer. I know there's been a lot of information presented generally about objection to the site and the site usage, but we need to understand that that's not included here today at all. We need to understand exactly what they are asking of this board. And while I thought I understood that I'm now unclear as to exactly what the ask is. And that's what we need to clarify. So, I plan to reach out and clarify that so that we can better prepare to answer whatever questions they might have.

Mike Owens: I'd like a motion to continue.

Ike Holt: We'll have to get the staff as to date and time.

Rik Stevens: It might be appropriate to do that now.

Ike Holt: Our normal meetings are the third Thursday. I believe that — right, Matthew?

Matthew Hoagland: Yes sir.

Rik Stevens: And I will say — hopefully not breaching any sort of confidence — but Mrs. Matthew Hoagland is due at or around the date of the next meeting.

***Board members and appellants discussed making the next meeting date July 7th.***

Rik Stevens: So rather than close the meeting tonight, what I would suggest you do is continue the meeting until a time certain, which would be 5:30 on Tuesday, July the 7th, barring any objection from Mr. Koontz.

Ike Holt: I'll be going to entertain a motion that we continue this meeting until July the 7th, 2026. Is that your motion?

Mike Owens: It is.

Ray Cobb: Second.

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*Motion to continue the meeting until Tuesday, July 7<sup>th</sup>*

*Motion Made by: Michael Owens*

*Second: Ray Cobb*

*The Motion passed unanimously.*

#### ***Continuation Meeting on July 7<sup>th</sup> 2026***

Chair Ike Holt: Everybody's ready. We'll proceed. For the record, today is July the 7th, 2026. This is reconvening our hearing from June the 18th, 2026. It's good to see everyone, and if you would please everybody, bow our heads for a word of prayer. Almighty God, we thank you for allowing us to be here today. Again, we ask you for wisdom that we will be fair and honest in our decisions that we make today. We ask that you be with us in all our decisions we make every day. We thank you for our health being as good as it possibly can be and your Son, Jesus Christ and my Savior's name. We pray. Amen. Before we get started, I want to address the board here just for a minute or two. First thing I want to do is apologize to the board. The latter part of our June 18th meeting, I felt like it got a little bit rocky, and part of that I want to take responsibility for it. Where I'm coming about that was coming from Mrs. Salo was talking, and I kept using the expression 'new evidence.' We all are aware of 160D-406, and the appellants have the right to say whatever they want to in this hearing. And I think Matthew tried to answer this a little bit, in hindsight, I don't think you guys realized that we may not have seen all the evidence of what you perceived to be evidence. We hadn't seen that. We didn't have access at that time. We didn't have access to the particular drive or whatever you call the computer stuff that you guys could have gone to. So, at that point in time, all we actually had seen was what the county had sent to us in our package. So that's the reason I was using the wrong term, 'new evidence,' because you were absolutely right when you stated there is no new evidence, but it would have been new to us. That's where I made an error. So, I'm not really apologizing to you guys; I'm apologizing to the board because I represent the board, and I want to do the best job I can for this moment. So, I'm sorry about that, and I'm serious about it. I try to do a good job. The second thing that I need to bring up to the board before we get started here: obviously there have been some changes since we met. The appellants have put forth, and they are asking for an amendment to their original appeal package. Regardless of what happens, we will need to take some action on that, and I think there's a couple ways we can do it. One is we can vote on it straight up or down, yes or no, without having anybody give any input. I believe through my research, and believe me, I've done a lot of looking at North Carolina law since we were here last, I believe it is the board's decision as to whether or not we accept the change of appeal in their appeal. Now having said that, I'm well aware of the 30-day window the state law dictates. And so, I feel like the most appropriate way to do that is, in a very limited way, to open up and let the three parties here have a say in how they think we should rule on the amendments to the original appeal. Like I said, at this point in time, I'm not going to let anybody talk. This is just

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between us. So, I'd like to get the input of the members, how you feel about that. There's no question in my mind we've got to address the issue, because we can't just say, well, throw the original appeal away. We've already started a process where we're looking at that original appeal, and the hearing has already commenced. So, in order for a change to be made, I think the county has the right to object to it or go along with it. You know, the way we left was, and I have watched YouTube about three times now, Rik was going to get to the appellants because their people wanted to make sure that he had appealed, sent it forward exactly like it was. And so, the county has had an opportunity to do that now, obviously, because we have an amended appeal in front of us that we've got to make a decision about. Obviously, the appellants, Mr. Koontz, has a right to express their opinions as to what we should do about the appeal. And obviously the appellants themselves have the right to do that. I believe that's the best way to handle it. It is a little bit of a gray area. Maybe there were some decisions that had to be made. I personally feel like Mr. Hornick's memo asking Matthew to reply to specific things on March the 31<sup>st</sup>, when Rik replied, I thought it was pretty good. Cut and dried. I'm certainly, and I'm sure the board members are too, we're all aware of the previous emails that had been involved, and I'm sure everyone is. So, I'd like to get the feelings of the board as to how you feel about it. I'm not really talking about how we feel about; there's no question in my mind we need to take an action. What I'm saying now is how we take that action. But I don't really think that's fair to them, to the three parties that are involved here. I think they need to have an opportunity to express their opinion. And then before we move on, we will, I would suggest that we vote at the end of those three, what they might say sounds very much.

Michael Owens: I think if we're just saying right now, let them speak that, yeah, that's fine with me on, on just on this issue.

Ike Holt: I think we've got, I think we need to address this issue before the hearing progresses any further. But because it's got everything to do with the hearing, yeah, I wouldn't write it down. You know, if we add more to it than that, and of course, Rik had made the statement that, you know, that the county and Mr. Phillipie both has have right to address any new issues they thought meant to be addressed. So, I think they have a right to. And then and then before we'll vote on it, we'll discuss it again because I have more thoughts on the issue that I've not brought forth now because I don't think it's appropriate to this guy. We need to hear what everybody's saying. Rene, how do you feel about it?

Rene Matthews: I think we all are on the same page and we all agree.

Ike Holt: OK, Michelle, can we agree to do that by consensus or do we need to vote on that?

Assistant County Attorney Michelle Horn: I believe you can open up; we've opened back up the hearing, and you can do it by consensus here from the parties on the issue of the new amendment.

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Ike Holt: With without taking a motion, having a motion and a vote? We can just ask them and start from there?

Michelle Horn: Yes sir. Then we'll approve it when you make the decision.

Ike Holt: OK, well, for the second time, I think I'm going to say we're going to reconvene the meeting from June 18th, and I'll start out with the county. If you'd like to make a statement concerning, and I wish I, I hope you will, about reaching out to them and giving us a little background on what has happened since June the 18th.

County Attorney Rik Stevens: Sure. So, we reached out to appellants last weekend and let them know that we needed to hear from them soon about any amended appeals that they might, or any issues they might want the board to decide on appeal that are different from what they had voiced before. We received the amended attachment B that I think we all have a copy of. More than happy to allow that to serve as their submitted amended complaint, and I just want to point out that this new amended appeal says in paragraph 2 that this appeal application seeks to appeal an interpretation slash determination made by Alamance County Planning Director Matthew Oakland, which interpretation slash determination has been delivered to applicants via e-mail on March 31st, 2026. Copy of that e-mail is attached hereto. This appeal is being filed within 30 days of that interpretation slash determination. So, to the extent they intend to appeal yet again to the same e-mail and the issues raised in that e-mail, we have no objection. But I will point out that one of the issues that they have raised in their new amended appeal doesn't appear anywhere in that e-mail. So, the entire discussion about an area of operations is nowhere discussed in that e-mail. Now, they ask questions about it. The county expressly declined to give an interpretation of its view on the area of operations in that e-mail document.

I believe that's probably going to be a point of contention tonight because, based on the materials we've received from Mr. Hornick, he wants to spend a lot of time, it looks like talking about the area of operations and issues that are with. However, I would point out that, by the very language of their appeal, they are appealing an e-mail that nowhere discusses or is an opinion given on that issue. So, to the extent that we can limit our discussions to the March 31 e-mail that has been timely appealed and has yet again been appealed in the document we have received, then the county has no objection. But to the extent that the conversation and the appeal go beyond the language and interpretation given in that e-mail, we would object because we've not had time to prepare for that and that appeal is not timely.

Ike Holt: So, the four questions that they have raised in their new proposed appeal, does the County not in general have any disagreement with those four questions?

