



VANCE COUNTY
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BOARD OF ADJUSTMENT
MINUTES

September 10, 2020

TO: Vance County Board of Adjustment
FROM: Angie Blount
SUBJECT: Case# CUP81320-1, K & K Organics, LCID Landfill on US 1 Hwy and Egypt Mountain Rd.
DATE: September 10, 2020

APPROVED 10-8-20

Board Members Present: J. Thomas Shaw, Chair, Phyllis Stainback, Alvin Johnson, Jr., Ruxton Bobbitt, Alternate, Ruth Jones, Vice-Chair

Board Members Absent: Logan Darensburg, Blake Haley, Agnes Harvin

County Staff: Keith Callahan, Interim Planning Director, Angie Blount, Planner, Jonathan Care, County Attorney

Chairperson Shaw opened the September 10, 2020 meeting of the Vance County Board of Adjustment at 4:15. Chairperson Shaw announced the first order of business would be to approve the minutes from the July 9, 2020 Board of Adjustment meeting. Board member Ruxton Bobbitt asked that the minutes be corrected to include a suggestion he made for the property for which a CUP for a family cemetery within the WS-III Anderson Creek Watershed area, be subdivided and recorded. Angie Blount, Planner for the county, advised his comment would be entered into the minutes.

Chairperson Shaw asked if anyone would like to make a motion. Board member Ruth Jones made a motion to approve the minutes with the correction; Board member Ruxton Bobbitt seconded the motion. A vote was taken and was unanimous to approve the minutes with corrections.

Chairperson Shaw announced the next order of business would be to hear case CUP81320-1, continued from August 13, 2020, a request for a Conditional Use Permit to operate a LCID Landfill on property at US 1 and Egypt Mountain Rd, Parcel ID 0493 03014, from applicants K & K Organics. Chairperson Shaw explained that this was a hearing; Quasi-Judicial in nature and that anyone wishing to speak or give evidence would need to come forward and be sworn. Those sworn in to give testimony:

Angie Blount, Planner, Vance County
Tom Terrell, Attorney, K & K Organics
Katy Hunt, Lower Neuse Riverkeeper
Charlotte Herring, Egypt Mountain Rd
Ken Harrison, Applicant and Owner
Aron Todd, Adjacent Landowner
Molly Chisholm, Expert Witness, Appraiser
Lisa Todd, Adjacent Landowner
Angie Garrett, Adjacent Landowner
Rynal Stephenson, Expert Witness
Vance Moore, Expert Witness, Engineering for LCID Landfills
Reynolds Neely, Expert Witness, Planning & Zoning, Applicant
Wayne Finch, 147 Cricket Creek Lane
Jacob Wilkie, Resource Conservation Manager, Vance County Soil and Water Conservation
Preston Floyd, 110 Beechtree Trl, Kittrell, NC
Howard Gillis, Forestry Service, Retired

Chairperson Shaw announced that first the board would hear from the planning staff, then the applicant and then any interested party sworn to give testimony.

Angie Blount, Planner for Vance County presented the case. Mrs. Blount stated the request was for a Conditional Use Permit to operate Land Clearing Inert Debris landfill, Major, Over 2 acres, on property within the Agricultural Residential zoning district. Mrs. Blount stated that the property was located on 79+ acres at US 1 Hwy S and Egypt Mountain Rd in Vance County on property owned by K & K Organics LLC, further known as parcel number 0493 03014. Mrs. Blount referred to the Exhibits as one, the application; two, the NC State requirements for licensure through the Division of Waste Management, and three, the site plan. Mrs. Blount stated the findings of fact in the case; that the property was posted on Monday, August 3, 2020 and again on Monday, August 31, 2020. She stated that the adjoining properties were mailed notice on July 31, 2020, Certified, Return Receipt Requested. She stated that the legal notice announcing a Board of Adjustment Hearing was advertised in the Henderson Dispatch on July 31, 2020 and that written notice was posted at the Vance County Courthouse on August 3, 2020 and on September 1, 2020. Mrs. Blount explained that an LCID Landfill is an allowed use in the AR zoning district under Industrial Uses, with the issuance of a Conditional Use Permit. Mrs. Blount stated that the landfill would be for the disposal of items defined under Landfill, LCID, Major, in the Vance County Zoning Ordinance, Section 12. Mrs. Blount added the NC Department of Environmental Quality, Waste Management Division, handled the day-to-day operations and licensing. She added that local government zoning approval must be obtained before a facility may apply for licensing through the state. Mrs. Blount stated that the applicant had provided a site plan which outlined a 50' buffer on each side of a stream on the property, and 100' of natural vegetation on the rear and side lot lines separating the industrial use from neighboring residential properties, which is in excess of what is required. Mrs. Blount stated that the applicant is required to record a copy of the license with the County Register of Deeds and the planning department.

Chairperson Shaw asked if the board had any questions for staff. Board member Mr. Ruxton Bobbitt asked if the applicant can use an existing natural buffer or do they need to plant a new one. Mrs. Blount answered that they can use the natural buffer. Mr. Bobbitt then asked if they would have to provide a fence, to which Mrs. Blount replied that there was no need for a fence due to the natural vegetation that is existing.

Chairperson Shaw asked if there were any further questions from the board for staff, being none, he announced that we would now hear from the applicant.

Mr. Tom Terrell, attorney with the law firm Fox Rothschild, stated his address as 230 N. Elm St, Greensboro, NC and that he represented K & K Organics in their application to obtain a Conditional Use Permit to operate an LCID Landfill on Egypt Mountain Rd. Mr. Terrell commented to Chairperson Shaw that it was good to be back and that it was probably his fifth trip to Vance County and that he enjoys it. Mr. Terrell stated that this facility (LCID) is colloquially referred to as a "Stump Dump" and for good reason. Mr. Terrell advised that he is aware that this has attracted some attention from the community and believes this is because there has been a lack of complete and adequate information available in the community. Mr. Terrell stated that they have done their job to inform and provide quite a bit of information to every person who is adjacent to the facility and set up a process where they could reach out via conference call, due to the corona virus, to receive more information. Mr. Terrell stated that no one took advantage of the conference call but he understood there were people in the community who stated they did not receive the information regarding the communication.

Mr. Terrell stated that the tract of land is zoned AR, or Agricultural Residential, and thought it important to note that this zoning is not only for farm or residential uses but according to the Vance County Zoning Ordinance, has been set aside for a wide variety of other uses, such as schools, which would have stadiums and lights, utility stations, dog kennels, auto repair, boat sales, hospitals, general stores, lumber yards, building supply and sales, recycling facilities, shooting range, airports and solar farms. Mr. Terrell stated that obviously all of these uses would not fit on this site, but was used to illustrate the variety of uses allowed in this zoning district.

Mr. Terrell stated that this is a very sparsely populated part of the county, and is adjacent to US Hwy 1, and is adjacent to a junkyard, a railroad, a major power transmission line, which goes right through the center of the property. Just across US 1, is a rock quarry and a 300' tall cell tower. Mr. Terrell stated that the closest home to the proposed site is a singlewide manufactured home, which is located directly across from the proposed entrance to the landfill, and is 40 or 50 years old. Mr. Terrell stated that according to tax records, the home appears to be a rental unit. Mr. Terrell stated that he received information earlier in the day that the singlewide may have been torn down since this information was gathered. Mr. Terrell stated that the property for the proposed landfill is a natural bowl, and that you cannot see most of the site from Egypt Mountain road due to a natural berm. Mr. Terrell stated they would be presenting photographs to illustrate. Mr. Terrell stated that a natural upgrade is located below the berm. Mr. Terrell stated that we would be hearing from an engineer, one of the best in the state, who would be explaining about landfills and that Inert Debris Landfills accept only items such as leaves, limbs, stumps, dirt, rocks, concrete, bricks, things that are inert and have not been painted. Mr. Terrell stated that all of those items can be found in his own yard, and that his children grew up around those items. Mr. Terrell stated that those uses can be found in the woods that everyone has played in and in everyone's yards present here today, and that it contains nothing toxic. Mr. Terrell stated that there would be a lot more growth coming to Vance County. He stated that it would come in the form of road clearing, clearing land for shopping centers, industrial uses and houses. Mr. Terrell stated that when land is cleared, you have to have a place to put what was cleared and that is why an LCID facility is needed. Mr. Terrell stated that when this case goes to the state for permitting, which is heavily regulated, they have teams of civil engineers, teams of environmental engineers, they have chemists, biologists, people experienced and trained in ground water, they have all the environmental protections and all they will do, is look at thick notebooks full of documents and studies and they will have several maps and site plans there with details which we will show you and example of what that looks like. Mr. Terrell stated that to expedite the hearing, he has provided each board member with a notebook which he would like to briefly walk the board through the tabs, as the board may wish to make reference to the notebook during the hearing. Mr. Terrell stated that the first tab is an overview, located past the green page; there is a summary of the evidence. Mr. Terrell stated that they have photographs of the uses that surround the property including the berm, the transmission line, two photographs of the junkyard that literally abuts the site, the singlewide manufactured home across from the entrance, the railroad tracks and the cell tower. Mr. Terrell stated that they want to illustrate that these are all very prominent and represent the nature of this area.

Mr. Terrell referenced the next tab in the book, a letter to the adjacent property owners, he stated there was a mistake in the telephone number provided for the conference call, he stated they noticed the mistake the day the letters went out, and so they sent another letter with the corrected number immediately, but that no one took advantage of the conference call invitation for which they had set aside specific times for. Mr. Terrell referred to the next tab, which outlined the legal standards for obtaining a Conditional Use Permit in Vance County. Mr. Terrell stated that they had brought experts who would be addressing those standards. Mr. Terrell referenced the next tab, a very brief overview of the law that governs a Quasi-Judicial Proceeding. Mr. Terrell stated that the county attorney had already explained this procedure to the board members but that he might object and exercise his right to cross-examine witnesses. Mr. Terrell addressed the board chair and stated that if he exercised these rights it would be brief and very professional. Mr. Terrell referenced the next tab, containing two site plans, the one that is most important, is the second. Mr. Terrell stated that he would be introducing an engineer who would explain the site plan in detail, but that he wanted to board to know this is not an engineered site plan, and that the area shown for waste cannot get any larger than what is shown. Mr. Terrell stated that the plan will go through extensive DOT review, and that they are limited to what can be shown until they reach that stage of permitting where state engineers become involved. Mr. Terrell stated that the area shown is almost guaranteed to shrink once it goes for studies. Mr. Terrell stated that what is shown is the maximum. Mr. Terrell referenced the next tab, Health and Safety, and that Vance Moore would be speaking on the extensive regulation. Mr. Terrell stated that behind Health and Safety is a very extensive traffic study that has been done, and that they have an expert that will be speaking about that. Mr. Terrell referenced the Market Impact Study tab and stated it was a 70-page analysis by someone who has looked

at and studied landfills and other facilities across North Carolina, and has reached her professional conclusion, based upon data using MLS and other public sources and doing comparable studies, that this would not have a negative impact. Mr. Terrell stated that the next tab, regarding the fourth Conditional Use Standard, regarding being in harmony with the area. He stated that he would have an expert speak about the proposed use and being in harmony with the area. Mr. Terrell continued that at the end of the notebook there is a tab named Additional Conditions. Mr. Terrell advised the board that they have the authority by statute to impose conditions on this permit. Mr. Terrell asked the board to make three conditions on the approval of the permit. First, that no building permit be issued until a survey has been done of the area covered by the Conditional Use Permit. Second, that if any revisions to the site plan are made by NCDEQ, that they would have to advise planning staff and comply with the zoning ordinance. Third, for every recommendation for traffic mitigation in the traffic study, that the applicant be required to make those changes.

