

**Board Chair:**  
**Rodney Cheek**

**Planning Director:**  
**Matthew Hoagland**



Commissioners' Meeting Room  
124 W Elm Street  
Graham, NC 27253  
February 8, 2024 at 7:00 PM

# **ALAMANCE COUNTY PLANNING BOARD**

## **AGENDA**

Virtual-

<https://www.youtube.com/channel/UC1QADkhkyUpac9rMs42imjA>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF PLANNING BOARD MINUTES**
  - 1. January 11, 2024 Regular Meeting
- IV. PUBLIC COMMENTS\***
- V. BOARD/COMMISSIONER RESPONSES**
- VI. NEW BUSINESS**
  - 1. Oaths of Office
  - 2. Updating By-Laws and Meeting Procedures
  - 3. Consideration of Clarifying UDO Article 2 Amendments
- VII. OLD BUSINESS**
  - 1. Consideration of Clarifying UDO Article 1 Amendments
  - 2. Lot Size Subcommittee update
- VIII. ANNOUNCEMENTS/DISCUSSION**
- IX. ADJOURNMENT**

*\*Meeting Notes:*

- 1. Those wishing to make public comments should sign-in prior to the meeting.*
- 2. In order to be fair and ensure that all citizens wishing to speak may be heard, the Chair may place time limits on public comments.*
- 3. Any further discussion by the public on a given agenda item is subject to the discretion of the Chair of the Planning Board*

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# ALAMANCE COUNTY PLANNING BOARD MINUTES

Virtual-

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## **Members Present**

Rodney Cheek  
Vaughn Willoughby  
Ernest Bare  
Bill Poe  
Amie Perkins  
Stephen Dodson  
Anthony Pierce  
Lee Isley  
Henry Vines

## **Members Absent**

John Paisley

## **Staff Present**

Matthew Hoagland,  
*Planning Director*  
Ian Shannon, *Planner II*  
Janet Moreno, *Planning Technician*  
Rik Stevens, *County Attorney*  
Michelle Horn, *Assistant County Attorney*  
Brian Baker, *Assistant County Manager*  
Rob Snow, *Environmental Health Program Specialist*  
Ryan Langley,  
*Environmental Health Program Specialist*

## **I. CALL TO ORDER**

Called to order at 7:00pm

## **II. ROLL CALL**

Staff handled roll call through in-person roster.

## **III. ELECTION OF OFFICERS**

### **1. Chair (Planning Director)**

Nomination for Rodney Cheek: Vaughn Willoughby  
Second: Ernest Bare  
Vote: Unanimous

### **2. Vice-Chair (Chair)**

Nomination for Lee Isley: Vaughn Willoughby  
Second: Anthony Pierce  
Vote: Unanimous

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## **ALAMANCE COUNTY PLANNING BOARD MINUTES**

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

1. November 9, 2023 Regular Meeting
2. November 30, 2023 Special Meeting

Motion to accept Nov 9 meeting minutes: Anthony Pierce  
Second: Bill Poe  
Vote: Unanimous

Motion to approve Nov 30 meeting minutes: Anthony Pierce  
Second: Lee Isley  
Vote: Unanimous

### **V. PUBLIC COMMENTS\***

### **VI. BOARD/COMMISSIONER RESPONSES**

### **VII. NEW BUSINESS**

1. Planning Board 2024 Meeting Calendar

Motion to approve as amended to say "2024": Vaughn Willoughby  
Second: Ernest Bare  
Vote: Unanimous

2. Consideration of Clarifying UDO Article 1 Amendments

Matthew Hoagland gave the board an overview of the initiative to revise and add more clarity to the UDO. The intention was to make the document more useful for the board, staff, and residents of the county. He told the board that he wanted to start by bringing articles before the board individually for consideration and then gather all proposed changes into one overall amendment. When asked about what started the initiative, Matthew stated that he and other planning staff had run into a few instances where the interpretation of the UDO isn't completely clear, so this aimed to highlight and add clarity to those parts of the ordinance. He told the board that there would be no need for immediate action, that for now he would just like them to consider Article 1 and the proposed changes brought before them.