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Rik Stevens: Candidly, it's hard to discern the exact question that is being posed in each of these four paragraphs, but any discussion about an area of operations or the limits of an area of operations are, are to me, limited by the scope of the appeal that they have outlined in their new appeal document, where they had an opportunity to make a revision and chose not to. I would also posit that, to the extent there's any conversation about co-location of regulated activities, that there's going to have to be a finding that there are in fact more than one regulated activities in play here. The county's position is that there is not more than one regulated activity, but I'll save that argument for later.

Ike Holt: Let me ask you a question in regards to the issues that you're raising. If we do in fact adopt this new appeal that they want to bring forward, then that's things that you could object to through the proceedings, and I would make a decision as to whether to allow that or not.

Rik Stevens: The board can certainly choose to handle this in any way that sees fit. But I would just ask that, to the extent they purport to challenge something that is not included in the very document that they purport to challenge, March 31st, the March 31st e-mail, that this board could save itself time and everyone here frustration in not allowing that appeal to go forward as written.

Ike Holt: How does how do you feel about this, Mr. Koontz?

Attorney for Phillippie LCID Paul Koontz: Well, I think because this is an appeal of administrative decisions that were in writing from the Alamance County staff, that we should just confine ourselves to those writings. I mean, that's the evidence before you as a board — those emails. And so, when you start going outside of that, you start to stretch the idea of what is the appeal and what the evidence is. So, and that really comes down to the driveway and access issue that was raised as part of the hearing last time, and it's been added to the list. I, I don't, I don't see any basis for that appeal because I don't think that there's any written opinion of that provided in any of the documents that are part of the record. And so, I, I just don't think it's an issue for this board. So, we would object to it, and I agree it's on the discretion of the board how they're going to handle that.

Ike Holt: So, to make sure I understand from your standpoint, you agree with what's put forth with the exception of the road going in?

Paul Koontz: Yeah, Number one.

Ike Holt: OK, Mr. Hornick, let me see, before we get started here, I believe I need to swear you in, please.

Appellants Attorney Bob Hornick: Well, I'm not testifying. I'm arguing.

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Ike Holt: Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth?

Bob Hornick: I do.

Ike Holt: So, as it pertains to the appeal?

Bob Hornick: My understanding was that the June 18th hearing was continued because some of these issues had not been specifically raised in our notice of appeal. And the law allows us to raise issues that weren't raised in the notice of appeal. And the purpose of the continuance was to allow the county and Mr. Philippe to address it. So when Mr. Stevens contacted me, when my clients contacted me to tell me what's going on, you know, the first thing I tried to do was to hustle to get an amended notice of appeal that included the additional, specifically the additional two issues, so that everyone had notice and ample opportunity to prepare for what we would be arguing today. So, I think we have perfect right to have all four questions answered, to raise all four questions. Heck, we could raise new stuff today if we wanted to, not that I intend to, but we could for the statute. So, I, I, I think another issue have to do with that. That's March 31st interpretation. He did fail to address the issue, and that's one of the problems. I mean; by not answering the questions about the area of operations, he's basically punting to you. If someone's got to make this determination and we're, we're asking you to make the determination because it is important. It's not the only reason why we think the interpretation was incorrect, but it is one of the reasons why we think the interpretation was incorrect. And I'm not going to concede or consent to not being able to address that issue with support tonight.

Ike Holt: I have a question for you. The original appeal request that was sent to the county considered it, it included some e-mail stuff and an attachment A which lists the appellants, and then attachment B was an appeal of administrative decision, application decision being appealed. Did you prepare that and send that for?

Bob Hornick: Yes, I did.

Ike Holt: So, my question is in that original appeal that was filed within the 30-day limit, what why did you not include the road issue there?

Bob Hornick: Well, because I thought they were going to be addressed otherwise anyway. But, and perhaps it was inartful drafting by me, but there aren't, these are issues that my clients are particularly concerned with and that I think need to be answered and that were not addressed, or were not addressed properly in our opinion, by, by Matt's March 31st opinion, everyone except maybe you, maybe board. I think everyone in this room knows that the setback for the area of operations, including the roadway, has

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been an issue since at least back in February or March, probably before that. So, it's not a surprise issue for, for parties here.

Ike Holt: Do any board members have any questions for the three participants?

*\*No response\**

Ike Holt: OK. in my opinion, I feel like North Carolina, and I, I, I've, I've of course listened to what Mr. Koontz and Mr. Stevens have said. They both have some objections to some particular items. I have a little bit of a problem with the initial 30-day deal that's established by law. I realize that in 160D-406 that the appellants can bring forth what they want to talk about. It doesn't specifically say, though, that they can amend their appeal. It also doesn't say that they cannot amend their appeal. It does say that they can bring new issues before the board, but that's a little bit different, because new issues that they bring before the board, that means that the other two participants, as Rik brought out in the last meeting, may not have had an opportunity to respond to that other than at the hearing. I think 30 days was a number that legislature came up with. It could have been 60 days, it could have been 90 days, but they thought 30 days was proper. I also have a little bit of problems that Mr. Hornick, in his original decision being appealed, didn't address the road issue. I accept; I understand what he said that he felt like it would maybe come up within the classifications because they have a different opinion of what Matthew appears to have about the road. But I just think the 30-day deal is important. And I think that the issues that are before us were initially two, two issues, and now all of a sudden that's grown to four issues. And personally, I, I just sort of have a problem with that. I think it's sort of like playing a baseball game and you're in the third inning and the man has three strikes and all of a sudden, he says, no, I'm, I'm going to have four strikes today. We've changed the rules to the game. We can have four strikes today. I, I, I don't, I don't think that's the right way to play ball. And that's sort of what, if Mr. Hornick had not prepared this original appeal that was sent forth as required by the county within 30 days, and they sent it at the end of that 30 days, they had 30 days to decide what issues they wanted to appeal, but they did not directly include the two new things that they have done in there, what they're wanting to change. So personally, I have some problems with it being changed. I'm, I'm very aware of what Mr. Koontz and Mr. Stevens have said, but I do believe it's the discretion of this board. I do think that the appellants had the right to ask this board to change the appeal, but I think it's the discretion of this board as to whether or not we allow those changes to be made. So, you know, we need to decide what we're going to do.

Board Member Bill Poe: Well, so it's, what we're talking about is technicality on what was originally put in the documentation. And it looks like there's two issues that have been added in the appeal that could have been discussed before in the original meeting we had in June as just extra evidence, which we already have already discussed that evidence. But are you saying that that wasn't really issues that we

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could make a point of going one way or the other? Now we're going to hear; they can still argue those points, right? They can still argue those points. And will it persuade us one way or the other? Possibly, those are not the issues. And I'm really homing in on, from the original appeals to this appeal, if you want to put numbers to it, two and three, one and two. I mean, those are the issues that I think are more attractive to me to hear the evidence about. Being one of the original architects to this 6.5, I have an opinion about the road. It's an access just like your driveway coming off it. Technically we shouldn't allow those two extra points based on the original appeal. We're going to hear about it, and because I have the right to and we're going to hear about it, and that could one way or the other help us determine our future judgment.

Ike Holt: I also feel like the appellants, they, they knew, they, they had seen the March 31st e-mail, and if they had an issue with it, that should have been the first thing that was presented to us on the June 18th hearing. They should have said after Matthew made his presentation of what it was and so on and so forth, that's when, in my mind, it should have been addressed. It should have, one of the two appeals that were speaking that night should have said we have an issue with what the county has sent to you guys, we don't think that the county has misrepresented what our appeal is. Then I would have been much more receptive. I would have been much more receptive. I would have said, well, maybe Rick and, and, and Matthew misinterpreted or misunderstood what they were asking for in their appeal. I would have been much more receptive to it at that time. But here we are in the second inning and, all of sudden things are wanting to be changed. I have got problems with that. Now, I, I, agree with you. I agree with you 100%. They got the right to bring it up as, as we go forward. It doesn't mean that we have to make a finding on that at the end. If we adopt this new amended appeal, then we'll have to maybe include that in our findings as to how we feel about those specific issues. But if we disallow this appeal change, modification, whatever you want to call it, I don't know if you recall, I had problems that night with it. I kept saying, how's this going to work? And when I was driving home, it went off like a light bulb with me. What's this 30 days all about, you know? So, any, any other thoughts?