Mr. Terrell asked the board if they had any questions before he called his first witness. Board member Ruxton Bobbitt asked Mr. Terrell what the proposed hours of operation would be for the site. Mr. Terrell replied that they would be 7:30 am to 5:00 pm, Monday through Friday, and that the board could make that a condition of the permit if they wished. Chairperson Shaw asked if the board had any further questions of Mr. Terrell, being none, he advised Mr. Terrell to bring his first witness.

Mr. Terrell called **Reynolds Neely** to the Podium, and asked that he be noted as an expert witness.

Mr. Neely took the podium, stated his name and address as being 703 Sunset Ave in Asheboro, NC. Mr. Neely stated that he was present to provide evidence that this proposed facility meets the standards for the issuance of a Conditional Use Permit, mainly the 4th condition, that the location and character of the use, if submitted and approved, will be in harmony with the surrounding area in which it is to be located and in general conformity with the Vance County Land Use Plan. Mr. Neely stated his credentials as having been in Planning for 43 years. Mr. Neely stated that he started in 1977 with the city of Asheboro as a Planning and Zoning Administrator, then in 1989 he became the Planning Director, then in 2010 they increased his department to include Building Inspections and Fire Inspections and it became The Planning Division. Mr. Neely stated that in 2012 he retired. Mr. Neely stated that since retiring from the City of Asheboro, he has been working as a consultant. Mr. Neely stated that he had worked as a consultant while he was with the City of Asheboro, primarily with the Town of Liberty. Mr. Neely stated that he continues to work with the Town of Liberty, essentially as their on call planner, and that he has a good relationship with the town. Mr. Neely stated that he has also helped other communities as well. Mr. Neely stated that this is the first time he has come out to help on an applicant's behalf but that it was exciting and allowed him to meet people and visit places like Vance County, which he was never able to do while working.

Mr. Terrell asked to tender Mr. Neely as an expert in land use planning. Chairperson Shaw accepted the request.

Mr. Neely stated that he had written a report that should be in the book that Mr. Terrell introduced as evidence earlier. Mr. Neely stated that his report addresses the Vance County Zoning Ordinance, Section 6, Subsection 6.3 D, as it applies to the K & K Organics LLC application for a Conditional Use Permit to operate an LCID Landfill, Major, over 2 acres. Mr. Neely stated he would read a summary regarding the harmony with the area part of the 4th standard for the issuance of a Conditional Use Permit, is based on legal presumptions of harmony derived from the zoning ordinance, Section 3, Table of Permitted Uses, a personal inspection of the property and surrounding areas, reports from experts that he has reviewed to prepare the study, the location of the property, the character of the use, the fact that the site is located within a mixed use area, the fact that the site is located on a principal arterial highway, legal precedent from North Carolina court cases, the subjective standards of appearance, and that they may not be considered when determining whether or not a use is harmonious, and K & K Organics application and site plan which exceeds the standards, and personal experience with how LCID Landfills operate and function with respect to nearby properties. Mr. Neely stated that this proposed use is in harmony with the

area in which it is located. Mr. Neely listed the ways it is in general conformity with the land use plan; 1. Unambiguous provisions with the Vance County North Carolina Zoning Ordinance. 2. The Vance County Land Use Plan. 3. The Vance County Land Use Map.

Mr. Neely stated that support for those statements could be found on page 4 of his report where he does a general analysis; the same as planning staff has done for the board. Mr. Neely suggested the board read through his report, but that the facts are, that this is within the jurisdiction of Vance County, it is in an AR (agricultural residential) zone, that it is a permitted use by Conditional Use within that zone, that it is located on US 1 with frontage on Egypt Mountain Road, that US 1 is a principle arterial highway, that Egypt Mountain Road is a state maintained road, there is no water or sewer available at this site, that it is not located within a water supply watershed, that there is a flood plain overlay zone located on the property, that the surrounding area is a mix of agricultural, forest, timber, low density residential, a principle arterial highway, a railroad, a communications tower, a power transmission line, a junkyard, other commercial and industrial development, a rock quarry, and sporadic residential housing.

Mr. Neely stated that standards for the use are located in Section 6.10 of the zoning ordinance, the site plan was submitted as required, and the facility has been designed to take advantage of the natural topography of this site, so that it cannot be seen from adjoining properties. Mr. Neely stated that natural vegetation and buffers would provide additional site and sound mitigation. Mr. Neely explained that when it is talked about whether the site is in harmony with the area in which it is located, it has to be made clear that land use planning harmony does not mean similar in appearance, for example schools, churches, farms, cell towers, substations, government buildings, grain operations, commercial, all these things exist in the AR zoning district, but are not similar in appearance, but they are harmonious. Mr. Neely explained harmony is primarily a functional determination. In communities across our state and nation including those with the strictest land use controls, very few uses are considered incompatible. Mr. Neely stated that Land Clearing and Inert Debris Landfills commonly exist throughout this state in rural, urban and suburban areas. Mr. Neely stated that as a state with more than 10 million people, it is virtually impossible to locate such a landfill without having other types of land uses nearby. Mr. Neely stated that from a functional standpoint, nothing about such a facility as this prevents the adjoining farm from being a farm, a residence from being a residence, and certainly, no aspect of this facility would prevent land use for agriculture or timber from serving that purpose. Mr. Neely stated that harmony is established as a legal presumption. He continued that the North Carolina Supreme Court and North Carolina Court of Appeals, have held numerous times that listing a particular use as allowed within a certain zoning district constitutes a legal determination of legislative determination, that the use is harmonious with other uses in the district. Mr. Neely stated that as Mr. Terrell had stated earlier, a list of permitted uses within this Agricultural Residential Zone can be found in your zoning ordinance and they do include the items he mentioned and which Mr. Neely had listed earlier. Mr. Neely stated that this legislative presumption is consistent with my experience as a planning professional. Mr. Neely stated that he is familiar with land clearing and inert debris landfills, that he has drafted landfill regulation and served as staff to local governments who approved them. Mr. Neely stated that he has never found that such a landfill was inconstant with the harmony of the surrounding areas. Mr. Neely stated that in many instances, the surrounding area is very similar to this location. Mr. Neely stated that the meeting of development standards establishes harmony and that Section 6 of the Vance County Zoning Ordinance contains specific development standards for LCID landfills and that the application as submitted complies with those standards. Mr. Neely stated that supplemental development regulations, once met, create additional presumption of compatibility and harmony and those supplemental regulations as proposed in the ordinance have been met by the applicant. Mr. Neely stated that general conformity with the Land Development Plan, a plan for development that is a set of policies adopted by a local government that establishes its short- and long-term guidelines for future growth decisions. He continued that the primary documents comprising the plans for development for Vance County are the land use plan and the zoning ordinance. Mr. Neely stated that the proposed site is located in the southern end of the county, with frontage on US Hwy 1 South. He stated the site is located within a white color on the Vance County Land Use Map, and the plan indicates that this color is Agricultural Residential. Mr. Neely stated that the area

is not only zoned Agricultural Residential but it is also proposed to remain Agricultural Residential in the land development plan. Mr. Neely stated that the area is described as established primarily for rural agricultural and is sparsely placed residential, standards are designed to preserve the rural character of the area by prohibiting incompatible uses with rural and low-density residential development. Mr. Neely stated that certain non-residential uses are allowed either by right or on a conditional basis. Mr. Neely stated that having these in the ordinance under the table of permitted uses or by condition, is a presumption of harmony. Mr. Neely stated that the general conformity of the Vance County land use is a straightforward analysis. Mr. Neely stated that on page 8 of his report, he quotes the mission statement from the land use plan and the focus statement. Mr. Neely stated on the next page he addresses each of the following sections of the plan, the resource base, the existing land uses, the special land uses, and goals and objectives. Mr. Neely stated that his conclusion is that for each of those sections, the proposed use meets the statements of the land use plan. Mr. Neely stated that it is specifically in conformity with goals 1, 2, 4 and 5 and is not in conflict with goal 3, as it does not apply. Mr. Neely stated that the proposed use as submitted, either meets, is not in conflict with, or is not applicable in regard to each goal or objective or strategy. Mr. Neely continued that the proposed land use section of the plan establishes a development pattern for the county. Mr. Neely stated that clear distinctions must be made between urban and rural. Mr. Neely stated that this plan establishes Urban Henderson, Transition, Development Communities, Neighborhood Communities, Industrial, Warehousing Areas, and Agriculture. Mr. Neely stated that the proposed project is located just South of Kittrell Development Community and that the plan states that the easy access provided by US Hwy 1 along with improvements that have been made to this highway, it's only a matter of time before growth extends up and into Vance County. Mr. Neely stated that the Southern area of Vance County needs to be developed and would be to the counties best advantage. Mr. Neely stated that he proposed Land clearing and Inert Debris Landfill is subject to the entrance area overlay and conservation overlay Floodplain Zone. Mr. Neely advised the project has been designed to address both of these. Mr. Neely stated that setbacks, natural topography and existing vegetation preserve the entrance from view and proper site design provides the proper flood protection. Mr. Neely stated that other subsections of the land use section are either not applicable or should be considered met. Mr. Neely asked the board to skip over his conclusion in the book and go instead to the attachment showing two photographs. Mr. Neely explained that the photographs were taken looking each direction from where the entrance might be located. Mr. Neely stated one was looking toward US 1, one in the other direction. Mr. Neely stated the idea behind the photographs, was to show the berm, and to illustrate that you first enter the property going up and then down, and that the property is a bowl shape. Mr. Neely stated that any activity would be in the bowl of the property, in effect naturally screening the activity from view. Mr. Neely concluded by saying that based on the above facts and having knowledge of LCID landfills and the areas surrounding them, training and studies in the principles of zoning and land use, the reports from experts, the site in question and the surrounding properties, the Vance County Land Use Plan and the Vance County Zoning Ordinance, Mr. Neely stated that in his professional opinion, that the location and character of the use developed according to the plan, submitted and approved, is going to be in harmony with the area for which it is to be located and in general conformity with the Vance County Land Use Plan.

Chairperson Shaw thanked Mr. Neely and asked if there were any questions from the board. Being none, Chairperson Shaw advised Mr. Terrell to call his next witness.

Mr. Tom Terrell, Attorney for the applicant took the podium and asked that the notebook containing expert witness reports be entered into evidence as Exhibit A, as long as Mr. Jonathan Care, Attorney for Vance County approved.

Mr. Care advised that before the notebook is introduced into evidence, he had a couple of questions for one of the engineers regarding his report.

Mr. Ruxton Bobbitt, board member, asked to hear from the experts before the board asks questions.

Mr. Terrell advised that the board should ask questions of the experts as they wished, as they would be present for the entire hearing.

Mr. Terrell stated that they have to address the issue of whether or not this proposed use will substantially injure the value of adjacent or adjoining property. Mr. Terrell advised in order to do that you have to have someone who is an appraiser who has done studies of some kind that are based in market data. Mr. Terrell introduced Mrs. Molly Chisholm and advised that she would be giving her credentials and then he would be tendering her as an expert witness.