There were some questions from the board about conducting additional business alongside this initiative. Matthew reassured the board that any business as normal can continue because

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it is ultimately up to the planning board what initiatives they want to take on, including the ongoing discussion on minimum lot sizes. This would not require any policy changes, only changes to add clarity to existing policy.

It was suggested that proposed changes be kept in an open and ongoing document that the planning board would vote on at the end of the process. Amie Perkins commented on the fact that some articles have a lot more substance or none at all. Matthew confirmed and said that article 6 would take the most time and would need to be broken up. Amie suggested looking at more than one article at once to work through those with less policy, suggesting articles 5 and 7 would be a lot easier to look at together. Matthew said that he would be happy to prepare proposed edits for any article the board wanted to consider but would start preparing to look at article 2 for the next meeting.

### **VIII. OLD BUSINESS**

#### **1. Minimum Lot Size Subcommittee Update**

Rodney Cheek stated that since Sandy Ellington-Graves was no longer on the planning board they would need to replace her roll in the subcommittee as well.

Recommendation for Henry Vines to replace Sandy Ellington-Graves for the subcommittee:  
Bill Poe

Second: Anthony Pierce

Rodney mentioned that Sandy had 2 roles, both the subcommittee and as an alternate to the Technical Review Committee, and suggested Henry should fill that role as well. He also stated that the subcommittee did not have anything to report on now and would have to push back their report to March. Matthew gave a summary of the last meeting, stating that members wanted him to look into two things. For the first, a new drinking water source, he stated that he reached out to DEQ and they were not aware of any new plans. For the second, data on lot sizes between 2013 and 2018, he had been working with IT but would not be able to pull up data from that time. He noted, however, that staff was keeping a log of any approved lots from September of last year onward.

Vote on previous motion: Unanimous

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### **IX. ANNOUNCEMENTS/DISCUSSION**

Rodney talked to the board about how the board was going to work on managing growth in the county. He stated that development would take the path of least resistance, which made Alamance look very viable compared to its neighboring counties. Bill Poe agreed and suggested that stopping discussion around zoning two years ago might have been premature. He stated that he had been hearing from people who had been opposed in the past that zoning should be part of the discussion again. Stephen Dodson agreed and said that the discussion should be county-wide this time. He stated that they needed to discuss a plan that actually addressed the county, not just something that was copied from other ordinances.

Henry Vines spoke to the board about serving on the advisory committee for zoning and how he pleaded with the commissioners. He stated he thought it was a mistake to split it up and only consider a portion of the county. He told the board that they needed to think about how they could make ordinance to best preserve the county and protect the citizens. Bill agreed stating that there was a lot of pushback for considering only one area and that people are reconsidering now because they are realizing the kind of change and development that is coming without it. Rodney talked about how he initially joined the board thinking zoning was a bad idea but now over the years he has realized that the only thing worse than zoning is no zoning. Henry stated that he stood before the commissioners 25 years ago asking for zoning to protect agricultural land and Vaughn told the board that both he and Henry had served on the advisory committee for the extension service and voiced similar concerns.

Bill asked about John Paisley since he had not been at many meetings lately. Rik and Brian Baker answered saying that he has had some recent health issues but was looking to be back soon. Anthony asked about revisiting the bylaws for the planning board. Matthew said it would be worth a look to make changes to align with the new ordinance. Matthew also announced that he was hoping to have the board members take an oath of office during the next meeting or at least sometime soon. He also introduced Janet Moreno, the new Planning Technician for the Planning Department.

### **X. ADJOURNMENT**

Motion to adjourn: Amie Perkins  
Second: Anthony Pierce  
Vote: Unanimous

Adjourned at 8:11pm

# *Alamance County Planning Board By-Laws and Meeting Procedures*

## Article I Meetings

### Section 1.1 Annual Meetings

The annual meeting of the Alamance County Planning Board shall generally be the in the month of January of each year. At the annual meeting of each year, the Board shall elect members to the office of Chair and Vice-Chair. The Board shall also adopt a meeting schedule for the entire year; including the meeting date of the annual meeting for the next calendar year.