Board Member Ray Cobb: You're right, I'm not in favor of going through two points because ultimately, if we allow that, next month we would deal with eight different situations. We started to let the appellants argue their point. OK. And like you said, you're going to add two more and then, you know, the, the, the rules of those being changed halfway through. I don't think that's better. That's all I have got to say about that.

Michael Owens: Well, the way I see this board is unfortunate. We've kind of the jury and the judge. I don't have a college degree. I don't have no legal degree. I'm just a country redneck. But I do have common sense. Common sense tells me that if I don't get my tax renewed by a certain day, it's too late. It's common sense, and that's how I see this. It's not fair, these people or Mr. Hoagland, if you're adding to

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it. And the way I say, it's kind of like Mr. Cobb, when's he goes in, whether you get a feel or not, the things that lean in your way, y'all might come up. But then, like that lady there last month meeting said, we have new evidence. And that's what she said. She didn't say anything about changing appeal. She said we have new evidence. And I think it was this attorney here that said, well, you know, just be fine. She's got new evidence. You know, like we, we should listen. Well, she had both of them. I think it touched on the 15, the 150-foot setbacks on the road. And they caught so much, I couldn't comprehend everything they were saying because they kept going, and then they were interjecting their own opinions too. But all that being said, I just don't feel like it's fair to anybody, including the board. I studied these two bullets from the get-go. I spent about a month doing it. And then you're going to throw some more stuff at me. I don't think it's fair to us. I don't think it's fair to anybody. And I think the state put a day, be it 30 or 60-90 days, for a reason. And I think 30 days were adequate, but it might not be. I don't know. I'm not attorney. But either way, that's the ball game we're playing with. So, I would say no, it can't go on.

Rena Matthews: You know, all of this is new to me, and I'm just looking over the March 31st e-mail, looking for the verbiage as everyone was stating, to see if the verbiage was used in the e-mail versus the questions. And I do see the operations there. I do see the landfill in there, not as detailed as the questions that we want to ask for us to decide on. So, I feel that, you know, I really put a lot of energy into this, and you know, where this is extra for us, and I like style. And I was really targeting those two questions because that's what was originally given. And then when I got this, the extra questions, it kind of made it more difficult, because now I'm having to go back and go through everything, which I wish everything could have been presented at the beginning, and it would have made it easier for me. So, I would like to continue with the original questions just because that was what was presented. That's the material that I studied, I reviewed, I went over, and we've had just, what, two weeks to try and go through all this new material. So that is my response.

Ike Holt: We're going to vote on this issue. You, you had an opportunity to address this.

Bob Hornick: Well, I'm sorry, I just raised a couple of other points.

Ike Holt: I'm, I'm sorry.

Bob Hornick: OK, It's on the record; that's all right.

Ike Holt: You have; you have recourse to appeal to the Supreme Court if you don't like the way we do. So, you know, I'll be glad to entertain a motion.

Bill Poe: I make a motion that we continue with the original appeal issues as it states in 160D-406, that they can bring up new evidence but not as part of the technical appeal.

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Michael Owens & Ray Cobb: Seconded.

*All members voted yes, and the motion passed unanimously.*

Rik Stevens: OK. Can I ask a clarifying question based on that? Can we identify which two questions we want the board to decide, just so I'm clear as to what those two issues are?

Ike Holt: OK, I'll read them. For the current activity and number one, for the current activities and uses as of March 16th, 2026 at the Phillippie LCID Landfill site, 4115 Clapp Mill Rd., such as incineration of land-clearing debris and yard waste, mulching, composting, constitute uses regulated by UDO Section 6.5 (the Heavy Industry Development Ordinance). That's question number one. Question number two is whether a landfill accepting land-clearing debris constitutes a Class One or Class Three use regulated by UDO Section 6.5.2, and then it proceeds with their arguments to support those. So those are the two questions that were in our original decision being. OK, does the county have anything further to offer at this time?

Rik Stevens: We do not. Like before, we're just going to defer the appellants' burden. So, we'll let them go first, and if there's anything you'd like to address, we'll do so at the end.

Bob Hornick: I presented, prepared a PowerPoint and I sent it over last week, and I hope that everybody would have a chance to look at it. I don't know if you don't have it. They are numbered. I numbered it myself today, so I just, just in case something happened. Well, good evening, everybody, and I'm Bob Hornick with the Royal Law Firm in Chapel Hill and I'm here on behalf of the appellants. One thing I want to do is a little bit of housekeeping. First is, I understand that last time on June 18th, it was determined that the appellants except for Mrs. Kirkpatrick had standing. So, if that's the case, that that's the case, we'll spend no more time addressing that issue.

Ike Holt: That is the case.

Bob Hornick: Very good. Now just briefly, I'm going to make the two points I was going to make. First, the Rules of Civil Procedure, there's something called the relation back doctrine. If you file a complaint before the statute of limitations runs out and then you amend the complaint subsequently, even after the statutory issue runs out, the amendment relates back to the original filing. So, the 30-day issue would not, if that rule were applied here, would not, should not be an issue. Secondly, I just have to point out that the reason why we added those two items to our list is because I understood and my clients understood that that's what you wanted. That you were concerned that the issues that were discussed last time had not been explicitly identified in the appeal. And you continued the hearing not for our benefit, but for the benefit of the county and of Philippi. And now I just want to make it clear, now you're punishing us for

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doing what you wanted to do. And I just want to say that on record. And with that, I'll go into the PowerPoint presentation and kind of try to go through the arguments. I may mention some stuff about setbacks on the road and try not to relay that point, but you know it's going to be addressed one way or another on the record here.

So really, we have intended to raise and discuss four issues in this appeal. First, whether the access drive, it's called the LCID gravel access drive on the plans that were submitted by Philippie for the site, from Clapp Mill Road to the landfill site is an area of operations defined in the UDO. From Clapp Mill Road to the landfill site is about one-quarter of a mile. It's a pretty long road. It's not just a little driveway. Second, whether a land-clearing and inert debris landfill such as that proposed by Philippie is a Class 1 use or Class 3 use. Now the application, both the one submitted in June of 2025 and the one submitted in February, February 6th of 2026, both say that the application is for an LCID landfill, a land clearing and inert debris landfill, and what the use is described, it is described as being a place where both land clearing debris and inert debris would be accepted and processed. Third, whether the proposed treatment and processing facility is a Class 3 regulated use requiring an Alamance County permit. We know that as far back as 2024, I think August of 2024, and this is in the record before the Planning Board or the Board of Commissioners, that Philippi Landfill had gotten some kind of air quality permit for this particular site and they were applying for the wood materials processing and treatment and processing plant. We know that they were operating that in the fall of 2025 without any kind of county permit. Now our position is that the treatment and processing facility, based on the definitions in the UDO and on the table of uses in Section 6.5.3, is a Class 3 use and should have been determined to be such. Fourth, if the treatment and processing facility is a regulated use, then does the UDO's prohibition on the co-location of a regulated industry apply? So, if we've got in December and January and February 2026 that TNP operation on the site, we know that trucks were bringing stuff in, hauling at least yard waste and land-clearing debris at least was being hauled in, those trucks were leaving empty. Something was happening to that stuff that was being brought in before any permit was issued for any use by Alamance County. So, if there's a treatment and processing facility operating on the site, it's a regulated use, and they want to add the LCID landfill to the same site, another regulated use, your UDO prohibits that. It prohibits co-location of regulated uses on the same site, and for that reason, we thought that that particular issue needed to be addressed.

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Now, when you look at the ordinance, I don't want to be lecturing to you, but I think it's important for me to try to express these points to you, this whole appeal is based on statutory construction, the interpretation of an ordinance. And the courts say what you're supposed to do is, when you're trying to

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interpret an ordinance or statute, you're trying to figure out what the intent of the statute is in the first place.

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The standards of the UDO were adopted in order to promote and protect citizens' health, safety, and welfare. Section 1.2 says that, I'm paraphrasing here, these are not exact quotes, but you can look in the UDO and see them. Section 1.9 says that the standards established by the UDO are the bare minimum requirements. They are what is required at least for these operations to be permitted on the site. Most specifically, Section 6.5.1 — which is in the Heavy Industrial Development Ordinance — says the industrial development regulations are adopted to promote public health, safety, and welfare. They recognize that not all uses can be allowed everywhere due to objectionable impacts associated with some uses. And we say that some of the kinds of impacts listed in Section 6.5.1 — noise, odors, vibrations, smoke, lights — are the kinds of things that, when you have heavy trucks moving within 150 feet of your house, you're going to experience. We say that this situation is a perfect example of why HIDO was adopted in the first place — to protect property owners who live next door from some of the objectionable impacts. And I think we could all use our own experience to find some of those vibrations and noises and odors and smells and fumes to be objectionable. The uses should be determined to be Class 3 uses, which are subject to the most stringent standards in the ordinance.