Mrs. **Molly Chisholm** took the podium and stated that she was a North Carolina State Certified Residential Appraiser with 28 years of experience with the firm of Hylton Crowder & Associates in High Point, NC. Mrs. Chisholm stated her address as 902 West Lexington Avenue in High Point. Mrs. Chisholm advised that prior to her experience as an appraiser, she was a mortgage banker where she qualified borrowers for mortgage loans as well as reviewing financial documents including appraisals. Mrs. Chisholm advised she received her B.S. degree in Industrial Relations from the University of North Carolina in 1981. Mrs. Chisholm stated that she estimates that she has appraised between 8 and 10,000 homes or other properties during her career. Mrs. Chisholm advised that she has conducted market impact studies like this one for many industries and uses over the past 7 years throughout the state of North Carolina. Mrs. Chisholm stated that to maintain her license she regularly attends seminars and continuing education classes in order to stay informed of emerging trends and changes in appraisal practice.

Mr. Terrell addressed Chairperson Shaw and asked that Mrs. Chisholm be tendered as an expert in real estate appraisals and market impact analysis. Chairperson Shaw asked if there were any objections, being none, Mrs. Chisholm was entered into the record as an expert witness.

Mrs. Chisholm advised that what she has submitted is not an appraisal, as she was not asked to place a market value on any particular house or use of land. Mrs. Chisholm stated that this was a consulting assignment to determine if a proposed facility would have a measureable impact on adjoining or abutting properties and if so, would that impact be a substantial injury. Mrs. Chisholm advised that in order to reach a conclusion, she used analyses and methodologies that are taught by and are consistent with the regulations set forth by the National Appraisal Standard Board which conform with the uniform standards of professional appraisal practice or what is commonly referred to as USPAP. Mrs. Chisholm stated that these standards have been developed and tested over many decades and are changed every two years to better conform with current lending practices. Mrs. Chisholm stated that this standard is relied upon by every financial institution in the country for lending purposes and real estate transactions. Mrs. Chisholm stated that they are standards that are used and accepted by all state and federal trial courts. Mrs. Chisholm stated that these same methods and standards were applied to perform her study in order to determine whether a Land Clearing and Inert Debris Landfill would substantially injure the value of adjoining or abutting properties. Mrs. Chisholm stated that in conformity with these standards, she had found facilities that were similar and some that had potential for even greater negative impact. Mrs. Chisholm advised that these are called Paired Sales Analysis or the more common term is Comparable Sale. Mrs. Chisholm advised that if anyone present had ever borrowed money from a bank to purchase a home, that they most likely had an appraisal of the property which used one of the above mentioned sales comparison methodologies. Mrs. Chisholm stated that at each facility she studied, she found an adjoining or abutting property that sold and had obtained publically available information containing the sales price and other relevant information. Mrs. Chisholm advised that she then compared the information obtained from that property to the sales of other properties within the same general time period and within the same marketing area, but far enough away so that the impact of the studied facility would not have any impact. Mrs. Chisholm stated that the data collected shows objectively how people choose to spend their wealth as they invest in their homes. Mrs. Chisholm stated that this data shows that sales of homes and land adjoining or abutting facilities like this one or even more intense facilities such as MSW Landfills, rock quarries and nuclear power plants do not injure market value. Mrs. Chisholm stated that she was sure that people were wondering how this could be, that it made no sense, but that her conclusion is consistent with

hundreds of appraisals that she has done over the almost three decades of homes next to cell towers, landfills, rock quarries or other uses whose impact is not reflected at all in the market data. Mrs. Chisholm stated that the appraisal term for a use that has the potential for a diminution in value to nearby property is External Obsolescence, a type of depreciation that is generally incurable by the owner, landlord or tenant. Mrs. Chisholm explained that External Obsolescence can be caused by different factors such as traffic, odor, noise, environmental hazards or visual appearance. Mrs. Chisholm stated that based on the objective data in this study, which she reminded the board is located within the notebook provided, it would be her conclusion that the construction of an LCID Landfill, in accordance with the submitted plans and specifications, as well as rules and restrictions that must be followed, would not substantially injure the value of adjoining or abutting properties. Mrs. Chisholm continued that not only would there be no substantial injury or depreciation, but that these studies demonstrate why there would be no injury or depreciation. Mrs. Chisholm referred to page 6 of the study, which contain photographs of the site that illustrate how well the property is buffered. Mrs. Chisholm stated that none of the other facilities that she has studied have had such substantial vegetative buffering. Mrs. Chisholm stated that all of the adjoining homes that she has studied were much closer to the facilities than the closest homes are to this proposed facility. Mrs. Chisholm stated that these factors, generous buffers, natural topography of the subject site, and the distance to the closest homes bolster her conclusions further. Mrs. Chisholm stated that if an adjoining property is used for growing or harvesting timber, which her conclusions are even more compelling because farmland and timberland are generally not affected by any of the facts listed as comprising and External Obsolescence. Mrs. Chisholm then presented two visuals, comparable sale 1, the site of a LCID Landfill located in High Point, NC with a dwelling located within feet of the facility. Mrs. Chisholm then presented comparable sale 2, located in Greensboro, an MSW Landfill which backs up to a residence.

Mr. Terrell addressed Chairperson Shaw and asked to have the High Point photo to be labeled Exhibit B and entered into evidence, and the Greensboro photo Exhibit C. Chairperson Shaw asked if there were any objections, being none, the items were entered into evidence for the record. Mr. Terrell then asked Chairperson Shaw if he could call his next expert.

Mr. Terrell then called **Rynal Stephenson** with the Transportation Engineering Firm of Ramey Kemp & Associates. Mr. Stephenson took the podium and introduced himself as a Director with the firm and is in charge of their operations in North Carolina. Mr. Stephenson stated that he had a B.S. Degree and a Master's Degree in Civil Engineering from North Carolina State University and that he was a registered Professional Engineer in the state of North Carolina with an active license. Mr. Stephenson stated that he had prepared hundreds of traffic impact studies similar to the one that was prepared for this project in his more than 20 years of experience in the field of transportation engineering and planning.

Mr. Terrell asked that Mr. Stephenson be tendered as an expert witness in Transportation Planning and Transportation Safety. Chairperson Shaw asked if there were any objections, being none, Mr. Stephenson was entered into the record as an expert witness.

Mr. Terrell asked Mr. Stephenson if Jeremy Chapman works for his company. Mr. Stephenson answered that he did. Mr. Terrell asked Mr. Stephenson if he had personally reviewed the data and studies that Mr. Chapman used to compile his report. Mr. Stephenson replied that he had. Mr. Terrell asked if Mr. Stephenson had reviewed the computer modeling that was part of this study. Mr. Stephenson replied that he had. Mr. Terrell asked Mr. Stephenson if he was satisfied the data, studies and computer modeling support the conclusions that are in the study. Mr. Stephenson replied that he was.

Mr. Jonathan Care asked Mr. Stephenson if Mr. Chapman was a North Carolina licensed Professional Engineer, to which Mr. Stephenson replied that he was. Mr. Care asked if there was a reason that he did not put his seal on the document, to which Mr. Stephenson replied that since the document was a PDF it could be that the seal did not come through. Mr. Care advised that if the report is to be tendered as evidence, the engineer needs to sign and seal it, providing his individual license number. Mr. Stephenson

advised he would have this information added to the report. Mr. Terrell asked Mr. Stephenson if he himself as a licensed Engineer endorse this report, or would he put his name, seal and license number on it, to which Mr. Stephenson stated that he would. Mr. Stephenson added that if he needed to sign the original copy of the report instead of providing a sealed copy from Mr. Chapman, that he would. Mr. Terrell advised that if they could do that and provide the copy signed by Mr. Stephenson to either the court reporter or to Mrs. Blount, County Planner, that they would do so. Mr. Care asked if Mr. Stephenson had his seal with him, to which Mr. Stephenson replied that he did not but had his number. Mr. Care advised that they needed to provide a signed and sealed copy. Mr. Terrell stated that a condition could be added that a signed and sealed copy of the report be provided.

Mr. Stephenson introduced himself to the board and stated that his firm created a traffic study to look at transportation impacts of the project and what it may have on the surrounding roadways. Mr. Stephenson stated that this traffic study was prepared according to nationally accepted standards, data, procedures and best practices in the industry field. Mr. Stephenson added that the study also followed the typical process in requirements of the North Carolina Department of Transportation as the proposed project fronts on roads maintained by the NCDOT. Mr. Stephenson stated that the study was created from data collected from the roads around the site, including the intersection of US Hwy 1 and Egypt Mountain Road, which was used to establish the baseline conditions for the study. Mr. Stephenson stated that they made assumptions about what future traffic would be like at the intersection and added in the trips that they anticipated from this development into the intersection. Mr. Stephenson advised that the analysis and the modeling was based on those scenarios, such as what is the traffic today, what is it in the future without this site, and what is it in the future with the site, then compare how the intersections and roads worked in each of those cases, which gives an idea of the impact the project would have on the roads. Mr. Stephenson stated that from a traffic standpoint, the project is a very low traffic generator. Mr. Stephenson stated that they analyzed about 12 trips during the highest traffic hour of the day resulting in about one vehicle every 5 minutes or so coming from the site. Mr. Stephenson added that they do anticipate those vehicles to be larger than a car, that it would be trucks hauling things and that they did account for that in the study. Mr. Stephenson stated that overall the proposed project was a very low traffic generator.

Board member Mr. Bobbitt asked if this information was about traffic on Egypt Mountain Road or for US 1 Hwy, to which Mr. Stephenson replied it was for both, that the 12 in an hour would come in and out of the driveway on Egypt Mountain Road, but that they believe the majority of the traffic is going to US 1 Hwy, so they assigned all of the traffic to US 1 Hwy. Mr. Bobbitt asked if the 12 trucks were leaving or coming in to the dump, to which Mr. Stephenson replied it referred to both. Mr. Stephenson explained that a trip in terms of a traffic study refers to either coming in or going out that it does not refer to round trip. Mr. Stephenson added that the 12 would also include a couple of employees that would be at the facility so whenever they come in the morning and leave in the evenings they were included in the 12 for the study. Mr. Stephenson stated that the traffic in the study was assigned to US 1 Hwy. Mr. Stephenson stated that the conclusions from the analysis of the study is that the intersections and roads operate exactly the same with or without the development, that 12 vehicles in one hour is not enough to change operations at the intersections and roads. Mr. Stephenson stated that one of the reasons for that is that Egypt Mountain Road, where the driveway would be located, is currently operating at about 7% of its capacity, meaning that there are very few cars traveling on Egypt Mountain Road at this time, and similar on US 1 Hwy, that it is more than 7%, but that there is more than adequate capacity on US 1 Hwy to handle any additional cars generated by this development. Mr. Stephenson added that one thing they did look at during the study is the impact that trucks would have on school bus operations. Mr. Stephenson stated that they pointed out in the study that it is very common for school buses to share roadways with all types of vehicles. Mr. Stephenson stated they looked particularly at US 1 Hwy. Mr. Stephenson shared that he lives off US 1 Hwy and drives it quite often and that it is not uncommon to see school buses mixing in with all kinds of vehicles. Mr. Stephenson added that the number of vehicles coming from this site would not be such that it would create a serious safety concern or negative impact for the school buses. Mr. Stephenson stated that these were the conclusions of the study and that in his professional opinion that the

proposed use based on the plan and the traffic study would not materially endanger the public safety from the standpoint of transportation of vehicles on the public roadways.