### Section 1.2 Regular Meetings

Regular meetings of the Alamance County Planning Board shall take place on the second Thursday of each month. Meetings will be held at 7:00 PM at the Alamance County Commissioners Room, 124. W. Elm St., Graham, NC 27253.

### Section 1.3 Special Meetings, Change of Meeting Date, Time, or Location.

In the event that a special meeting of the Alamance County Planning Board is necessary, Planning Board members shall be notified, either verbally or in writing, no less than forty-eight (48) hours prior to the time of the meeting. Notification of any change in meeting date, time, or location shall be done in accordance with applicable North Carolina General Statutes which regulate such notification. While not required by Statute, reasonable efforts should be made to post such changes on the County website.

### Section 1.6 Order of Proceedings

All Planning Board meetings shall follow, in general, the following order of proceedings:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Public Comments
5. Board Responses
6. New Business
7. Old Business
8. Announcements
9. Adjournment

The Chair of the Planning Board may, at their discretion, make changes to the order the agenda to accommodate the public.

### Section 1.7 Public Comments

Anybody that attends a Planning Board meeting shall have the opportunity to make public comments on any agenda item. Prior to speaking, each person shall give their name and address

for the minutes of the meeting. Time limitations may be placed on speakers, at the discretion of the Chair, based upon the number of those wishing to address the Board.

#### Section 1.8 Disruptions

Disruptions or disruptive behavior during a Planning Board meeting shall not be tolerated. All disruptive behavior shall be enforced pursuant to N.C.G.S. 143-318.17 which states: *“A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.”*

#### Section 1.9 General Rules of Procedure

All meetings shall follow the general guidelines for procedure:

1. All Planning Board members shall be recognized by the Chair prior to asking questions of Staff or citizens.
2. Staff shall direct all comments to the Chair and request recognition before addressing the Board on any issue.
3. Prior to opening the floor for discussion among the members of the Board; the Chair may, at their discretion, solicit comments from the public.
4. Prior to taking any motions, the Chair shall open the floor for discussion among the members of the Board.
5. No vote may be taken without a motion and a second. In the event that a motion fails to garner a second, the motion shall be considered dead and reported as such in the minutes of the meeting.
6. All votes shall require a simple majority to carry.

## Article II Officers

#### Section 2.1 Officers

The officers of the Alamance County Planning Board shall consist of a Chair and a Vice Chair, each of whom shall serve for a term of one year.

#### Section 2.2 Election of Officers

The officers of the Planning Board shall be elected for the ensuing year at the annual meeting of the Planning Board. Elections will be determined by a simple majority.

#### Section 2.3 Duties of Officers

The duties and powers of the officers of the Planning Board shall be as follows:

- a. Chair:
  1. To preside over the Board at all meetings,
  2. To call special meetings in accordance with these By-Laws,
  3. To sign all official documents of the Planning Board

b. Vice Chair:

1. During the absence, disability or disqualification of the Chair, the Vice Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

Section 2.4 Clerk to the Planning Board

The Planning Director or designee shall serve as the Clerk to the Planning Board. The Clerk shall be responsible for the following:

1. Preparing all agenda packets for the Planning Board.
2. Ensuring that accurate minutes of the meeting are taken and reported.
3. Maintaining an archive of agendas and minutes for public review.

## Article III Voting and Conflicts of Interest

Section 3.1 Voting

Each Planning Board member that counts toward the quorum of a meeting may cast one vote on any given item. A simple majority is necessary for any motion to carry.

Section 3.2 Conflicts of Interest

No Planning Board member may deliberate or vote on any matter in which they have a direct financial interest or may benefit from. In the event that a Planning Board member does have a conflict of interest, the Board member shall request recusal from the Chair. Recusal must occur before deliberation of an agenda item begins. Once recused, the member may not take part in any discussion regarding the issue being considered.

