

ALAMANCE COUNTY PLANNING BOARD
REGULAR MEETING MINUTES
Thursday, September 12, 2019
7:00 p.m., Board of County Commissioners Room

Members Present

Rodney Cheek
Lee Isley
Bill Poe
Ray Cobb
Gene Brooks
Edgar Pritchett
Ashley Harris
Vaughn Willoughby
Debra Hyder

Members Absent

Amy Galey
David Spruill
David Wyatt
Dennis Arthur Hall

Staff Present

Ben Pierce, *Assistant County Attorney*
Tonya Caddle, *Planning Director*
Sherry Hook, *Assistant Co. Manager*

I. CALL TO ORDER

Mr. Cheek called the meeting to order at 7:00 pm.

II. ROLL CALL

Mr. Cheek took roll.

III. Approval of Planning Board Minutes

September 12, 2019: Board voted to approve August 8, 2019 minutes.
Motion: Mr. Cobb
2nd: Mr. Willoughby
Vote: Unanimous

IV. PUBLIC COMMENTS*

Mr. Poe spoke to the Board about a letter that he had received from Alamance Aggregate's lawyer. He explained that the letter informed him that they thought him voting on the HIDO as a Planning Board member is a conflict of interest. He continued with reading the letter to the Board and explained that he will recuse himself from the vote on the HIDO. The Board asked that he yield his chair to Rodney and he did so.

Vision: The Planning Board works to provide prudent guidance in land planning issues to reflect the values of the community.

Mission: The Mission of the Alamance County Planning Board is to respond to needs of its citizens by providing leadership and guidance for the comprehensive, thoughtful, and orderly growth and development of our land based upon respect for our rich history, culture, and fairness to our citizens.

Ms. Stephanie Thurman brought to the Board concerns about an existing solar farm that is adjacent to her property. Ms. Thurman expressed concerns about stormwater runoff on her property from the solar farm. She explained that she had talked with Robert Key and Libby Hodges about her concerns in 2016 and was told that sediment control is at the state level that the County doesn't regulate that. She said Dillon Rhinehart at the state has responded to her that solar farm are not required a permit through them and that the only recourse she has is a civil suit. She continued that the revised HIDO needs language in it for sediment control. She said Burlington has their own controls. She then showed pictures of nearby ponds to the Board.

Mr. Christopher Jones representing Carolina solar energy spoke to the Board regarding the update to the HIDO. He thanked the Board for working on the ordinance. He told the Board that he thought the new ordinance was good and that he only had one concern. He wanted to bring to their attention the 125' setback causes solar projects to lose a lot of usable acreage. This hurts landowners and solar companies but really doesn't benefit the viewshed. He mentioned other county ordinances and that Chatham County has a 100' setback from a public road and 50' from property lines. He suggested maybe 75' would be better. He said this forces the panels closer together and makes the function less.

Mr. Gary Ulicney thanked the Board for the hard work on the ordinance. He mentioned that the groundwater is threatened by the rock quarry in Snow Camp with 500,000 gallons of water being pumped from Alamance Aggregates for the quarry. Other counties have requirements; such as Guilford requires groundwater impact studies, Orange County requires a study of how much will be pulled out and the effect on the area around it. They require mitigation and the applicant pays for the study.

Mr. Charlie Deaton reminded the Board that he had come to their meeting last month and hasn't received anything from the Board since then. He says his neighbors have made very little progress and that he had talked with Teresa where she explained things in very general terms to him. He stated he had submitted a request to Tonya about the cases on his street. She had responded with only the information she was allowed by law to release. He wanted to know the address 4132 & 3670 Belmont Mt Herman Rd code enforcement cases were complying or when they may be cleaned up. He says you can still see the burned house, junk, high grass, and the travel trailer. He had talked with Terri in Environmental Health about the septic system for the new modular they have. He says this caused him to have a heart attack and that his property value has declined as well. He said there is not protection for people in the County.

Ms. Donna Poe spoke to the Board about the HIDO revisions. She said she wouldn't cover the two things others had brought up before her, but the page numbers are off in the ordinance. She said she had concerns about land use spacing, the pipeline, stream setbacks, HOA restrictions, applicants providing a photo ID, applicants providing proof of license and bonded, the applicant telling the County about any previous regulatory violations, she liked the public notice part that was added, the Board should look at land spacing to be a mile for Class III uses, the review time allowed for staff should be longer, state permits should be required before construction, and that it needs to look at citizens for approval as well.

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V. BOARD/COMMISSIONER RESPONSES

The Board responded letting Mr. Deaton know they were not sure where the adjacent property is in their construction timeline. They suggested him reach out and try and help his neighbor if he can. They said they knew Environmental Health had been out there and that is just a process.

Mr. Cheek then asked that if the Board wanted to take a short recess. The Board recessed at 8:08. The Board reconvened at 8:20

VI. NEW BUSINESS

Mr. Cheek suggested that the Board move the bylaws discussion to the next month's meeting.

VII. OLD BUSINESS

1. Draft Heavy Industrial Development Ordinance from sub-committee

The Board thanked the sub-committee. Mr. Isley represented the draft and what revisions the sub-committee would be recommending for the HIDO. Mr. Isley mentioned that some updates have been brought to the board at previous meetings and he will go over those again. Mr. Isley then discussed the revisions the sub-committee was recommending for the HIDO ordinance:

- a) Classifications changed to three classes based on committee research
- b) Regulations and standard were evaluated for minimum lot size and land use spacing
- c) Land use spacing is now being measured from the property line instead of from the center of operations
- d) The operations setback is measured from the operations area to the property line
- e) Class one is still 10 acres min. but no land spacing requirement and added additional setback requirements to protect adjoining properties
- f) Class two added land spacing and put the setback at 125'
- g) Class three added the increase to the minimum lot size- the 1200 ft land spacing- the operations setback to 500ft.- and the landscaping and screening increased to three rows of plantings and 100ft buffer
- h) Gating and fencing was added as a requirement
- i) The communication aspect – a pre-meeting is now required 14 days before an application can be submitted
- j) The Intent to Construct has a public hearing and notice added
- k) It now lets the Board review the application too and the applicant gives notice of the hearing
- l) The New ordinance added the application going before the Commissioners for final approval since the Planning Board is advisory and commissioner approval is important to the elected Board
- m) The Operations Permit is now required to be displayed
- n) Language was added to include all other regulatory permits must be brought to the County

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- o) The renewal is now every 2 years instead of 3 years

Mr. Isley also commented that this is not a perfect ordinance but it does provide a better balance than the previous ordinance. The Board discussed that they like the new approach and the HIDO as revised by the sub-committee

Motion to approve the ordinance as written to include the statement of consistency.

Motion: Ms. Harris

Second: Mr. Brooks

Vote: Unanimous

VIII. ANNOUNCEMENTS/DISCUSSION

Mr. Cobb did discuss the leadership that Mr. Isley brought to the sub-committee and with Mr. Poe's expertise they worked many hours and he hoped everyone was good with the outcome of the HIDO.

IX. ADJOURNMENT

Motion to adjourn at 8:51.

Motion: Ms. Harris

Second: Mr. Cobb

Vote: Unanimous

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