Chairperson Shaw asked if the turn lanes that are in place currently on US 1 Hwy are sufficient for the proposed project. Mr. Stephenson replied that they were but that they still have to get approval from NCDOT and that they have submitted their application for the driveway permit and that it is in review. Mr. Stephenson added that NCDOT would identify any additional requirements and notify them before approval of their permit.

Board member Mr. Alvin Johnson, Jr. asked if the driveway for the proposed site was to be paved with asphalt or gravel, as he was concerned about dirt or mud being brought onto Egypt Mountain Road from the trucks leaving the site becoming a safety issue for cars. Mr. Stephenson stated that typically when NCDOT approves a driveway permit, they could make the requirement that the driveway be paved or that we do not track mud or other debris onto the roadway. Mr. Stephenson stated that he has a current project where this was made a condition by NCDOT and that they had the authority to cease operations if tracking of debris were to occur.

Board member Mr. Bobbitt asked if in Mr. Stephenson's opinion, NCDOT would require a turn lane on Egypt Mountain Road. Mr. Stephenson replied that he was almost certain they would not. He stated that NCDOT would review their application and study and make their own requirements, but due to the results of the traffic study showing a very low volume of traffic, even less than NCDOT would require for a turn lane, he doubted they would require one. Mr. Bobbitt asked if the transportation study is part of their application to NCDOT for a driveway permit. Mr. Stephenson replied that it had been submitted to NCDOT for the driveway permit.

Mr. Terrell addressed the board and advised them that whatever NCDOT requires is what the applicant will do. Mr. Terrell asked if 12 vehicle trips equals six vehicles. Mr. Stephenson replied that was correct, an in and an out. Mr. Terrell asked Mr. Stephenson to explain what a Trip Generation Manual is. Mr. Stephenson explained that they use a number of standards, but that a Trip Generation Manual is a set of data from similar sites. Mr. Stephenson explained that data is collected, sent to a group where it is compiled and concluded that this is what is expected from this certain type of site and this type of use. Mr. Stephenson stated that these types of uses are rare, but the ones that are in existence are all a little different. Mr. Stephenson explained that this particular site is different from other types of uses or landfill or something similar. Mr. Stephenson explained that they work with a team to figure out when trucks coming, what is the capacity of the site, those kinds of things to really develop that data. Mr. Stephenson stated that the Institute of Transportation Engineers that has the trip generation data was not the best source for this; in fact, it points us to use local data for this particular site. Mr. Terrell asked Mr. Stephenson to explain what the Highway Capacity Manual was and was that an industry standard. Mr. Stephenson explained that the Highway Capacity Manual is the guidebook for how engineering studies are done relating to traffic and transportation. Mr. Stephenson stated that it gives all the industry standards and assumptions and how to calculate the output that was mentioned in the analysis. Mr. Terrell stated that computer modeling was mentioned earlier, he asked that Mr. Stephenson explain to the board what this is, where does the software come from, who uses it, is it an industry standard, and so on. Mr. Stephenson explained that the software that they used shows how vehicles interact with each other and visually represents that interaction. Mr. Stephenson stated that it is a software package called Synchro made by a company called Traffic Ware and allows the user to do all the calculations and have a visual about how the cars move around, how far they stack up in an animated fashion. Mr. Stephenson added that this is what they used for this project and that it is an accepted industry standard for this work. Mr. Terrell asked if NCDOT used Synchro. Mr. Stephenson replied that they did. Mr. Terrell stated that Mr. Stephenson had earlier stated that the system capacity for Egypt Mountain Road was 7.2%. Mr. Terrell asked if that was from NCDOT data. Mr. Stephenson replied that it was, and that it was based on the most current data available.

Mr. Terrell stated that he had no further questions. Chairperson Shaw asked if there were any further questions for Mr. Stephenson. Board member Mr. Bobbitt stated that the reason he asked previously about the turn lane, is because the proposed driveway is not very far down Egypt Mountain Road and that the embankment on each side of the road, as seen in the photographs provided, as you approach, the drive is very steep. Mr. Bobbitt asked about the safety factor with loaded trucks entering and exiting the site conflicting with traffic, running them off the embankment, and was that in the NCDOT study. Mr. Stephenson replied that it was included in the study and was taken in to account with the site distance requirements. Mr. Stephenson added that NCDOT will check to make sure there are adequate site lines. Mr. Stephenson stated that it is addressed in their letter that it is adequate and that NCDOT will be checking that as well as part of the permit approval process. Mr. Bobbitt asked if in Mr. Stephenson's opinion, if traffic is traveling at 65 MPH on US 1 Hwy, approaching Egypt Mountain Road, that there is a slight knoll there, would that person have enough time, in heavy traffic, is there enough site distance for a car topping that knoll to react to a truck pulling out from the site. Mr. Stephenson stated that he believed the site distances were adequate to account for that, but that would be something NCDOT would look into as well. Mr. Stephenson stated that is how speed limits are determined on the roads, through site distance studies, anticipated speeds, but that it may not account for someone speeding, but in general, he felt it would meet the criteria. Mr. Terrell asked Mr. Stephenson if trucks pull out onto US 1 Hwy on a regular basis. Mr. Stephenson stated that they did. Mr. Terrell asked if in the terms of traffic safety, is it the duty of the driver to be on the lookout for vehicles pulling into the roadway. Mr. Stephenson stated that it was, that everyone needed to be paying attention. Mr. Stephenson added that was the reason for the site distance, adequate site lines.

Chairperson Shaw thanked Mr. Stephenson and asked Mr. Terrell to call his next witness. Mr. Terrell stated that he has done substantial work in the area of solid waste facilities across the state and had worked with companies permitting more than forty. Mr. Terrell stated that Mr. Vance Moore is one of the most respected engineers in the state of North Carolina and that they were glad to have him on their team. Mr. Terrell then called Mr. Vance Moore to the podium.

Mr. **Vance Moore** took the podium and stated that he was the president of Garrett and Moore, and that he had held that position since 2006. Mr. Moore stated that he held a B.S. degree from North Carolina State University from 1989. Mr. Moore stated that he had been in the solid waste field since 1989 and has in excess of 30 years' experience in the field in all aspects such as budgeting, siting facilities, design, permitting, overseeing construction, quality assurance, operations consulting, operating permits, services for operating consulting, annual financial assurance for numerous counties utilities and all the way through closure. Mr. Moore stated that he had a wide range of experience in the solid waste field. Mr. Moore stated his office address as 206 High House Rd in Cary, NC. Mr. Terrell asked Mr. Moore if he had ever been tendered as an expert in any type of hearing proceedings. Mr. Moore stated that he had. Mr. Moore stated that he was on a panel working with the North Carolina Utilities Commission for Duke Energy Carolinas and Duke Energy Progress rate case for coal ash recovery. Mr. Moore stated that he was involved because he has extensive experience in all aspects of coal ash facilities such as oversight of construction and permitting. Mr. Moore stated that he has testified at many hearings such as this one for special use. Mr. Moore stated that he had been involved in many trials such as bankruptcy cases and has served as an expert witness regarding solid waste facilities.

Mr. Terrell stated that he would like to tender Mr. Vance Moore as an expert in the field of solid waste facility engineering and the health and safety aspects of solid waste facility construction. Chairperson Shaw asked if there were any objections, being none, Chairperson Shaw moved to enter Mr. Moore into the record as an expert witness.

Mr. Moore began by describing the submitted site plan included in the notebook tabbed "site plan". Mr. Moore stated the site plan consisted of two-color fold out sheets. Mr. Moore addressed the first site plan identified as sheet 1, existing conditions. Mr. Moore explained that the focus of sheet 1 was what was outlined in magenta as the total amount of property that is owned by the proposed facility. Mr. Moore

stated that the area consists of 83.24 acres and is adjacent to Egypt Mountain Road on the eastern side of the property. Mr. Moore asked the board to notice the area in hatch pattern on Sheet 2 as an area that is zoned R30 or Residential Low Density and not to be used for the facility.¹ Mr. Moore stated that the acreage involved in the request for Conditional Use is 73.2 acres. Mr. Moore stated that on the site plan the areas to the North and to the South to be utilized as a Land Clearing Inert Debris Land as indicated on Sheet 2. Mr. Moore also identified the buffer areas from streams and from property lines. Mr. Moore identified the Northern LCID area as a 24-acre tract and the Southern portion as a 16.2-acre tract. Mr. Moore stated that LCID stood for Land Clearing Inert Debris. Mr. Moore stated that all buffers from streams and property line setbacks meet regulation. Mr. Moore stated that the areas marked LCID are the largest areas that will be considered to be utilized for this facility, that they will not be any larger. Mr. Moore advised that the areas have not been studied in detail but will be a DEQ application requirement. Mr. Moore stated that there is a possibility that as the areas are studied, criteria in the regulations could cause these areas to shrink, or less of the area would be able to be used as LCID landfill. Mr. Moore advised that they will not ask for the area to increase, that it would only get smaller. Mr. Moore stated that all of these areas must meet the criteria of the regulations as set forth by DEQ governing these types of facilities. Mr. Moore stated that if he could rank landfill facilities, LCID Landfills would be the lowest innocuous facility, then Construction and Demolition Landfills, then Municipal Solid Waste, then perhaps coal ash would be another level, and then at the top would be a hazardous waste facility, but LCID would be the lowest tier of anything in the rules called landfill. The only landfill that would be lower than an LCID in this set of rules would be one that is minor, 2 acres or less, as these have a lower amount of regulations that must be followed due to a smaller footprint. . Mr. Moore asked the board to refer to 15A NCAC 13B.0563, North Carolina Administrative Code referring to Applicability Requirements for LC-ID (Landfills). Mr. Moore stated that this facility would be regulated by paragraph 3 because this facility is over two acres in size. Mr. Moore stated that the regulations clearly define the types of acceptable waste, for example, paragraph (3) (a) says the facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood and yard trash. Mr. Moore stated this limits the types of materials that can go into this type of facility. Mr. Moore stated that it will take a group of experts beyond himself to complete the application. Mr. Moore stated that the applicant will need to show compliance with wetland regulations, which is something that he is not an expert in. Mr. Moore stated that there are archaeological studies that may or may not be required or endangered species studies that experts would be brought in if there are studies required that are outside the abilities of himself or other staff. Mr. Moore stated that outside experts are routinely brought in. Mr. Moore stated that they have to provide a 4 ft. separation from what is called the seasonal high ground water table. Mr. Moore explained that the waste material that is placed on this facility has to be 4 ft. above the ground water table. Mr. Moore stated the way they study the ground water table is to install a piezometer, which is a pipe in the ground that lets you monitor water level elevations over time since ground water fluctuates based on seasonal variations. Mr. Moore explained that they go out and measure the ground water levels at numerous locations across this site, find a fluctuation and identify the high water mark for this entire facility, which would then be used as a criteria that must show separation from that level to the waste material. Mr. Moore advised that to do that they will be in drilling rigs and operators that do those types of installations. Mr. Moore stated that this is a significant effort. Mr. Moore stated that he had brought information on how many facilities are in North Carolina. Mr. Moore explained that he relied on information supplied by the Department of Environmental Quality in the form of a spreadsheet that they publish on their website listing the licensed facilities across the state. Mr. Moore stated the accuracy of the list is only as good as the people who are charged with keeping the list up to date. Mr. Moore stated that the list is somewhat incomplete but that it lists the facilities that DEQ regulates. Mr. Moore stated that you have to sort the list by types of facilities by county. Mr. Moore stated that when he sorted the list he found 61 facilities. Mr. Moore stated that this was no complete because the list does not show a facility in Nash County that his firm permitted in August, which is when he downloaded the list for the original hearing for this facility. Mr. Moore referred to an application that he had brought for the board to review. Mr. Moore referred to the report section of the application for an LCID Landfill in Nash County and then to the drawings. Mr. Moore stated that it

¹ The entire property belonging to K & K Organics and the subject of this case is zoned AR. Connect GIS was incorrect in displaying a portion of the property zoned R30. The map has since been corrected.

was a significant effort to make application that will exceed hundreds of thousands of dollars paid to numerous experts like himself. Mr. Moore stated that his firm tends to be the gatekeeper for these types of facilities making application, hiring experts and putting the team together. Mr. Moore stated that it is a substantial effort to go through this process especially when there is no guarantee on the back end.