## Article IV Board Membership

Section 4.1 General

All Planning Board members shall be appointed by the Alamance County Board of Commissioners in accordance with the Alamance County Planning Ordinance. *The membership of the Planning Board shall be composed of thirteen (13) citizens of Alamance County and a member of the Board of Commissioners shall be named as an ex officio (without vote) member of the Board in order to provide liaison between the Planning Board and the Board of Commissioners.*

Section 4.2 Recruitment

The Alamance County Planning Board may utilize a number of means to recruit for new members to fill positions of members whose terms are set to expire. Such means should include advertisement on the County website and, if necessary, in the local newspaper. Interested parties will be required to fill out an application and any additional information required by the Planning Board. Applications will be kept on file in the Planning Department for a period of two (2) years.



#### Section 4.3 Review of Applications

Applications for the Planning Board will be reviewed by the Planning Director to determine basic eligibility based on Township representation and residency. After eligible applicants have been determined by the Planning Director, applications will be given to the Planning Board for review at a regular Planning Board meeting. The Planning Board will then make a formal recommendation of appointment to the Board of Commissioners.

#### **Section 4.4 Review of Applications for Reappointment**

*Applications for Planning Board members wishing to be reappointed will be reviewed by the Planning Director to verify basic eligibility based on Township and residency. After eligible members have been determined by the Planning Director, member applications will be given to the Planning Board for consideration prior to their term ending at the Board's regularly scheduled November meeting. The Planning Board will then make a formal recommendation of reappointment to the Board of Commissioners.*

#### Section 4.5 Meeting Attendance

All Planning Board members are expected to regularly attend Planning Board meetings. If a member has more than two (2) consecutive unexcused absences, the Chair of the Planning Board may request that the member be removed from the Board. Anticipated absences will be considered excused if reported more than 24 hours in advance to the Chair, Vice Chair or Clerk. Any and all removals must be approved by the Alamance County Board of Commissioners.

#### Section 4.6 Vacancies Due to Resignation, Death, Disability, etc.

In the event that a Planning Board vacancy occurs due to resignation, death, disability, relocation out of the County, or any other reason other than normal expiration of a term; the Planning Director shall immediately make the Clerk to the Board Commissioners aware of the vacancy. Attempts to fill the position shall begin with applications that are kept on file by the Clerk to the Planning Board. If a replacement cannot be found in applications that are kept on file, active recruitment shall begin pursuant to these By-Laws. Should such a vacancy be the office of Chair, the Vice-Chair will become the Chair and a new Vice-Chair will be elected at the next regular meeting.

## Article V Miscellaneous

#### Section 5.1 Communication to the Board

All communications to the Board, including applications, petitions, emails, (when specifically directed to the board or appropriate for the Board's information, at the reasonable discretion of staff) or other referrals, shall be directed to the Planning Department and shall thereafter be provided to the Board.

#### Section 5.2 Board Requests

All requests for information (maps, ordinances, etc.) from the Planning Staff by a Planning Board member shall be directed to the Planning Director. Any response by the Planning Director shall be directed to the Planning Board as a whole.

Section 5.3 Amendments

The Planning Board may recommend adoption, amendment, repeal, or alteration; in whole or in part, these by-laws by a majority vote at any regular meeting; provided that any change requested has been placed on the Board's regular meeting agenda.