I'm going to address the area of operations question. I know that you may not want to hear it, but if you say the area of operations also applies to the gravel access drive which connects Clapp Mill Road to the landfill dumping area — area of operations — again it's defined in the ordinance. There's no need to interpret anything. Apply the language of the ordinance. “The portion of a tract of land on which an industry is situated that is actually under use.” We know that this driveway is actually under use and proposed to be under more use once the LCID landfill is constructed or may actually be put to use in the future for operations by the industry, including the area occupied by buildings, structures, parking, equipment, storage, stormwater control measures, and other uses necessary for the business of the industry.

Area of operations shall not include required setbacks or those areas required by the ordinance or any other regulation to be kept in a vegetative state. With respect to the access drive — without that access drive, this industry, this business, could not function at the site because it could not get materials that they want to process to the site. It is absolutely necessary for the operation or to the business of the industry to be conducted on that site, and for that reason we think that the area of operations, properly applied, would prohibit these uses on the site.

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This is a copy which we've highlighted of a survey map, a topo map that was part of Philippi's application package both to the state and to the county. Over the top right, you've got "waste transportation operations." That's the access drive — called the LCID Access Road on some of their plans. The dumping operations area for phases one and two proposed for the application — that's where the actual landfilling activity is going to occur. That landfilling activity cannot occur on this site if you don't have the access drive in. It is an area of operation that is necessary for business on the property.

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Area of operations — again, here's the definition of operations from the UDO: the manufacturing, production, processing of any goods or substances for commercial purposes, and it includes any storage or transportation associated with the activity on the site. The access drive is there for transportation — to transport materials to and perhaps from the site. It's an area of operation.

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On this slide, we show you a blow-up of the Access Drive portion of the topo plan that we showed you previously. We've got in yellow the actual location of the LCID access drive. We show you the boundary lines between the Philippi property and neighboring properties, the Sailors included. We show you the proximity — the narrow throat of the access drive. There's no place along this quarter-mile access drive where the access drive can meet the 150-foot setback on each side of the access drive. We have some properties that are within 15 or 20 feet of the boundary lines to the access drive. If the access drive is an area of operations — and we say it is — then this use, this application could not be approved because it doesn't satisfy the requirement that there be at least a 150-foot setback of the area of operations from the nearest property line.

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This is just a graphic depiction of the information that was on the previous slide. It shows the distances — and I want to mention that the distances shown here are measured using the GIS measurement tool on the GIS website. So, if they're not accurate to the inch, they're pretty darn accurate based on that tool. But it illustrates how close some of these boundary lines are to that travel access drive. Again, a basis for denial of the application.

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This is just here for illustrative purposes. Shortly after the County Board made its decision, Matthew was quoted in the newspaper addressing the access drive. He said — and this is a quote from the newspaper — “The county's planning director informed the commissioners that he has chosen not to lump this extended driveway in with the site's operations because of the difficulties posed by the 150-foot buffer that the ordinance demands around the operational area.” Well, Matthew, with all due respect, is not authorized to make that call. He’s not authorized to waive the requirements of the UDO. He's not authorized to waive the setback even if it does prove difficult. That’s one of the reasons why maybe this isn’t an appropriate site for the landfill because of its configuration.

So that kind of illustrates what Matthew may have been thinking about that issue back in March and April of 2026.

Finally, on the operations area, we say that the access drive is an area of operations. It connects the landfill site to the state-maintained highway — Clapp Mill Road. It is an actual use, which is required under one of the options under the area of operations definition. The use is necessary for the business of the industry — the landfill or the wood treatment and processing facility — either one. It's necessary. The road is necessary for the use of those businesses on the site. I'd also point out — if you look at the next slide — one of the things we mention is that the access drive not only is within the stream buffer — there's a 100-foot stream buffer requirement under the UDO — not only is it within the stream buffer, but the road actually crosses over the stream at one point in this stretch. So, another reason why the application should have been denied is that it didn't satisfy the stream buffer requirement of the UDO.

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The next issue I want to talk about — and one that you said you want to talk about too — is whether inert debris landfills, land-clearing debris landfills, and waste facilities are Class 3 uses. Matthew didn't really clearly address this issue. It was squarely raised within my email of March 16th. Table 6.5.3, which you have in front of you, identifies the different classes of regulated uses. Class 1 uses include inert debris landfills. Class 3 uses include landfills, except inert debris, and waste facilities.

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Includes in Section 7.2 definitions — includes the definition of what inert debris is and includes the definition of what land-clearing debris is. There are two separate kinds of debris, and land-clearing debris is a Class 3 use. Inert debris landfill is a Class 1 use. There's a lot out there that says if you have two uses on a property and their standards are different, you apply the more stringent, the stricter standards. If that rule were followed here, then the Class 3 standards should have been applied to the LCID landfill.

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Remember, it's not just an inert debris landfill. On their own applications more than once, Philippi indicated that the application was for land-clearing and inert debris. It included concrete — inert debris. It included yard waste. It included trees and limbs and the like. So that's land-clearing debris under the definition. The difference is, I suppose that land-clearing debris will decay and settle over time, whereas the inert debris is not likely to change its form over a period of time. They're treated differently and defined differently.

One of the canons of construction of ordinances is that you have to use the language of the ordinance and apply it. You can't ignore any of it. There's a reason why the ordinance has definitions and where the definitions are. There's a reason why Class 1 regulation includes inert debris, and Class 3 includes landfills except for inert debris landfills. A land-clearing landfill is not an inert debris landfill. It's a landfill other than inert debris and therefore is a Class 3 use which should have been applied to the review of the application in this case.

Also, regarding the waste facilities — now Matthew, in his opinion, his determination kind of got around the issue with the wood treatment and processing plant because it has the word “processing” in it. And the table in Section 6.5.3 says waste facilities are Class 3 uses, but it doesn't say waste processing facilities are Class 3 uses. Now this is one where I have to tell you my gut reaction was — you've got to be kidding me.” Just because the word “processing” is there means that it's not a waste facility? A waste processing facility is just a subset of waste facilities. The UDO defines waste processing facility; it doesn't define waste facilities. It defines solid waste facilities. It defines solid waste disposal. All those kinds of operations are waste facilities that would be required, by a fair reading of the UDO, to be Class 3 uses.

Remember, one of the rules about interpreting ordinances and statutes is you want to avoid an absurd result. And I actually think that by saying that the waste processing facility is not a waste facility regulated by Class 3 use, I think that's an absurd result.

The other issue that maybe you didn't want to talk about, but I'll talk about a little bit here, is regarding the co-location of regulated uses. The wood treatment and processing facility was operational — and is operational as far as we know — on the site. That is a waste-processing type of facility. It is a waste facility and should be regulated as a Class 3 use on the property. When you try to add — whether it's a Class 1 facility or a Class 3 facility — when you try to add it to the site, the statute, your ordinance, prohibits it. It says co-location of regulated uses on the same site are prohibited.

So, you know, the staff and I think the Planning Board and Board of Commissioners maybe knew or should have known that there was an operation already going on at the site, unpermitted — unpermitted by the county — and that was the wood treatment and processing facility. Then you approve another use

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that is definitely a regulated use. I don't know if there's any question about whether the LCID was a regulated use. The only question is about which category it falls in — Class 3 or Class 1. That would constitute the second regulated use on the same site, prohibited by the UDO.

An interesting thing too — and this kind of relates back to our operations area setback issue — is that even if the LCID were a Class 1 use, if you found that the travel access drive is part of the area of operations, they'd still be subject to the 150-foot setback. I mean that setback requirement still exists. So regardless of Class 1 or Class 3, if the roadway is part of the area of operations — which we say it is — then the permit could not have been issued because they did not comply with the setback requirements of the UDO.

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And this is just an illustration taken from the application materials that were submitted by Philippi for the LCID application, and on the right for the wood materials treatment and processing plant. You'll see where the area is. You can see the outline of the property lines of the property — they're the same property. On the right it shows where the various TNP operations would occur. The left shows where the landfill operations would occur. They overlap. They're on the same site. So, this just goes further to show that there would be two — if the ordinance were properly interpreted — there would be two regulated uses on the same site, prohibited by the UDO.