Board member Mr. Bobbitt asked what the time line was for approval of an application. Mr. Moore replied that based on his experience, the solid waste section staff tends to do permitting exercises based upon what they deem as need, assigning their staff based on what they see as urgent. Mr. Moore stated as an example, if there was a Municipal Solid Waste Landfill quickly approaching capacity, where an expansion was needed in the near future to avoid interruption in service, they would assign people to that permit in an effort to avoid that situation. Mr. Moore stated that the last two facilities that he was involved in, Buffaloe LCID Landfill in Wake County in 2018 and Nash Counties LCID Landfill in 2019, in his opinion was going to be a ten to eighteen-month exercise from the date they receive the information. Mr. Moore stated you have to consider the time that it takes to put this together as well. Mr. Moore added that he does not control the states schedule on these, that the historical timeline in regard to how long it takes him to put a case in DEQ's hands, once hired, has taken as little as six months, that he doesn't anticipate that in here, that a normal schedule is twelve months to obtain the data, put it together and submit to DEQ. Mr. Moore stated that he has significant experience working with these types of facilities from the coast to the mountains in North Carolina, South Carolina. Mr. Moore stated that he is a professional Engineer in North Carolina, South Carolina and Georgia and has worked with facilities in all three states. Mr. Moore stated that not all regulation is identical that he has experience with different regulation in different states, but that he has the most experience with North Carolina regulation. Mr. Moore stated that he believes that a facility that is permitted and operated in accordance with regulation adopted by DEQ will be operated in a way that will not harm human health or the environment.

Board member Mr. Bobbitt asked what the life cycle of a facility like this is, if the size does not shrink. Mr. Moore replied that when any facility is permitted, it is permitted in regard to air space, that you have a certain amount of volume that you can fill and the time frame is the volume divided by the input, and that the input can be regulated by market forces, it could be limited for other reasons, but that he did not have an air space as yet because he has done no design on this facility, that he would have to do some work before he could determine an air space. Mr. Moore stated that he has not been hired or asked to determine that at this point, but that most solid waste facilities, the rule of thumb is that you are going to go through the investment for solid waste facility, you want that to be a twenty-year facility. Mr. Moore stated that is the rule of thumb, but that he has not been asked by the owner to make that analysis, but that has been his experience from multiple solid waste facilities that he has worked in with numerous types of owners, numerous types of locations and numerous waste types.

Board member Mr. Bobbitt asked if this facility were up and running, how frequent is the monitoring by the state regarding what goes into the site. Board member Mr. Bobbitt asked what the chances were for something going into the site that was not supposed to be in there. Mr. Moore replied that they spend a lot of time in all of North Carolinas waste facilities to do waste screening. Mr. Moore stated that it is in no one's best interest for unauthorized waste to be brought in. Mr. Moore stated that it is an expensive endeavor and that it is something that is tried to be prevented. Mr. Moore stated that the regulations talk about how to prevent unauthorized access to the site, that operations talk about how to limit materials to specifically what the permit allows and that in his experience, in particular with LCID landfills, that is as easy as it gets in the waste field. Mr. Moore stated that as you get higher up, you get into Municipal Solid Waste realm and you have dumpsters that are being emptied. Mr. Moore stated that in this type of facility, the waste tends to be brought in by the people who own the facility so they are controlling what is being brought in so they have a considerable amount of control. Mr. Moore stated that it is not like where a dumpster is emptied and you have no idea what has been placed in the dumpster, where the waste as it is being spread and compacted to identify unauthorized waste. Mr. Moore stated that from that standpoint regarding landfills, this type of landfill is as easy as it gets to identify what is going in.

Chairperson Mr. Shaw asked if there were any further questions for Mr. Moore. Mr. Tom Terrell, attorney for the applicant, stated that he had a few follow-up questions. Mr. Moore added that all this information is readily available on the DEQ website, and that he downloaded the file before the August hearing and that there may have been modifications made since then.

Mr. Terrell asked that the spreadsheet from DEQ listing the LCID facilities in North Carolina be entered into evidence as Exhibit D. Mr. Terrell stated that in the notebook of materials they offered as an illustrative exhibit and asked that be labeled as Exhibit E and the set of site plans also be offered as an illustrative exhibit E.

Mr. Terrell asked Mr. Moore to clarify his statement regarding an LCID as being one of the least innocuous facilities, and did he intend to say it was one of the most innocuous. Mr. Moore clarified his statement and stated that he meant most innocuous.

Mr. Terrell asked Mr. Moore if the State of North Carolina requires an LCID to have a bottom liner. Mr. Moore answered that they do not require a liner system because of the type of materials that are disposed of in this type of facility, being inert debris and vegetative debris and that the likelihood of contaminants migrating from the waste into the ground water is very low such that the DEQ rules making committee and the legislature decided that it was not worth the added cost of liners and leachate collection systems to prevent contamination from these types of facilities. Mr. Terrell stated that there are two streams that cross this site, and asked how those streams would be protected. Mr. Moore replied that streams have to be buffered and that regulation calls for a 50 ft. minimum buffer requirement from the footprint to those streams. Mr. Moore referred to the rules and stated that it was very clear that the project meets the requirements of 15A NCAC, number 4, Sediment Control Rules, and that was talking about adequate erosion control measures, structures or other devices shall be utilized to prevent silt from leaving the site and to prevent excessive onsite erosion. Mr. Moore stated that this is a significant part of this application and referred to the notebook and stated that there were many calculations associated with erosion and sediment control and those devices that are used to control erosion and prevent silt from going into streams. Mr. Moore stated those are the primary ways of protecting streams, but that the frequency of cover and the establishment of vegetation to prevent erosion on that cover is also listed, but that these are the methods that are identified that can be used to prevent that type of material. Mr. Terrell asked if Mr. Moore's firm designs the structural devices that are used to prevent sediment from entering these streams. Mr. Moore replied that they do. Mr. Terrell asked if DEQ reviews the calculations in the studies. Mr. Moore replied they do, with great interest. Mr. Terrell asked Mr. Moore that when this facility is finished with construction, did there have to be a demonstration to DEQ that it was constructed according to the plans that were submitted. Mr. Moore replied that yes, they do, that they have to provide operations documentation that it was constructed according to the plan, which is usually followed up by an on-site inspection by DEQ staff to confirm independently. Mr. Terrell asked if Mr. Moore's opinion as a professional in the field of solid waste, that the regulations adopted by the state of North Carolina are adequate to protect the streams that go through this site. Mr. Moore replied that in his professional opinion they were. Mr. Terrell asked Mr. Moore if in his opinion as an expert in civil engineering and landfill construction that this facility would be constructed in a manner to protect public health in all respects. Mr. Moore replied that it is. Mr. Terrell stated that he had no further questions for Mr. Moore.

Chairperson Shaw asked about the protection of the stream, but that, waste being dumped over the hill in the lowest point, where the stream was as well, that everything being dumped over the hill was headed into the stream. Mr. Moore replied this was correct, but that there would be structures that would capture and keep it from going directly into the stream without going through one of these devices. Mr. Moore stated that it would not be allowed for a disturbed area to go directly into the stream without going through one of these devices. Chairperson Shaw stated that he farmed and that he was used to sediment and that you do the best you can to control it, but that if you receive a rain like we have had recently such as 5 or 10 inches in a matter of a couple of hours, the ability to control things can get away from you. Mr. Moore stated that he had been asked a number of times, that as far as the intensity of sediment entering a

stream from a landfill like this versus from farming, and he would say that a field that has been freshly plowed, has far more potential to put silt into a stream than from a facility like this that has devices that have been permitted in accordance with storm water regulation that specify those storms that have to pass certain design storms, that it had been his experience that these facilities have far better protection from silt entering a stream than a freshly plowed field. Chairperson Shaw stated that farmers do a lot of no till and still have problems even though they do the best they can, but still have problems. Mr. Terrell asked Mr. Moore if he was familiar with the regulations regarding agriculture in North Carolina. Mr. Moore stated that he was. Mr. Terrell asked Mr. Moore if farmers were required to submit sedimentation and erosion control plans when they plow a field. Mr. Moore stated that farmers were exempt. Mr. Terrell then asked Mr. Moore if this proposed facility was exempt, to which Mr. Moore replied that they were not. Mr. Terrell asked Mr. Moore if this facility would have to have control structures to capture when a farm would not. Mr. Moore replied that was correct. Mr. Terrell asked if there were other types of uses that would be allowed by right on this site that would be more dangerous to a stream than an LCID facility. Mr. Moore stated that clearly there were activities that could happen, he stated he did not know off the top of his head regarding Vance County, but had heard mention of a junk yard. Mr. Moore stated that he had been involved in the clean up of junk yards and that if people are allowed to put junk cars onto this facility, he could virtually guarantee the impact for that would be higher than for an LCID Landfill. Mr. Terrell asked if there were junk cars immediately adjacent to this property. Mr. Moore stated that there were. Mr. Terrell asked about houses. Mr. Moore replied that if a housing development were proposed, the same type of earth moving activities would be needed to build the houses and the roads and you would think that they would have to put in the same type of protective devices to keep silt and sediment from going into the streams during the construction, but what would happen is what you have seen in a lot of densely populated areas that have a lot impermeable area, a lot of increased flow coming off of the area, just because of the amount of impervious area, and then also associated with the fertilizer applied to the ground for typical homes, that the quality of water that is running off from that type of use usually has more constituents in it than what comes from a facility like this that is not putting the amount of fertilizer out there to grow green grass.

Board member Ms. Ruth Jones asked Mr. Moore if anything can ever be built on this landfill 25 years down the road. Mr. Moore replied that it is not typical for things to be built on top of a landfill, as one of the things is that it has to be recorded in the property deed that this property was used for a sanitary landfill and is recorded on the plat. Mr. Moore stated that this is going to be Land Clearing and Inert Debris type material which tends to break down and that would be a challenge to someone who wanted to build some kind of structure on top of that. Mr. Moore added that he was not suggesting it had never been done before, as he was involved in a case when a golf course was built on top of a landfill in Charlotte, and that no one anticipated that in the 1960's when it was operating, but to say there will never be anything built on it, the demand will change the economics. Mr. Moore stated that it would be hard for him to look that far into the future and see that the demand here is going to require something to be built on top of this. Mr. Moore stated that as far as he is able to look into the future, probably beyond his time here, he would not anticipate anything being built on top of it.