Adopted by the Alamance County Planning Board on this the 13<sup>th</sup> day of February 2020.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Attest, Clerk

## ARTICLE 2 | REVIEW AUTHORITY AND ORDINANCE ADMINISTRATION

This section is intended to create and clarify levels of responsibility for the various permits and processes outlined in this Ordinance. The following bodies and County staff have powers and responsibilities in administering and reviewing applications for development and preservation under this Ordinance:

Planning Board

Historic Properties Commission (HPC)

Board of Adjustment

Planning Department

Planning Director, or designee

Technical Review Committee

## 2.1 Planning Board

### 2.1.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Planning Board is hereby established, by authority of ~~Chapter N.C. Gen. Stat. §160D-Section 301. of the North Carolina General Statutes an~~ Alamance County Planning Board, which said Board shall: The Planning Board shall have the following duties:

- i. To prepare, review, maintain, monitor, and periodically update and recommend to the ~~governing board~~ Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- ii. To facilitate and coordinate resident engagement and participation in the planning process.
- iii. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- iv. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by ~~G.S.~~ N.C. Gen. Stat. § 160D-604.
- v. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.
- vi. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- vii. To perform any other related duties that the ~~governing board~~ Board of Commissioners may direct.

### 2.1.2 MEMBERSHIP

The membership of the Planning Board shall be composed of nine (9) residents of Alamance County and:

- i. Terms for members of the Planning Board shall last for three (3) years with a two (2) term limit. After two full consecutive terms, outgoing members shall be ineligible for reappointment for a period of one (1) year.
- ii. The Planning Board may offer a recommendation to the Board of Commissioners for board candidates, but such recommendation shall not be mandatory for appointment.

- iii. Members of the Planning Board must reside full-time in Alamance County. Failure to be a full-time resident of Alamance County shall be grounds for removal from the Planning Board.
- iv. In order to achieve participation from all areas of the County, no more than two (2) members of the Planning Board should reside in a single township. Residency will be based on Members' primary place of residence. Any change of residence must be reported to the Clerk to the Planning Board within ninety (90) days.
- v. A member of the Board of Commissioners shall be named as an ex officio (without vote) member of the Board in order to provide liaison between the Planning Board and the Board of Commissioners.
- vi. All members appointed to the Planning Board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.

### 2.1.3 PROCEDURES

- i. Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.
- ii. The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, and any other rule necessary for the operation of its meetings. Rules of Procedure should be amended when necessary to reflect changes in procedural requirements from ordinances or General Statutes. Such rules are subject to review and amendment as necessary by the Alamance County Board of Commissioners.
- iii. As it deems appropriate, the Board may from time to time establish various subcommittees or specialized boards to advise the full Board on matters within its responsibilities.
- iv. The Planning Board shall provide for the keeping of a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall all be public record.

### 2.1.4 MEETING REQUIREMENTS

Meetings of the Planning Board shall be held at least quarterly. At the first meeting in each calendar year, the Planning Board shall elect a Chair and Vice Chair, and the ~~Planner in Charge~~ Planning Director or designate shall serve as the Clerk to the Planning Board. Additionally, at the first meeting in each calendar year, the Planning Board shall

adopt an annual meeting schedule which shall be properly posted outside of the meeting room and registered with the Clerk to the Board of County Commissioners.

## 2.2 Historic Properties Commission (HPC)

### 2.2.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Historic Properties Commission, or "HPC," is hereby established by authority of ~~Chapter~~ N.C. Gen. Stat. §160D, Section 303, of the North Carolina General Statutes, ~~a joint historic properties commission to be known as the Alamance County Historic Properties Commission or "HPC."~~ The jurisdiction of the Commission shall include the unincorporated areas of the County and the planning jurisdictions of the municipalities that designate the Alamance County Historic Properties Commission as their municipality's historic properties commission.

The Historic Properties Commission is created in order to recognize that the historical heritage of Alamance County is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, Alamance County seeks:

- a. To safeguard the heritage of the County, including its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- b. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the County and the State as a whole.

### 2.2.2 MEMBERSHIP AND PROCEDURES

The Commission shall consist of at least nine (9) members but no more than fifteen (15) members appointed by the Board of Commissioners of Alamance County. The Commission shall elect a Chair and Vice Chair annually. All members must reside within the Commission's jurisdiction. In making appointments to the Commission, the Board of Commissioners shall strive to appoint members that geographically represent all areas of the HPC's territorial jurisdiction, including but not limited to, participating municipalities. In making appointments to the Commission, the Board of Commissioners shall seek the advice of local governing bodies, such as State or local historical agencies, societies, or organizations it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

All members of the Historic Property Commission shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

#### 2.2.2a Qualifications of Members

A majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology, or related fields.