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This is kind of a summary of our appeal. First, to sum up the area of operations: the plans submitted show the 1,500-foot approximately gravel access drive and say that it's not an area of operation. We say the correct interpretation is that that road connects the landfill dumping site to the state-maintained road and is under use and is necessary as transportation for the business of the industry on the site. If that's the case, then that road is an area of operations, and it does not meet the operations area setback. The site plan does not show corporate fencing around the access drive, and as we've shown with the plan before, the access drive not only approaches the stream buffer, but it crosses the stream. So that's an important distinction.

The second point is: how should the uses be classified? I think Matthew's interpretation was that an LCID landfill basically is the same as an inert debris landfill and therefore is a Class 1 use. Our argument, of course, is that all landfills except inert debris landfills are Class 3 uses. That's what the item says. And waste facilities are Class 3 uses. There can't be any question that what's going into the facility — if it's an LCID landfill — will include yard waste and the like. That is solid waste under the statute. It's included in

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the definition of solid waste. There are two separate definitions for land-clearing debris and inert debris. Inert debris is Class 1; land-clearing debris is Class 3. If that's the case, then the Class 3 regulations should have been applied to this application, and it's impossible for the site to meet the Class 3 standards.

One of the reasons being is there's a protected facilities provision in the HIDO, Section 6.5, and what it says is that a Class 3 use cannot be located any closer than 1,750 feet from a protected facility. Protected facilities include homes, houses, residences, and the distance is measured from the boundary line of the site on which the use is occurring. Now think about that — about a circle with more than a quarter-mile radius, a third-mile radius around the site. How many residences are there? I don't know if there are any churches in there. I know there are lots of residences in the Jacks Creek subdivision. The Sailors live within one of those. Mrs. Kirkpatrick — her property, her house is within 1,750 feet. I mean, I know you say that she doesn't have standing — that's a point that we might disagree on — but whether she has standing or not, her house is within 1,750 feet of that driveway. And if that's the case, and if the use is a Class 3 use, then it could not possibly have been permitted or allowed on the site. And we think Matthew's interpretation missed the mark on that.

The last point has to rehash the waste processing facility argument. Waste processing facilities include facilities where incineration, composting, processing, and storage — if contemporary storage of materials occurs, we know that's happening with the wood treatment and processing operation. A letter which is in the record from December of 2025 from, I think, the engineer Wilson Engineering Group to DEQ — described what the operation at the site would be.

The proposed facility will receive, process, and manage land-clearing debris — Class 3 use — clean wood waste — might be Class 1, might be inert — tree trimmings — that sounds to me like a Class 3 use — and yard waste — that's definitely a Class 3 use. It is clear to me that those uses, whether they are considered a wood treatment and processing facility or something else, are regulated uses, and I say they are waste facilities, regulated as Class 3 under the UDO, and proper application of the UDO would have shown that.

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Now, the next few slides are just some illustrations that were in the packet that I wanted to show you. The first is the application for the wood treatment and processing facility. I think that's the one. It's for the incinerator and it's the TRC application. This is the one where, on the application itself, they say that they're going to be incinerating products and property, and incineration is considered one of those waste-processing things that constitute a waste facility that's not allowed except as a Class 3 use.

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Two slides down: there's a copy of the December 15th, 2025 letter that I just read from, where Mr. Wilson described what the use proposed for the property was, and included composting and all those other things that are classified as solid waste — waste processing facilities — which we say is just a subset of waste facilities. Waste facilities are determined to be a Class 3 use under the UDO and as such should have been regulated as a Class 3 use.

The next two slides are copies of the two slides that are shown side-by-side of the aerial views of the plant. The first one shows the waste treatment plant site and proposed areas where different operations would occur. And the page is an aerial photograph showing the site itself and the same property. And the last couple of slides are just kind of a little more information submitted by Wilson to DEQ with the application for the wood treatment and processing facility.

I think what I want to close with is: I did send over a memorandum of law, which I don't know if you had seen, but I know that Mr. Stevens got it. It discusses the standards that are supposed to be applied when one is interpreting an ordinance. I submit to you that the ordinance is clear and unambiguous. There's really no room for substituting your judgment for what the words on the page say. If you apply what the words on the page say, then the LCID use should have been considered to be a Class 3 use. The wood treatment and processing facility should have been determined to be regulated as a waste facility, not just some undefined use that is not subject to county regulation. That's just not so. It's just not so.

The operations area — I know you don't want to hear about this issue, but I'm just putting it on record for you — there's no question that that LCID gravel access road, as shown on their plans, is necessary for the business on the site. Business of the industry on site — materials could not get to or from the dump location if they couldn't use that road. That road is an area of operation to which the applicable setback requirements should be applied. And we'd ask you to make those interpretations so that they can be applied properly in this case and so that moving forward — because we won't have these same situations again — apply the plain language of the ordinance. That's what I'm asking you to do.

And have any questions at the moment?

Mr. Koontz: It's always interesting that two different sides come to this entire idea from very different points. Some of that is driven by what the outcome is with the county commissioners. When you get your permit, you feel better about it, and when you don't get it — turned down — and you oppose it, you don't feel very good about it. And you start, as the appellants are doing, start reading this ordinance, the UDO, and everything that went along with it from a different point of view. And they come at it as: how can we defeat this permit? And I start, as I do with every zoning or land-use ordinance, I start from the initial premise that if there is no ordinance and there is no government entity putting restrictions on the property,

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we have the free use of all property. As governments then start to put restrictions on it, those restrictions are limited to the restrictions clearly placed on it. The appellants look at it differently. They're trying to take every word and expand that limitation as far as they possibly can, even though the language of the ordinance doesn't read that way. And whether or not the Access Road driveway is part of the decision tonight, I am struck by the definition that has been danced around — the area of operation — on page 135 of the UDO. Because when you look at all the definitions in there, one of the definitions is “driveway,” right? That's in the definition of the UDO. But yet when the definitions of area of operation are looked at, it goes in detail about the types of things that are regulated: buildings, structures, parking, equipment, storage, stormwater control measures. And then the appellants are trying to use the next language — “and other uses necessary for the business and the industry” — which they're using as a catch-all to define anything else. So, if the ordinance intended to cover the Access Road and the driveway, why didn't they put it in there? An applicant comes in wanting a use to their property, they review this ordinance, they talk to the staff, and there's nothing in here about Access Road. There's nothing here about driveway. It doesn't say that. And so, what the opponents to this permit are trying to do is get you to stretch that definition. I noticed that none of the conversations about the Access Road points to anything that Matt Hoagland said in his email because it's not addressed in it. And all it does — and I wrote down the word somewhere here — “illustrative” — by kicking a quote out of the Alamance News and using it, I guess, as a piece of evidence to argue more. That's not illustrative evidence. That's not evidence at all. When the county commissioners ask, or the planning board asks, for guidance, the staff has the obligation to give it to them. They respond to those questions and inquiries as best they possibly can, but there is no written administrative opinion about that issue whatsoever. The fact that the county commissioners and the Planning Board made a different decision than what the appellants think should be made — they're going to raise that with the court. To me, it's not an issue that's on the table, but I raise that only because as you go through all the arguments of this, what they're trying to do is get you to stretch the definitions to include what they want the outcome to be.

When I look at this appeal — and look, we take no part in preparing the March 31st emails. Remember, you have a landowner who walks in and wants to apply for the permit. They use the guidance of the planning staff to make those applications and do a very diligent job going through how you meet everything. And that's really all that we can do. And I look at this March 31st email and it's detailed and it's reasoned and it's in-depth about why they reached the conclusion that they did. And I go back to another partial quote by the opponents to this — to Section 1.9 of the UDO. And if you pull that out on page 10, it does say any interpretation, application, ordinance — all provisions — shall be considered as minimum requirements. But that's not all it says, and it also doesn't say “the bare minimum” requirements. It also says in Part B: it shall be liberally construed in favor of the governing body. That's the next item. When you have a planning staff member who goes through and writes out all their bases for

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making the decisions that they've made, you can disagree with them, but they are well-reasoned. They're based on experience. And when you liberally construe those administrative decisions in favor of the governing body, the appellants have not met their burden of proof in this case on any of the items. It also has Part C — that the ordinance is neither to limit nor repeal any other powers granted under state statutes. One of the key decisions in all of this is that we are actually applying also for a TNP permit. That is a separate operation. Throughout all of the public hearings, the folks that opposed this have tried to put those two things together. All we've applied for is an LCID permit. That's all we've applied for. We haven't applied to the county for a TNP permit because the county doesn't issue a TNP permit. The state of North Carolina does. Takes me back to — you only regulate the things that you're choosing to regulate, and the county has chosen to limit the regulation of real property in Alamance County. I think it is difficult for folks who have lived in other communities that have a general zoning apparatus in place — that regulates all use in the county and is very comprehensive, in as much detail as possible. I get it. But when you don't have that structure, you look at the ordinance differently. And I have lived here for more than 30 years, because you are only picking up 30 years ago — not all of this was in there. And you're making conscious decisions about what you're going to regulate and what you're not. And you don't go any farther than the regulation that you put in the ordinance.