Chairperson Shaw thanked Mr. Moore and asked if anyone had any further questions for Mr. Moore. Mr. Terrell asked if the board had any further questions for any of the experts. Being none, Mr. Terrell introduced Mr. Ken Harrison, the owner of K & K Organics. Mr. Terrell stated the reason they are here is because they were under the impression that when he was clearing some land and because he owned this property, he could put limbs and leaves on it without it being regulated by NCDEQ. Mr. Terrell stated that he learned that was incorrect. Mr. Terrell stated that since that time, Mr. Harrison has made a commitment to hire the right people to do it the right way, 100 percent. Mr. Terrell asked Mr. Harrison to come to the podium and introduce himself so that the board will know who he is.

The court reporter at this time asked to take a five-minute break. Mr. Terrell advised that Mr. Harrison was the last person to speak for the applicant side. The court reporter advised she could hear Mr. Harrison before breaking.

Mr. Ken Harrison took the podium and introduced himself. Mr. Harrison stated that his number one goal here was to be a good neighbor to the people present; Mr. Harrison stated that he did not even want them to notice that he was present on the site. Mr. Harrison stated that they have adequate buffers, and that he was going to try to work with the neighbors the best way that he could. Mr. Harrison stated that he was born and raised in Wake Forest, North Carolina, and was essentially a local nowadays, since people were moving in around him. Mr. Harrison stated that the land he has he bought from a lifetime family friend who is deceased now but that he had made him an offer and he sold him the land. Mr. Harrison stated that he began to clean up the land, clearing and making the fields bigger, piling brush and burning and what was not burned was pushed into a gully. Mr. Harrison stated that is how he started. Mr. Harrison stated that he was clearing a lot in Vance County between Middleburg and Henderson, and one on Kerr Lake, and he did not have a LCID to haul to in this area, so he took it to his land on Egypt Mountain Road and dumped it. Mr. Harrison stated that someone reported him. Mr. Harrison stated he got a call from Vance County, from Chris Fowler, Zoning Compliance Officer, who in turn called NC Division of Waste Management. Mr. Harrison stated he spoke with someone named Drew with NCDEQ, Division of Waste Management who told him that he could not dump there, and would have to haul out anything that he had hauled in. Mr. Harrison stated that he complied and hauled the items out, which cleared him from any wrong doing. Mr. Harrison stated he asked Drew how to get a permit. Mr. Harrison stated he was given instruction, which is how he is here today. Mr. Harrison stated that he talked with Angie Blount and Sam Hobgood of the Vance County Planning and Development Office. Mr. Harrison stated that Mrs. Blount contacted him about a week later and advised him it would be a lengthy process, at which time he hired Mr. Terrell, who referred him to Mr. Moore, who he was told was the best in the state, to guide him in the process so that he did not make any mistakes. Mr. Harrison stated again that he wanted to be a good neighbor and conduct his business without being noticed. Mr. Terrell asked Mr. Harrison if he was committed to running the facility by the book, to which Mr. Harrison replied he was. Mr. Terrell asked Mr. Harrison if he runs all his companies according to the law, to which Mr. Harrison replied he did. Mr. Terrell asked Mr. Harrison if he required all his employees to do the same, to which Mr. Harrison replied he did.

Chairperson Shaw asked if there were any further questions for Mr. Harrison, being none, Chairperson Shaw thanked him and Mr. Harrison withdrew from the podium. Mr. Terrell stated that this concluded their presentation and that they would like to introduce the notebook as Exhibit A. Chairperson Shaw asked county attorney, Mr. Jonathan Care how he wanted to handle the notebook, to which Mr. Care advised to enter it as Exhibit A. Chairperson Shaw advised the time was 6:00 pm and that they would take a five-minute break.

Chairperson Shaw announced after taking a break, the board would now hear from the opponents in the case at approximately 6:10 pm. Chairperson Shaw advised that the board would now hear from the opponents or people affected by the case. Chairperson Shaw announced that attorneys or persons providing a general summary would need to go first. Chairperson Shaw announced at the end of testimony, he would ask if there were any questions. Chairperson Shaw advised that he might have to limit testimony that is repetitious or irrelevant and that the county attorney would advise regarding cutting off hearsay. County Attorney, Mr. Jonathan Care, advised that testimony that is just opinion and not expert based evidence is not something that will be allowed to be presented. Mr. Care added that the experts that spoke earlier stated their credentials and were experts in their particular areas of which they were testifying to, expert opinions, whether it was to the appraisal, the engineers, or the planners, different areas that they are experts in and are qualified and tendered as an expert in the court. Chairperson Shaw asked if planning staff had any further comments, being none, Chairperson Shaw asked if the board or other parties had any further questions of staff, being none, Chairperson Shaw called Katy Hunt to the podium.

Katy Hunt took the podium and stated that she was the Lower Neuse Riverkeeper for Sound Rivers, an environmental, non-profit organization that seeks to protect, monitor and preserve the Tar-Pamlico and Neuse River Basins through education, advocacy and environmental justice. Ms. Hunt stated that her

expertise comes from a degree from the University of New Orleans in Environmental and Coastal Sciences as well as over ten years of studying and working on water quality issues. Ms. Hunt stated that she was here to give testimony related to the environmental and water quality concerns raised by this application. Ms. Hunt stated that this testimony is based on her experience as Riverkeeper with Sound Rivers. (the court reporter interrupted Ms. Hunt's testimony to ask everyone to slow down in their speaking as she was trying to record every word) Ms. Hunt continued that she was present today to give testimony related to the environment and water quality concerns raised by this application. Ms. Hunt stated that this testimony is based on her experience as Riverkeeper and Sound Rivers expertise in addressing potential water quality concerns as well as a review of data provided by U.S. Fish and Wildlife and the North Carolina Natural Heritage Program, USGS Topographic Maps, The National Wetland Inventory from U.S. Fish and Wildlife, aerial images captured from a flight over the applicants property as well as a site visit to adjacent property. Ms. Hunt stated that LCID landfills, if properly constructed and operated in certain areas, can pose little to no harm to the environment or surrounding people. Ms. Hunt stated that the issue here however, is that the characteristics of this property, including topography and proximity to water resources make it ill-suited to any type of landfill operation. Ms. Hunt stated that proper construction and operation of a landfill is very hard to enforce. Ms. Hunt urged the board to really consider the water resources at stake. Ms. Hunt stated that there is plenty of land and properties without critical water resources running through or adjacent to them, that would be much better suited for this type of landfill. Ms. Hunt asked the board to deny this permit application. Ms. Hunt stated that short of denial, she would ask the board to delay a decision today and request a response from the applicant as to water quality and other environmental concerns that she is about to raise. Ms. Hunt stated that the property is largely under developed or undeveloped forestry land. Ms. Hunt stated that in order to construct a landfill, extensive tree clearing and grading operations will need to be conducted. Ms. Hunt stated that this type of clearing combined with necessary earth work will result in concerns related to sediment and erosion as discussed earlier. Ms. Hunt stated that once trees have been cleared, everything that has been holding the underlying dirt is gone, and with any type of rain event, which happens frequently in our area, will result in sediment being washed downgrade. Ms. Hunt stated that the property in question sits atop a high point of the surrounding area, sloping down toward Long Creek to the West and to the South toward Tabbs Creek. Ms. Hunt stated that as mentioned, sediment and erosion control measures will be installed to prevent this issue, it is very rarely enforced or maintained. Ms. Hunt stated that more often than not, they are installed and then neglected. Ms. Hunt stated that sedimentation is one of the largest sources of pollution to our waterways and can majorly degrade water quality. Ms. Hunt stated that sediment causes high turbidity giving waters a murky cloudy appearance and blocking sunlight from penetrating the water, which can be detrimental to aquatic vegetation. Ms. Hunt stated that sediment also can clog the gills of fish and impede the growth and development of fish eggs and larvae, which is a major concern for water bodies like Long Creek and Tabbs Creek, which due to the highly undeveloped or low impact development in the surrounding area, currently have very good water quality and provide important habitat to aquatic species. Ms. Hunt stated that unfortunately, this is not the case for all of the creeks and streams that run into the Tar. Ms. Hunt stated that similar water bodies in the Lower Tar Watershed have degraded water quality due to either extensive urban development, storm water run-off or other pollution sources. Ms. Hunt stated that the impairment of many of these streams in the Tar River Watershed, make the preservation and protection of the streams that are currently healthy, even more important. Ms. Hunt stated that according to the U.S. Fish and Wildlife Service and the North Carolina Natural Heritage Program, there have been recent survey efforts in Long Creek indicating the presence of fresh water mussels species, Tabbs Creek has also had recent surveys that show the presence of mussels including the Dwarf Wedge Mussel, which is a Federally endangered species and the Yellow Lance Mussel, a Federally threatened species. Ms. Hunt stated that not only are these species present, but that there is evidence of recruitment, or that the conditions are healthy enough within the stream to support reproduction. Ms. Hunt stated that there are also healthy fish assemblages living within both Long Creek and Tabbs Creek. Ms. Hunt stated that she also wanted to highlight the presence of the creeks not only make them vulnerable to sedimentation from the property, but that these creeks pose a threat to the integrity of the landfill. Ms. Hunt stated that flooding from rain events and storms are only becoming more intense with more rainfall, and will directly impact the landfill. Ms. Hunt stated that new development should not be built in

floodplains or in areas that are prone to flooding such as this one. Ms. Hunt stated that the previous experts highlighted that should the permit be approved the landfill will be permitted and regulated by the North Carolina Department of Environmental Quality and that strict rules will govern the operation of this facility and that enforcement actions will be taken by the state agency to ensure compliance. Ms. Hunt stated that she would like to talk about the reality of what that looks like. Ms. Hunt stated that there would be no one from DEQ on site to monitor the clearing of the trees, the construction of the landfill or the day-to-day operations. Ms. Hunt stated that there would be no one from DEQ monitoring what is being brought in with each load to be dumped here. Ms. Hunt stated that if this facility were permitted, it would be operated on the good faith of the owner and operator. Ms. Hunt stated that local residents have also raised concerns about this and potential illegal dumping that has occurred here in the past. Ms. Hunt stated that having not witnessed that personally, she did want to raise a general concern about potentially harmful contaminants that could be brought in. Ms. Hunt stated that for instance, in June of 2020, Chemours, the Fayetteville based chemical company, that has been polluting our air and water with PFAS and Gen-X for decades, recently cleaned out and removed soil and yard waste from their Fayetteville work facility, where previous testing had shown pervasive PFAS contamination of the property, including the soil. Ms. Hunt stated that Chemours failed to do any testing for PFAS on the materials it was sending off site. Ms. Hunt stated that these materials were then disposed of in a nearby-unlined LCID landfill, permitted in the exact same way that this one would be. Ms. Hunt stated that when DEQ was notified of the issue after the fact, they issued a notice of violation and intent to enforce and required Chemours to remove the debris as well as adjacent debris from the landfill because of possible additional contamination. Ms. Hunt urged the board, as they are making their decision, to consider the precedent that this will set in terms of land use planning for the county. Ms. Hunt stated that allowing a landfill to operate in a place where surrounding neighbors clearly do not want this facility, and on land where critical natural resources in need of protection, would indeed set a negative precedent. Ms. Hunt thanked the board.