#### 2.2.2b Terms

The terms of office shall be for three (3) years for each member ~~of said Commission~~. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term. Active attendance at the meetings of the Commission is a prerequisite for membership of the Commission. Members are allowed up to three (3) unexcused absences annually before disciplinary action will be taken.

#### 2.2.2c Rules of Procedure

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Commission shall at least provide for the selection of officers in the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying Certificates of Appropriateness, and a list of minor works for which staff may issue Certificates of Appropriateness.

#### 2.2.2d Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Ordinance and the N.C. General Statutes, including but not limited to the following:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
2. Recommend to the ~~governing board~~ Board of Commissioners areas to be designated by ordinance as "Historic Districts" and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks."

3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property.
4. Restore, preserve, and operate historic properties.
5. Recommend to the ~~governing board~~ Board of Commissioners that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
6. Conduct an educational program regarding historic properties and districts within its jurisdiction.
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The ~~governing board~~ Board of Commissioners or the commission, when authorized by the ~~governing board~~ Board of Commissioners, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law.
8. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof.
9. Prepare and recommend the official adoption of a preservation element as part of the local government's comprehensive plan.
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to ~~this Chapter 160D, Article 9, Part 4. NC General Statutes Chapter 160D~~  
~~72~~
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)



## 2.3 Board of Adjustment (BOA)

### 2.3.1 ESTABLISHMENT AND RESPONSIBILITIES

~~There~~ The Alamance County Board of Adjustment is hereby established, by authority of ~~Chapter N.C. Gen. Stat. §160D, Section 302, of the North Carolina General Statutes, a~~ Board of Adjustment. The Board of County Commissioners shall appoint residents of Alamance County to serve as the Board of Adjustment. The Board of Adjustment shall have and exercise the following powers:

a) To authorize, in specific cases, variances from the terms of this Ordinance when unnecessary hardships would result from carrying out the strict letter of the regulations. The Board shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (i) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (ii) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (iii) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (iv) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

b) To hear and decide appeals from any order, requirement, decision, or determination made by the Planning Director or designee, Historic Properties Commission, Technical Review Committee or the Planning Board in the enforcement or application of this Ordinance.

- i) Pursuant to N.C. Gen Stat. § 160D-1402(c), appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer,

department, Board, or Bureau of the political subdivision affected by any decision of the administrative agency.

- ii) All appeals hereunder N.C. Gen. Stat. § 160D-405 and -406 shall be heard and decided as required by Chapter 106D or any subsequent statute.

### 2.3.2 MEMBERSHIP

The Board of Adjustment shall be composed of five (5) members.

- i) Terms for members of the Board of Adjustment shall last for three (3) years. In appointing the original members or when filling vacancies, the Board of Commissioners may appoint certain members for less than three (3) years so that terms may not expire at the same time. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- ii) The Board of Commissioners may appoint alternate members to serve on the Board of Adjustment in cases of an absence, temporary disqualification, recusal from voting in specific hearings, or to fill a vacancy pending appointment of a member. Alternate members should be appointed in the same member as regular members. When in service, alternate members shall have all the same powers and duties of regular members.
- iii) All members appointed the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

### 2.3.3 PROCEDURES

- i) A quorum of the Board, necessary to take official action, shall consist of four (4) members. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter in accordance with N.C. Gen. Stat. §160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- ii) Any vote shall be carried by a simple majority present at the meeting unless a different standard is required by statute.

- iii) The Board shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules of procedure adopted by the Board shall at least provide for the selection of officers in the Board, the time and place of its regular meetings and the calling of special meetings, and any other rule necessary for the operation of its meetings. Rules of procedure are subject to review and amendment as necessary by the Alamance County Board of Commissioners.
- iv) The Board of Adjustment shall keep a record of its members' attendance, and of its resolutions, discussions, findings, and recommendations, which shall be public record.