So, the argument that you should stretch these definitions bothers me, and I think it's wrong-headed. And so, I think the conversation in that email about the difference between the TNP application and the LCID landfill solves really items 2 and 3 here because those are two different uses. They are two different structures because Alamance County's improvement is only limited to the LCID permit application.

I'm not going to pretend that the UDO is perfect. I know all of you sitting up here have looked at it over time. None of you are going to contend that it's perfect either. But if you take the argument about waste facilities that they have brought up, and you again try to stretch that definition, then even inert debris landfills suddenly become Class 3. And that's what they argued to the Planning Board. That's what they argued to the county commissioners. And that's what they're arguing in a slightly different way tonight. If you take that approach, then even all the inert debris landfills — and remember all the other LCID permits that you've issued — are really all fast-track approvals. If you combine that with their argument about access and driveway, then you eliminate any future landfills from Alamance County. And I'm sure that's what the opponents want, but that is not what the ordinance is. And to be fair to landowners in Alamance County who want to develop their property, and to be fair to applicants that come into the Planning Board and diligently walk through that process, you have to be consistent in the way that the rules are applied. And that's all we've done. I've said this before in the public hearings and I'll say it again for your benefit: of all the LCID permit applications that have gone through Alamance County, this one is by far the most detailed. We know that in part because the previous landfill was several sheets of paper and one Zoom call — and it was approved. So, the level of applications and detail that we have put

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into this is truly unprecedented. While we're impacted by this appeal, it's not exactly directed at us. It impacts us because we're not the one making administrative determinations. So I don't want to preach too long to you, but we would stand by the interpretations that the county has made, that the county staff has made, that the Planning Board has made, and the county commissioners have made up until this point, because we feel like they're well-reasoned and they follow the ordinance. So, we would urge you to decide to deny the appeal in this case. And I'm welcome and open to any questions that you might have for me.

Ike Holt: Rik, do you have anything further to say, anything that you'd like to?

Rik Stevens: I do, and I promise I will be the shortest of the three attorneys here tonight. I just want to say thank you to both for being here and presenting their arguments. I echo Mr. Hornick's sentiment that the language of the ordinance is clear and unambiguous. And I would just remind this board — I'm going to talk about the two issues that you are going to decide tonight — that a few things were part of the reasoning and part of the interpretive process that Mr. Hoagland undertook.

First of all, a landfill is measured by what is put in the ground, not by what is accepted. You're being asked to consider the fact that land-clearing debris may not be inert debris, may not be the same thing. But again, the definition of a landfill is a facility for the disposal of solid waste on land in a sanitary manner in accordance with General Statute. That doesn't say they accept certain things. It says they put certain things in the ground. And based on what we know of the operation that will be undertaken at this site, only inert debris is going to be deposited in the ground. They're not going to take in land-clearing debris and not reduce it to its barest form before they put it in the ground in order to not take up extra space. That was part of the processing and part of the reasoning of Matt in interpreting this in this way. So, if what's inserted in the ground is inert debris, then it's an inert debris landfill under Section 1, Class 1 use.

Also, you're being asked to read part of the Class 3 uses as waste-processing facilities. You're being told on one hand that the language is clear and unambiguous, but then you're being asked to insert a word in order to apply another definition. But let's say we do that. Let's say we take that word, we insert it, and we now say that we need to regulate waste-processing facilities as Class 3. This includes incinerators, composting facilities, household hazardous waste facilities, waste-to-energy facilities, transfer stations, reclamation facilities, or any other location where wastes are consolidated, temporarily stored, salvaged, or otherwise processed prior to being released into the air or transported to a final disposal site. So, one of those two final things has to occur — either it has to be released into the air or transported to a final disposal site. In the applications that we reviewed, what we were told about the business operations of the site, they're not wastes being transported off-site for final disposal somewhere else. These are valuable

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materials that are being processed from one form into another and then sold. You don't sell trash. You take materials from one place to another to use for another purpose. In the two instances where Mr. Hoagland thought there might have been some ambiguity or some issue with what was being done on site, he took exception to those and confronted those two issues. The first was the use of an incinerator — he talked to staff on site about the fact that that might run afoul of the UDO. The second was the potential for a mixed-use by resource extraction — by using land on site to mix with the materials being transported out — how that might run afoul of the UDO. So, in two instances where there was a possible violation and issue, the director addressed both of those. So, I just want you to realize and understand that there was a clear deliberative process, as outlined in the emails that you've seen, that went into the decision making involved. It was not haphazard. And we would ask that the board decide to uphold the director's decisions. Thank you.

Ike Holt: Anything further from either party?

Bob Hornick: Yes, sir. Just a couple of very, very short comments. First, you know, just because other LCID landfills have been permitted as Class 1 facilities are, and my mother always told me two wrongs don't make a right, you don't have to do it again because you did it before. If you were incorrect before, no one's challenged it before. I mean, to my knowledge, this is the first challenge to a landfill application that's been heard in Alamance County. So, you know, this is the opportunity to have the HIDO, with respect to landfill applications, under the microscope. It's the first chance. And my clients, the appellants, are the ones who have raised the issue. And I would disagree, respectfully. We're not trying to expand the definitions and the language of the ordinance. We're trying to get the very language of the ordinance applied — the plain language of the ordinance. Land-clearing and inert debris are different things. They're regulated differently. You have to look through the lens — the whole time you're looking at this — you have to look through the lens of the purpose stated in Section 6.5.1, the HIDO to begin with. And what that says is that one of the purposes of the HIDO is to protect neighbors from the objectionable — objectionable, I think is the word — consequences of the use, things like noise, odor, pollution, fumes, vibrations, all those things. The trucks on the access drive and the trucks in the landfill are going to cause all of those things. If you look through the lens that the commissioners, in adopting the ordinance, told you to look through, you think you ought to overturn Matt's interpretation and make the interpretations that we've asked for regarding the Class 3 nature of the T&P facility and the Class 3 nature of the LCID landfill, and that the regulations applicable to Class 3 uses should be applied to this landfill. Thank you.

Paul Koontz: I mean, I, I think the point that Rik makes is a strong one about landfills are governed by what you put in the ground, not what you bring in. And the landfill is an inert debris landfill of what is going in the ground. The second point I would make is they keep citing this 6.5.1 about applicability and odors and vibrations and fumes. Let me read you the whole last sentence as opposed to just part of it:

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“These standards shall allow for the placement and growth of such uses while maintaining the health, safety and general welfare standards established in commercial areas in Alamance County.” HIDO was not designed to eliminate these uses. HIDO was designed to allow for the placement and growth of these uses within the community. If you wanted to block them, you would have adopted a general zoning ordinance and stamped everybody as residential and said no industrial growth in Alamance County. But that’s not what happened. I just think it’s important when we read some of these sections that we read the whole thing and do it that way. Thanks.

Bob Hornick: One last point because I can't help myself. What the HIDO does, following up on the last comment we heard from Paul, is the HIDO, what it does is it says the Class 3 uses aren't, they're allowed, but only if they meet the certain specifications set out in the HIDO regarding setbacks and buffers and spacing between the use and the protective facilities. The commissioners said that those uses are allowed as long as those uses satisfy those conditions otherwise set forth in the HIDO. So, it's not a question of whether we're prohibiting uses. Alamance County is not prohibiting uses with the HIDO. And by the way, the HIDO is adopted under the Chapter 160D-2, which has to do with some land-use regulation. So, while it's not a zoning ordinance, it is a land-use regulation, and the rules applying to interpretations of land-use and regulations apply. But the HIDO does not prohibit any use. It just says if you want to have a Class 3 use on a particular piece of property, you have to satisfy the standards that are set forth in the HIDO for Class 3 uses. And that's all. Thank you.