Chairperson Shaw asked if there were any questions for Ms. Hunt. Board member Mr. Bobbitt asked Ms. Hunt if she believed that the DEQ would take what she had said into consideration, that the board had heard the possibility that the site would shrink, and also about endangered species, did Ms. Hunt believe that DEQ would take what she had stated today into account. Ms. Hunt stated that she believed they would. Board member Mr. Bobbitt asked Ms. Hunt if she was concerned about their enforcement afterwards. Ms. Hunt replied that DEQ does genuinely care about protecting the environment, however, due to multiple reasons mainly the massive budget cuts unfortunately all of DEQ is operating with one arm tied behind their back and both their legs cut off at their knees and they simply lack the resources and finding to be able to do their job to the fullest. Ms. Hunt stated that she believed if they had all that they need they would 100 percent do their job and potentially beyond, but they currently just cannot and do not have the capacity and ability to enforce the way that they should be and the way she believes they want to. Board member Ms. Jones asked if they have been able to regulate things before or was, she stating that they never have. Ms. Hunt replied that yes in years past when they did have the appropriate budget, they were able to. Board member Ms. Jones asked if it would come back. Ms. Hunt replied if the budget comes back. Ms. Hunt stated that she believed that with proper funding and resources they would be able to do a much better job.

Mr. Terrell, attorney for K & K Organics, asked Ms. Hunt if DEQ sent anyone out to a construction site when a subdivision is built. Ms. Hunt replied not that she was aware. Mr. Terrell asked Ms. Hunt if DEQ sent anyone out to a construction site when a shopping center is built. Ms. Hunt replied that she did not know. Mr. Terrell asked Ms. Hunt if they ever sent anyone out when a school or a church or anything is built. Ms. Hunt replied that she did not know. Mr. Terrell asked Ms. Hunt if she had any evidence that the regulations adopted by the state of North Carolina for LCID landfills were inadequate. Ms. Hunt replied that she did not. Mr. Terrell asked Ms. Hunt if she had any evidence that NCDEQ would not do its job in reviewing this application. Ms. Hunt replied that she believed that they would review the application and that after it is approved and it is constructed, they would do their on-site inspection, but, that she did not believe they would do any kind of regular follow up or monitoring of the facility and that they would rely

solely on the owner and operator to report any kind of environmental hazard such as contaminated material being placed in the landfill, but she stated that she did believe they would investigate and enforce that. Mr. Terrell asked if Ms. Hunt if she had evidence about that or was it just a generalized fear that DEQ would not enforce the regulations. Ms. Hunt replied that she has reported many violations for various pollution reports from sediment and erosion issues to nutrient pollution problems from industrial animal facilities and if she had not reported these violations to DEQ they would not be aware of them. Ms. Hunt continued that any kind of enforcement action or remediation would not have been able to take place. Ms. Hunt stated that her personal experience was her evidence. Mr. Terrell asked that based on her personal experience, was she saying that was evidence, that Mr. Harrison was not going to follow state regulations because someone else didn't follow regulation. Ms. Hunt stated that she could not speak to Mr. Harrison's character, but the state would be relying on his honesty. Mr. Terrell stated that the fact is, Ms. Hunt did not know whether Mr. Harrison is going to follow all the state regulations. Ms. Hunt replied that she did not, but she hoped he would. Mr. Terrell asked if Ms. Hunt had any evidence that the mussels in either Long Creek or Tabbs Creek would be in danger, or was that just a concern. Ms. Hunt replied that evidence exists in the Fish and Wildlife surveys. Mr. Terrell asked if Fish and Wildlife had looked at this application. Ms. Hunt replied not that she knew of. Mr. Terrell commented that if Fish and Wildlife weighs in and expresses concern that would have to be built into the permit. Mrs. Hunt stated that was correct, and asked if any environmental surveys of any kind been done on the property. Mr. Terrell replied that nothing could be done until they get through the hearing. Mr. Terrell asked Ms. Hunt if she was an engineer. Ms. Hunt replied that she was not. Mr. Terrell asked Ms. Hunt what her degree was in. Ms. Hunt replied that it was in Environmental Science, with a concentration in Coastal Environmental Science. Mr. Terrell asked if Mr. Moore said anything that she would challenge as inaccurate during his testimony. Ms. Hunt replied that he did not. Ms. Hunt stated that she would highlight that the sediment and erosion control measures that he mentioned that would be installed, such as silt screens, that they are often installed and then forgotten about and that she had photo evidence of other construction areas in which they are installed and then they fail. Ms. Hunt continued that if you are going to have silt screens on a steep slope along a riverbank that does flood, there is going to be a lot of damage to that control measure. Mr. Terrell stated that not to be repetitive, but that this is something she has a concern about, but no evidence that it will occur. Ms. Hunt stated she did not. Mr. Terrell asked Ms. Hunt where she lived. Ms. Hunt stated that she lived in New Bern, NC. Mr. Terrell asked Ms. Hunt who hired her to be here today. Ms. Hunt replied that she was not specifically hired, that she works for an organization called Sound Rivers and that this is one of the things that they do. She stated that they speak up for the environment and voice their concerns about potential harmful impacts. Mr. Terrell asked if she was just here to voice her concerns. Ms. Hunt stated that she was. Mr. Terrell stated that he had no further questions. Chairperson Shaw asked if anyone had any further questions for Ms. Hunt, being none, he thanked her and called Charlotte Herring to the podium.

Charlotte Herring took the podium and stated her name and that she was an adjacent landowner on Egypt Lane. Mrs. Herring stated that she is 100 ft. from the property line with K & K Organics. Mrs. Herring stated that if the buffer is 100 ft. into the K & K Property, then she is within 200 ft. of viewing operations. Mrs. Herring stated that the phone number for the conference call Mr. Terrell mentioned was incorrect. Mrs. Herring stated that she received a letter from them with the correct phone number on the day of the conference call while she was at work. Mrs. Herring stated she received an email alert from the Post Office advising her that she had mail, but could not leave work to retrieve it, as she worked two counties over. Mrs. Herring stated that most of the people in the area work and was sure that they ran into the same situation as she did. Mrs. Herring stated that the conference call was set for 6:00, which was an appropriate time, but if you were unable to retrieve your mail before that time, you would not have been able to be on the conference call. Mrs. Herring stated that the railroad that was stated to be right by the site is across U.S. 1 Hwy. Mrs. Herring stated that the rock quarry is 2.14 miles from her house according to GPS, and that it was not directly by her home. Mrs. Herring stated that the proposed LCID Landfill is directly by her home. Mrs. Herring asked that the permit be denied or at least delayed until they could obtain expert witnesses for their protection. Mrs. Herring stated that regarding the claim that there was to be no noise and that they need to check to see how it floods. Mrs. Herring stated that the way they do that

is by using drilling rigs, which make a lot of noise. Mrs. Herring stated that she was a nurse and that she has severe asthma. Mrs. Herring asked if they were planning to do controlled burns on the property, and that if they were this would affect her health. Mrs. Herring asked that the permit be denied or delayed until they have an opportunity to obtain expert witnesses. Chairperson Shaw asked if there were any questions for Mrs. Herring. Mr. Terrell asked Mrs. Herring if she had evidence that this facility would negatively affect her property value or any medical evidence that this would affect her health. Mrs. Herring stated that the evidence that she had is just being on her own property that she cannot sit at a campfire because of her asthma. Mrs. Herring stated that her husband mows the yard and that she has to be inside. Mrs. Herring stated that any dirt that is brought up affects her asthma and that she could have her doctor provide documentation about the severity of her condition. Mr. Terrell asked Mrs. Herring that if this property were farmed it would generate dust. Mrs. Herring replied yes but that she was not a farmer. Mr. Terrell stated that he had no further questions for Mrs. Herring. Mrs. Herring added that in regard to flooding, that everyone knows how things flood around the area, and that anyone who has driven down U.S. 1 Hwy has seen the water up completely underneath the bridge at times, and that her house sits at the back of her property and that there is a 200 ft. drop that has flooded straight up about 100 ft. Mrs. Herring stated that if that land was not elevated like it is, then she would not know how much more it would flood into that property. Chairperson Shaw asked if the board had any questions for Mrs. Herring, being none, he called Aron Todd to the podium.

Aron Todd took the podium, stated his name and gave his address as 77 Spring Creek Lane. Mr. Todd stated that his address was directly across from the proposed dumpsite. Mr. Todd stated that he owns about seven acres. Mr. Todd stated that his concerns were in general, how would this affect wells, will this contaminate waterways, Long Creek, which feeds into Tar River, Tabbs Creek, which feeds into Tar River. Mr. Todd stated he was concerned about property values, if it is to affect property values, would he need to get rid of his property before the site opens. Mr. Todd stated that some of the things they proposed earlier that he was not present for, such as the picture of the trailer in neglect, has since been destroyed. Mr. Todd advised it was in terrible shape. Mr. Todd stated that the area is not in neglect or unkempt, but that that they had failed to show the other homes in the area that are in the immediate area. Mr. Todd stated that not more than 100 yards away from where the picture of the trailer was taken is a brick home which they did not show a picture of. Mr. Todd stated that less than 200 yards down the road is a two story white home and another brick home beside that one, of which they did not show pictures. Mr. Todd stated that he would like to know why they need to accept waste from another county. Mr. Todd stated if they are bringing in waste from somewhere else would that be regulated or known about. Mr. Todd stated that he has seen the applicants' trucks up and down the road several times before this permit hearing was even thought about, and if the applicant is going to do that what will stop him from doing anything else. Mr. Todd asked who would regulate that. Mr. Todd asked who was going to check up on the applicant. Mr. Todd stated that he was not suggesting that the applicant was dishonest, but that he was just concerned. Chairperson Shaw asked if anyone had questions for Mr. Todd. Being none, Chairperson Shaw called Lisa Todd to the podium.