## 2.4 Planning Department

### 2.4.1 ESTABLISHMENT AND RESPONSIBILITIES

The provisions of this Ordinance shall be administered by the Planning Department and its staff as the planning agency authorized by Chapter 160D for Alamance County. The Planning Department is established to perform the following duties described in said Chapter:

- a) Make studies of the County and surrounding areas;
- b) Recommend to the Board of Commissioners objectives to be sought in the development of the study area;
- c) Prepare and present to the Board of Commissioners plans for achieving these objectives;
- d) Develop, recommend, and enforce policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- e) To maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, pursuant to Chapter 132 of the North Carolina General Statutes.
- f) Perform any other related duties that Chapter 160D of the North Carolina General Statutes or the Board of Commissioners may direct.

In accordance with N.C. Gen. Stat. §160D-109(c), no staff member shall make a final decision on an administrative decision required by this ordinance or state law if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No

staff member shall be financially interested or employed by a business that is financially interested in a development subject to applicable regulations unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the County, as determined by the County.

The Alamance County Planning Department is hereby granted and specifically charged with responsibility, under the direction and subject to final approval of the Board of Commissioners for the following:

- i. Developing and proposing a community development plan;
- ii. Carrying out responsibilities as the County's lead agency for transportation planning;
- iii. Carrying out responsibilities as the County's lead agency for land development planning;
- iv. Administration of County Ordinances as assigned;
- v. Such other responsibilities as the Board of Commissioners may from time to time specifically assign to the Alamance County Planning Department.

## 2.5 Planning Director

### 2.5.1 ESTABLISHMENT OF RESPONSIBILITIES

The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff support to the Planning Board, Historic Properties Commission, Board of Adjustment, and the Technical Review Committee. Duties assigned to staff may include, but are not limited to, drafting and implementing plans and development regulations to be adopted pursuant to Chapter 160D of the North Carolina General Statutes; determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by law and local ordinance; conducting inspections; issuing or denying certificates of compliance or occupancy; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction. The Planning Director shall be responsible for the administration and enforcement of this Ordinance unless otherwise assigned within the text of this ordinance.

The Planning Director shall have the authority to appoint a designee to act in the place of the Planning Director at his/her discretion to assist in the administration and enforcement of this Ordinance. Nothing in this section is or shall be construed to limit the authority of any other officer of the County to observe and report violations of this ordinance during the course of conduct and within the scope of official duties.

This ordinance further establishes the Planning Director as Watershed Administrator, Floodplain Administrator, and Subdivision Administrator.

### 2.5.2 RESPONSIBILITIES AS WATERSHED ADMINISTRATOR

The duties of the Planning Director as Watershed Administrator are defined as, but not limited to, the following:

- a) To issue Watershed Protection Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
- b) To keep records of all amendments to the local water supply Watershed Protection Standards and shall provide copies of all amendments upon adoption to the North Carolina Department of Environmental Quality.

- c) To keep records of the jurisdiction's utilization of the Special Non-Residential Intensity Allocation (SNIA) provision. Records for each watershed shall include the total acres of the balance of the watershed, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, and use, as applicable.
- d) To administer and enforce the provisions of the Watershed Protection Standards, exercising in the fulfillment of their responsibility the full police power of the County except that no civil or criminal action can be taken without the expressed permission of the County Manager. The Planning Director, or their duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon them by this Ordinance.
- e) To keep a record of variances to the Watershed Protection Standards. This record shall be submitted for each calendar year to the Division of Water Quality; on or before January 1<sup>st</sup> of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

In addition to the documentation provided above, a Hazardous Materials Inventory and a Spill Containment Plan, as applicable, shall be kept in the Alamance County Emergency Management Office.

#### 2.5.3 RESPONSIBILITIES AS FLOODPLAIN ADMINISTRATOR

The duties of the Planning Director as Floodplain Administrator are defined as, but not limited to, the following:

- a) To review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- b) To review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- c) To notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA)
- d) To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- e) To prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of this ordinance are met.