Ike Holt: Let's take about a 5-minute recess.

#### ***5-minute recess***

Ike Holt: I want to make sure now that there's nothing further from the county this time. Anything further from the appeal this time? If not, we're going to start some deliberation that you're explaining to.

Bob Hornick: In some of the correspondence between Matt and Mr. Phillippie or one of the Wilsons in the Wilson Engineering group that Matt was aware that there was an incinerator on the site of the treatment and processing facility, or there was proposed to be an incinerator on the site. I think there was one on the site. And after that discussion — and I think it was because Matt said something to the effect of, this is, I think from the email exchanges that I've seen — that if there were an incinerator on the site, it might require more regulation than was being required up until that point. So, Mr. Phillippie removed the incinerator from the site. And I just suggest to you that that is some evidence that the presence of the incinerator on the site had something to do with the use classification and the degree of scrutiny to which the TNP facility would be put. And just because the TNP application is to the state doesn't mean a hill of beans — whether it's a waste facility under your ordinance. It's a waste-processing facility, because when

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you look at the things that are being processed by the TNP facility, they're any definition of waste. The TNP facility is called a processing facility. It's a waste-processing facility. It's a waste facility. It should be classified as a Class 3 use.

Ike Holt: What email refers to that?

Resident Carol Davis: It's actually not even the e-mail. In the March 18th Planning Board minutes on page 15 — which is not in the packet but was in the original evidence that we sent at the OneDrive — yeah, it's on the OneDrive. I think it's Exhibit H.

Ike Holt: If that's the case, I'm going to leave the hearing open. So, if we have questions — and I assume they probably will get somebody to come up — you and our deliberations. So that being the case, if there's nothing further from the participants, we'll start this deliberation, what you said.

Rene Matthews: So, I did have a question just because we were quoted pages from the UDO — pages 135 and page 10 — but in our, we don't have those pages 135 to be. Can somebody pull that up for us, or is it OK if I pull it up on my phone?

Michelle Horn: I do have a hard copy of the entirety.

Michael Owens: Mr. Hoagland, He referred that you addressed about some of the issues. How did you address them?

Planning Director Matthew Hoagland: So, I'm probably referring specifically to a similar site visit, and a similar site visit regarding the air-curtain incinerator. We had some citizen concerns about activities on the site after the first complaint and visited the site. In the process of visiting the site, learned about the operation of the air-curtain incinerator. We informed Mr. Phillippie that—I'll just paraphrase the conversation; feel free to correct me if I miss anything—that it was my thought at the time. The operation of an air-curtain incinerator is not regulated by the ordinance, but it is a general business operation. Typically, business operations have to go through our Technical Review Committee. If I'm recalling correctly, the conversation we had on site, he had spoken with previous county staff about whether or not the incinerator needed to go through TRC but was advised then that it did not. That was before my time here. I let him know that in order to be in compliance at that time, to essentially remedy any pending violation of the air-curtain business operations, he would need to go through our technical review. And that technical review took place in late December of 2025.

Appellant Cassandra Salo: What Mr. Hoagland is not including is when he spoke to Mr. Phillippie about the incinerator — and it's in the minutes — he actually stated that it could create a stop-work order, and

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that's why I'm assuming that's why he moved incineration off. So, if it's not a regulated use and there's no concern about it being regulated, why would you issue a possible stop-work order, and why would he move it off if it's never—if it's not regulated or not going to be regulated or there's no concern about being regulated? So, there was more to the conversation after the point when we brought it up about the incineration, and it's in the minutes. This was actually during the meeting. He admitted he had a conversation with them. He said it could trigger a solid-waste processing, it could trigger a Class 3, and he would have to issue a stop-work permit. That doesn't sound like something....

Rik Stevens: I have to object at this point. I feel like we're allowing testimony outside of the time that we had talked about allowing testimony. So, if you have questions for people, I feel like you should address those questions to the people you have the questions of and not allow participation by the party.

Ike Holt: I agree. So, Matthew, anything further to say?

Bill Poe: Well, OK, so let's go back to the incinerator part, if I may. When was the incinerator being used? Because obviously we don't have a permit yet, right? Because you're going to have a permit for this particular site.

Matthew Hoagland: We have, as I mentioned in the previous question, we had approval through the TRC for the business operations involving the incinerator. That approval — or that TRC review — I believe was December 29th. Department, is that correct? And then the approval came on February the 12th after we received additional requested documentation.

Bill Poe: Is there an existing business permit to this piece of property?

Matthew Hoagland: A business permit?

Bill Poe: Is there a HIDO permit associated with this particular piece of property, or is this what we're reviewing?

Rik Stevens: What they're appealing is the determinations that were outlined in the written response that was sent by Mr. Hoagland on March 31st, but they are not purporting to appeal any sort of decision about the HIDO permit.

Bob Hornick: So, I would concur with that. There are separate issues. We did not appeal against the Board of Commissioners' approval because that's not provided by the rules. So, we're appealing from Mr. Hoagland's March 31st interpretation determination, based upon which the Board of Commissioners made some decisions.

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Bill Poe: So, you're saying there is an existing permit on this for this LCID?

Matthew Hoagland: There is a technical review committee approval issued on February the 12th.

Rik Stevens: Let me make sure I understand what you're asking. Currently today, July 7th, there is a permit. Is that what you're asking?

Bill Poe: That is exactly what I'm asking. As of July 7th, 2026, there's an existing permit on this piece of property for this LCID.

Bob Hornick: But the December 29th TRC review is not a required process under the UDO. At least, as I read it, the HIDO — the TRC is not mentioned in HIDO for 6.5.

Ray Cobb: Yes sir, this discussion — so building myself was part of that HIDO, part of the development. Yes, we worked in the summer of 2019. We presented it to the Planning Board. Planning Board presented to the Commissioners. It was — and our issue roadway — I served at Planning Board for 26 years. At no point in time roadway, driveway, pathway considered part of their operations. It was never part.

Ike Holt: And I think it's really sort of beyond....

Ray Cobb: But I mean, the whole idea is, you know, if, if, if that ordinance was followed fully, it's, it's already been issued. Then my question is what we're talking about?

Ike Holt: Well, we're, we're talking about the people if they, if they sent forward

Bill Poe: I understand that. So then, so if the county commissioners approved — this is the process that we had lined out — it went to Matt, that all HIDO had to go to the Planning Board. Didn't ever mention anything about TRC but had to go to the Planning Board. Planning Board either had to recommend to the county commissioners, county commissioners then vote for it — yea or nay. You can get your permit. However, it has this appeal process — that permit actually wasn't effective until this appeal process. That's how it was intended.

Michael Owens: But that doesn't have anything to do with us. You know what we're here for.

Bill Poe: But what I'm saying is there's an issue already, and we haven't gone through this appeal process. How can that be?

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Michael Owens: Yeah, but I'm just saying we're here because they appealed his decision and interpretation. You know that Mr. Phillippie could be growing pot out there. It has nothing to do with it. We got to stay focused on his appeal, and I don't care where that's going. I really didn't care about the incinerator because that's not part of this. That's not what he appealed. Now they want to throw a lot of other mud on it, and rightly so — maybe, I don't know. But when I'm selling a cow, I'm doing this like an article. I'm going to point out the strong points of my cattle. I'm not going to point out the weak points. I'm going to hope he misses that. Well, we're also getting in the grass. I think we need to stay focused on what they'll feel.

Bill Poe: So back to one here — says “with current activities and uses of the Phillippi land such as incinerated use of land-clearing debris, yard waste, and mulching.” All right, we’re determining that the incinerator is no longer part of the permit. When was that decided? Prior to the intent-to-construct permit? Because that’s how it’s supposed to go.

Matthew Hoagland: You mean the incinerator being part of the LCID permit?

Bill Poe: That’s correct

Matthew Hoagland: Correct, The LCID permit is a separate process. It is specifically governed by the HIDO. My interpretation is that the operation of the incinerator is not governed by the HIDO.

Bill Poe: The state statute says that you can't incinerate. LCID can't do it. So, you were correct by taking LC — or the incinerator — out of the LCID. And I can pull that up if you want to.

Ike Holt: Probably willing to know what that statute is.

Bill Poe: You were correct by taking the incinerator out of the LCID. That is correct. All right. But I thought part of our, our, our HIDO processes though was that a permit is still not to be issued until, you know, they had the right to appeal that permit before it was actually issued. I believe that's in the HIDO. Am I not correct in that?