- f) To obtain actual elevation (in relation to NAVD 1988) of the reference level, including basement, and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- g) To obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood-proofed, in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- h) To obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Section 6.4.4 (c).
- i) To obtain certification from a registered professional engineer or architect when flood-proofing is utilized for a particular structure. This is to be in accordance with the provisions of ~~Article 4, Section B(3)~~ Article 6.4, Sections 6.4.4 (c) and Article 5, Section B(2) 6.4.6 for Non-Residential Construction.
- j) To make the necessary interpretation when interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions).
- k) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of ~~Article 3, Section B~~ Article 6.4, Section 6.4.1, the Administrator shall obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other agency, including data developed pursuant to ~~Article 5, Section D(2)(c)~~ Article 6.4, Section 6.4.7 (2.c.), in order to administer the provisions of this Ordinance.
- l) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, the Administrator shall obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other agency in order to administer the provisions of this Ordinance.
- m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, the Administrator shall advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. The Administrator shall maintain a copy of the LOMA in the floodplain development permit file.
- ~~n) To permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.~~

- n) To make onsite inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- o) To issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- p) To revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- q) To make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Planning Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- r) To follow through with corrective procedures of this ordinance.
- s) To review, provide input, and make recommendations for variance requests.
- t) To maintain a current map repository to include, but not limited to, historical and effective Flood Insurance Study (FIS) Report, historical and effective Flood Insurance Rate Maps (FIRM) and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. The Administrator shall also notify State and FEMA of mapping needs.
- u) To coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).



#### 2.5.4 RESPONSIBILITIES AS SUBDIVISION ADMINISTRATOR

The duties of the Planning Director as Subdivision Administrator are defined as, but not limited to, the following:

- a) To implement the provisions of ~~the~~ Article 6, Section 6.9 Subdivision Standards.
- b) To act as staff support to the Technical Review Committee.

## 2.6 Technical Review Committee (TRC)

The Technical Review Committee is hereby established and authorized to review development plans. The TRC may perform necessary field work and investigation as required by this Ordinance.

The TRC shall serve as an advisory board for applicants and their authorized agents to ensure that development proposals comply with this ordinance and other applicable regulations. Development proposals which must undergo TRC review include the following:

- Major Residential Subdivisions (15 or more lots)
- Minor Subdivisions involving new Class I or Class II Private Roads
- Subdivisions which trigger an upgrade in road standards
- Adult Establishments/Sexually Oriented Businesses (Article 6.2)
- Manufactured Home Parks (Article 6.7)
- Automobile Graveyards (Article 6.13)
- Recreational Vehicle Parks (Article 6.14)
- Other non-residential developments

The Planning Director or their designee may recommend that an application for development approval undergo TRC review even if not explicitly listed above. This may be the case when particularly technical developments are proposed or in instances when multiple agencies will have to give approval. In these instances, the official recommending TRC review shall provide written justification to the applicant for such recommendation.

#### 2.6.1 MEMBERSHIP

The TRC shall consist of the Subdivision Administrator, representatives from the County Health Department, County Planning Board, County Soil and Water Conservation, NC Department of Transportation, NC Department of Environmental Quality, County Emergency Management, and the County Building Inspections Department.

Other agencies and specialists as deemed necessary by the Administrator to properly implement the provisions and intent of this Ordinance may be included from time to time.

All members of the Technical Review Committee shall, before entering their duties, qualify by taking an oath of office as required by N.C. Gen. Stat. §160D-309.

#### 2.6.2 MEETING REQUIREMENTS

The TRC shall meet the second and fourth Thursdays of each month, or as needed. The ~~subdivider~~ applicant or their authorized agent is to be included in the technical review meeting, though ~~subdivider~~ attendance is not required for the meeting to be held.

The first and third Mondays of each month should serve as cutoff points for receiving plans. The TRC shall review plans and plats for compliance with provisions and intent of this Ordinance.