Ray Cobb: We didn’t have a Board of Adjustments back then, so there was no one to appeal to.

Bill Poe: But it went to Superior Court at that rate, straight to the Superior Court. We're supposed to have a Board of Adjustments representing in the county. They called that up in 2018 and we didn't have one. And the county commissioner acting as the Board of Adjustments.

Ike Holt: So were you satisfied with your answer.

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Bill Poe: At this point, yea.

Ike Holt: Rene, we'll come back to you, are you satisfied?

Rene Matthews: Yes, the documentation. Yes, if you quote and I just won't be able to read it, that's all. And we didn't have it. So, I'm good.

Ike Holt: Matthew, I want to address a little bit — I'd like for you to expand a little bit, talk a little bit about actually real classification and how you came about to classify the LCID as Class 1 as compared to possibly Class 3. Could you expand on that a little bit for us?

Rik Stevens: Respectively, is there a more specific question? Because I feel like there's a really clear explanation of how we came to that determination in the email.

Ike Holt: March 31<sup>st</sup>? Is what you're referring to?

Rik Stevens: Yes

Ike Holt: So, you think that is the official reply?

Rik Stevens: I think so.

Bob Hornick: Can someone point out for us where in the March 31st there's a clear reply to that question?

Ike Holt: Did you ever consider the LCID — the possibility of being in Class 3?

Matthew Hoagland: I did not.

Ike Holt: So, in your mind all along from the interpretation that you do, there was no question except it was a Class 1.

Matthew Hoagland: Correct.

Ike Holt: I'm well aware of what Mr. Hornick said earlier — in, to him, it's immaterial as to other LCID landfills within the county. Can you tell me how many LCID landfills there is off the end?

Citizen Carol Davis: 5, there are 5.

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Ike Holt: Mr. Koontz stated that all of those are permitted in this Class 1. Are you, are you sure about that?

Matthew Hoagland: Yes sir.

Ike Holt: I assume Mr. Hornick is right that it's never been questioned before, as far as the county is concerned, Mr. Stevens?

Rik Stevens: I'm not aware of any prior appeals on the landfill sites.

Bill Poe: Yeah, the term LCID has always been — our slang was the stump dump — and then we've never had issue with approving the stump dump.

Bob Hornick: A stump dump is a Class 3 because it's not inert debris, it's a landfill other than inert debris.

Bill Poe: And I go back to the intent of when we were developing this ordinance, and even the previous ordinance that was developed — a heavy industrial polluting industry from 2006 — the LCID, the intent was always to land-clearing and debris. So, it was always going to be a Class 1 industry in our mind. That was the intent.

Bob Hornick: But that's not the word...

Rik Stevens: So respectfully, are we just going to allow parties to intervene and offer evidence? Because if so, I'd like to chime in as well.

Ike Holt: I think that we probably are getting a little bit wide here with what we're talking about and, and we'll narrow it down more if we have specific questions — questions to ask anybody — rather than just comment. It's, it's fine, what you're saying between us. If, if you want to bring those points out to us, that's fine. We probably don't need to get everybody else involved. Ray, you have any more questions?

Ray Cobb: I'm good.

Ike Holt: This is a big deal, you know, so we need to really think it through. It's, it's fine. If anybody would like to ask a question of Mr. Koontz or Mr. Hornick or, for that matter, Mr. Stevens, or if there's any legal questions, our expert over here, Michelle, I'm sure will be glad to help us. Rene, do you have any further questions? I mean, now's the time to answer.

Rene Matthews: I do not have any questions.

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Ike Holt: Mike?

Michael Owens: Nope, I'm ready to vote.

Bill Poe: Another — on the GIS, it says borrow pit, and LCID is the borrow pit. Why is the borrow process — is that part of resources extraction? That kind of gives me a little pause.

Ike Holt: Who are you directing your question to? Matthew?

Bill Poe: Yes

Matthew Hoagland: From my understanding — I'm not an expert on the internal detailed operations of that — that's a standard nomenclature and operation that's more outlined on the state level as part of that.

Bill Poe: In our 6.5 it talks about resource extraction, topsoil and stuff like that. If we're doing topsoil and we're mixing the amendments for what Wilson Engineering Group — and then he sort of towards that — resource extraction, which is Class 2. So, I just want to clarify that that's not actually happening out there.

Ike Holt: I'm sorry, I mean, isn't that addressed in an e-mail from the Wilson group — that there is actually not going to be any extraction of? So, I, I think that's addressed in some of the emails from Wilson in the packet of administrative materials. Can you identify what page that is?

Matthew Hoagland: Yes, the beginning of page 56. I probed into that with Mr. Hall, and you can see a detailed response on page 58 and 59 of the packet. And we received certification that the selling of topsoil will not take place. The e-mail exchange confirmed they would not intend to — they would not intend to sell topsoil from the property.

Ike Holt: And I understand that it's policed by the county?

Matthew Hoagland: Yes, that is correct.

Bill Poe: I guess we take that the GIS people make that borrow pit out — that description. This LCID, like the rest of them. To Ray's point, I don't hold too much into the driveway situation. It is, you know, they need access to their areas of operations. I believe that's the intent with this area.

Ike Holt: I think that's moot point. No further discussion then I'll be glad to entertain a motion. I would like to say first off, before you make that motion, you need to say why you're making a motion and back it

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up by facts as much as possible. That's required by the legal people here, I believe. Would you like to expand on that a little bit, please, Michelle?

Michelle Horn: You're looking at the interpretation of an administrative appeal. So, you're planning on reversing the challenged administrative decision. The question of what the ordinance means is the question of law for which the board must make its own decision. So, you are taking a look at the ordinance — if need more information on what that looks like to interpret that in making your decision, I'm happy to provide some more information. The key goal is looking at the terms of the ordinance and intent, interpreting the terms of the HIDO and making that decision.

Ike Holt: I'll be glad to entertain a motion.

***Motion made by Michael Owens:***

Michael Owens: *I would make a motion to deny the appeal.* And if you want to say you want me to base it on some facts, well, fact is I'm sitting on too many Planning Board meetings before COVID, during COVID, after COVID. And what I found about the Planning Board is there are a bunch of people that do it. And if you're trying to do a business or do anything in the county, you got to have your I's dotted and your T's crossed. And so, the fact is the Planning Board signed off on this, the director signed off on it, and the commissioners signed off on it. That's three facts. Now, I spent a lot of time reading this. The reason I have to spend a lot of time is because I'm not too smart. So, I had to Google a bunch of stuff, read a bunch of stuff, to wrap my head around some of this legal verbiage. But it basically comes down to— I'm not going to dig it up, but just to prove I didn't take it lightly, I had highlighted a bunch of the things that his attorney had talked about. His attorney only was saying what he wanted to present to us. And I understand that. But the facts are, I think that the director interpreted it correctly. That's all I can say. And that's what I would have done.

***Seconded by Ray Cobb***

Ike Holt: Let me make sure I understand you. Your motion is that we deny the appeal?

Michael Owens: I agree with the Director's interpretation of issuing the permit.

Ike Holt: Now there is a motion and a second, any further discussion?

*No responses*

Ike Holt: All in favor of denying the appeal say aye.

**Board Chair:**

Ike Holt, III

**Planning Director:**

Matthew Hoagland



Alamance County Development Center  
Conference Room  
1946 Martin Street  
Burlington, NC 27217  
June 18, 2026 at 5:30 PM

# **ALAMANCE COUNTY BOARD OF ADJUSTMENT**

## **Meeting Minutes**

*All members voted in the affirmative*

Ike Holt: Let the record show that it's unanimous.

Michelle Horn: Mr. Holt, we need some additional explanation, the written decision must include some information on how that's reached.

Ike Holt: The written explanation is going to have to be that the motion was that he accepted the interpretation that had been put forth in the March 31st reply to the appeal questions.

Rik Stevens: Let me make sure I understand. The finding is that the director's interpretation of the various UDO sections that are subject to the appeal was correct, and the appeal was denied on that basis.

Ike Holt: Yes, that is correct. I would like to say that the issue — as you guys well know — you can appeal to the Superior Court. Thank you. It was a very professional presentation. That being said, any further business before the board tonight? If not, we stand adjourned.

#### **IV. ANNOUNCEMENTS/DISCUSSION**

#### **V. ADJOURNMENT**

Meeting was adjourned at 7:43 PM.