Lisa Todd took the podium and stated her name and that Aron was her husband. Mrs. Todd stated that they owned seven acres directly across the road from the proposed site. Mrs. Todd stated that her stepfather, Carl Finch, built the home there in 1960 because he wanted to raise his family in the country. Mrs. Todd stated that she has lived there since she was five years old and that she would be fifty-six next month. Mrs. Todd stated that both her children were raised on the seven acres and that a third generation will be moving back there in October to raise the fourth generation. Mrs. Todd stated that the trailer that was mentioned was not owned by them but that it was a rental and that the property was rented to a gentleman by her step dad who is now deceased. Mrs. Todd stated that the gentleman has moved and the trailer has been torn down. Mrs. Todd stated that they are having the debris removed now. Mrs. Todd stated that her concerns are the rate of speed that people travel on the road and the fact that there are two curves. Mrs. Todd stated that when she pulls out of her driveway, the applicants' driveway is on the right, hers is just before you get to it on the left and that there is a curve there. Mrs. Todd stated that when she pulls out of her driveway she has to roll her window down to make sure nothing is coming. Mrs. Todd

stated that when she pulls out of her driveway, she has seen a person's eyes before she has had a chance to straighten up in the road. Mrs. Todd stated that in the other direction there is another curve and that there is a zigzag curve right where the driveway is. Board member Mr. Bobbitt asked referred to an aerial of the property, indicated to a property, and asked Mrs. Todd if this was her driveway with the mailbox. Mrs. Todd stated that it was. Mrs. Todd stated that she was concerned due to the rate of speed and the two curves that it is possible that there could be accidents there, and stated that she liked what Mr. Bobbitt had mentioned earlier regarding a possible turn lane. Mrs. Todd added that a turn lane might be a help because school buses do travel that road to pick up children. Mrs. Todd continued that her major concern was the well, and that it had been addressed, but the concerns are that her mother, herself, her husband, her children now her grandchildren would be consuming water and food cooked within this water. Mrs. Todd commented that if the waste is ok why not dump it in your own county, since we have to stay within our county with our waste. Mrs. Todd asked if the waste would be regulated which has been asked before, would they be notified if there is some type of contamination or would it be too late once it's contaminated. Mrs. Todd stated that she had heard the liner addressed and that it was not required because it was not worth it, but who was it not worth it to. Mrs. Todd stated that in the last three years her family has dealt with her husband's brain tumor, her step dad's many health concerns, including cancer of the blood and his untimely death in October, and her mother's progressing dementia. Mrs. Todd asked the board to consider her concerns for this approval. Chairperson Shaw asked if there were any questions for Mrs. Todd. Mr. Terrell asked Mrs. Todd if she was aware that Vance County ships their waste to Person County. Mrs. Todd answered that she was not, but that when she disposes of her waste, she does so in Vance County. Mr. Terrell asked Mrs. Todd that she did not know Vance County waste goes to Person County, and Mrs. Todd stated that she did not. Mr. Terrell asked Mrs. Todd if she had a chance to read the traffic study by Mr. Stephenson, to which Mrs. Todd replied she had not. Mr. Terrell asked Mrs. Todd if it would change her thoughts on traffic to know that he projected 100 percent of vehicle trips were going from the site to U.S. 1 Hwy, and that that would not cross her property. Mrs. Todd replied that it would not cross her property, but that she would be pulling into that traffic every day. Mr. Terrell stated that he had no further questions for Mrs. Todd. Chairperson Shaw asked if the board had any questions for Mrs. Todd, being none, Chairperson Shaw called Angie Garrett to the Podium.

Angie Garrett took the podium and stated her name and her address as 1526 Egypt Mountain Road. Mrs. Garrett stated that she was there today because she had concerns with a dumpsite going on our property. Mrs. Garrett stated that she was a fifth generation of land farm owner living on a large acreage farm that is adjacent to the property owned by Mr. Harrison. Mrs. Garrett stated that she had lived on the farm for thirty-one years, her husband for almost sixty and his parents before him, and his grandparents before his parents. Mrs. Garrett stated that they had had the pleasure of raising their children, one that is present, and had done so with a lot of pride and a lot of fun, on their property. Mrs. Garrett asked the board to deny the permit application, or short of denial to request a delay in the decision because there has been a plethora of information given here today that they did not have access to, and that it may have just been given to the board. Mrs. Garrett stated that they have had zero chance to look at the information. Mrs. Garrett stated that they have made the moves and as of today have Richard Moore on board to advise as an attorney and head them in the right direction, but that they would like the opportunity that Mr. Harrison has had and being able to put a group together to study what has been presented here. Mrs. Garrett stated that she would be honest with the board and stated that she was not an expert but read the sign and it said public hearing and assumed that meant her, the public, the ones most impacted by this and so they showed up. Mrs. Garrett stated that she had a couple of problems with what is going on here, the environment being one and that she thought that it had been addressed to some degree but that one of her biggest problems is that Vance County is now sitting here being asked to take what is best for a business man from Wake Forest and weight it against what is best for the residents of Vance County. Mrs. Garrett stated that it was her hope and prayer that her children will be able to raise their children on the same property. Mrs. Garrett stated that she didn't even understand why they were sitting there considering waste from other areas being brought into Vance County as value added to Vance County. Mrs. Garrett stated that as she had listened to all this have heard zero value added for Vance County. Mrs. Garrett stated that she understood it was going to line the pocket of the businessman. Mrs. Garrett stated that Mr.

Terrell had spoken the day before on Radio WZIS and he stated that this is something that would go on for decades. Mrs. Garrett stated that for someone whose property adjoins that, she now has to consider what does she do if every possible thing put in place to prevent a catastrophe from happening, happens. Mrs. Garrett stated that she knew they had an expert talk about property values. Mrs. Garrett addressed board member Mr. Bobbitt and asked if he was a realtor. Mr. Bobbitt stated that he was. Mrs. Garrett asked Mr. Bobbitt if her property value was going to go down, if someone was researching her property online and she wanted to sell two hundred acres of it, and someone is researching that property, are they going to bypass her property and not consider it because it has a dump of any kind beside it. Mrs. Garrett stated that the answer was yes because she had done it. Mrs. Garrett stated that she had bypassed said property and moved on for something that did not have something as displeasing as a dump beside it. Mrs. Garrett commented that Mr. Bobbitt knew her property value was going to go down and invited him to speak to that. Mrs. Garrett stated that Mr. Bobbitt was an expert in that area and that he knew what was going to happen. Mrs. Garrett stated that they had talked about harmonious use. Mrs. Garrett referred to an aerial photo of that property, and stated that they showed a tiny speck of what they were calling a junk yard that is there solely because the owner became responsible for his parents debt and is on bad times. Mrs. Garrett stated that is her neighbor. Mrs. Garrett stated that harmonious for their area is not a dump. Mrs. Garrett repeated that it is not a dump. Mrs. Garrett stated that it is people raising children on property that has been handed down from generation to generation. Mrs. Garrett stated that Winchester Woods sits adjacent to that. Mrs. Garrett stated that she tried to buy that property for years from Joe Leahy but he would not sell it because his father had given it to him. Mrs. Garrett stated that is what is harmonious about the people who own land there. Mrs. Garrett stated that they show one smidgen of a section but neglects to show you the beautiful property that butts up to it. Mrs. Garrett stated that Joe Leahy and herself have a running joke, that if there is property for sale anywhere close, that they will both compete for it, but neither one of them care who gets it because the property will remain as is. Mrs. Garrett stated that there will be growth in Vance County and that she hoped she would see it, but putting debris that is going to come from another county, that there is no road construction, there is no subdivisions going up, that the debris is going to come from. Mrs. Garrett addressed Mr. Harrison and stated that she was the one who turned him in, she stated that she thought that there were others, but that she had turned him in and would tell him why. Mrs. Garrett stated that the constant running of the trucks is a big deal. Mrs. Garrett stated that she had almost had accidents; her daughter was almost in an accident because of the way the trucks operate. Mrs. Garrett stated that they were not coming from U.S. 1, that they were coming from the bottom end of Egypt Mountain Road. Mrs. Garrett stated that all the dumping that took place did not come from Vance County. Mrs. Garrett stated that she followed the trucks to the Franklin County line where she watched the trucks disappear and then watch the trucks come back which she then followed back to said dumpsite. Mrs. Garrett stated that she did that from the bottom of Egypt Mountain Road to the top at U.S. 1. Mrs. Garrett stated that if the applicant is saying he did not bring in debris from another county that either he was telling a fib or you have a bigger property because someone was dumping on your site, but that brings up a whole other issue of controlling who is dumping there. Mrs. Garrett stated that her ask was simple. Mrs. Garrett stated that if the board cannot deny the permit based on the fact that it brings zero value to Vance County, and if the board is my line of defense, I am imploring you, as a resident here, I don't have any high powered or high priced people and paid consultants, but I am here standing on the only ground that I have to stand on and that is what is morally right for the people of Vance County. Mrs. Garrett added that if the board could not deny the permit, then to please give them the opportunity to address the things that have been talked about and presented here today and maybe refute it with our own subject matter experts. Mrs. Garrett asked the board to give them 60 days. Mr. Shaw asked if anyone had questions for Mrs. Garrett. Mr. Terrell asked Mrs. Garrett to return to the podium. Mr. Terrell asked Mrs. Garrett who testified and what was said during their presentation, that lead her to conclude that Vance County waste would not be placed in this facility. Mrs. Garrett replied that she did not say it would not, but that it would not be the only, and she stated that she could only talk about what she saw with her own eyes, debris coming from outside of Franklin County by way of Vance County and traveling to that site. Mr. Terrell asked Mrs. Garrett if she was there. Mrs. Garrett replied that she was there and followed the vehicle and that she was sure they didn't take the truck up there and ride around with it and drive it out, it came out empty and went in full, came out empty. Mr. Terrell asked

Mrs. Garrett where she worked. Mrs. Garrett asked why that was relevant, and stated that right now she keeps her granddaughter. Mr. Terrell asked Mrs. Garrett if she shopped outside the county. Mrs. Garrett replied not most of the time, that she does if she needs particular things that are not available in Vance County. Mr. Terrell commented that it is then ok for there to be commerce between counties, and asked Mrs. Garrett if she has any issue with that. Mrs. Garrett replied that she was not taking her crap and dumping it over there and of course commerce, that it works both ways. Chairperson Mr. Shaw thanked Mrs. Garrett and asked if the board had any questions for Mrs. Garrett. Being none, Chairperson Shaw called Wayne Finch to the podium.

Mr. Finch was not in the room so Chairperson Shaw called Jacob Wilkie to the podium. Mr. Wilkie was not in the room so the chair called Preston Floyd to the podium. Mr. Floyd took the podium and stated his name and his address as 110 Beechtree Trail, Kittrell. Mr. Floyd stated that he was not an expert but that he was a tree farmer. Mr. Floyd stated that he and his wife had five tree farms, two of which are very close to this site. Mr. Floyd stated that one is just across U.S. 1 and that the cell tower they had mentioned was sitting on that farm. Mr. Floyd stated the other one he lived on and was located just north of the site, so one sits East and one North of the site. Mr. Floyd stated that his concern was when the applicant clears property in Wake County or where ever, and they take pine trees, put them on a dump truck and take them to the site and dump them, they could be bringing beetles. Mr. Floyd stated that beetles, if anyone was aware, that there are lots of beetles. Mr. Floyd stated that Southern Pine Beetles, Ipsps Beetles, Turpentine Beetles, there are hundreds of beetles and a lot of different types. Mr. Floyd stated that when logging takes place, the trees are cut and taken away to mills where they are dealt with there. Mr. Floyd stated that when you clear land and put the trees on a dump truck and bring them to a dumpsite, you could be bringing ash bores, which will kill Ash trees. Mr. Floyd stated that he produced Loblolly Pines. Mr. Floyd stated that there are other tree farmers in that area as well and mentioned Mrs. Woodlief owns a tree farm just North of this property, a 160-acre farm right beside it with planted pines. Mr. Floyd stated that he has had quite a bit of damage from beetles and lost several acres last year. Mr. Floyd states that it happens when a tree is down or when they travel. Mr. Floyd stated that the beetle does not fly very far but that they go with the prevailing winds. Mr. Floyd stated that prevailing winds in this area are West, North West or South West and that all of his properties are that direction from this dump. Mr. Floyd asked how would he be assured that when they bring in pine trees and other trees that they are not infested with bugs. Mr. Floyd stated that a pine tree does not necessarily look like it is infested; it just is because they start out with tiny larvae that are almost the size of the end of a pin and they end up killing pine trees. Mr. Floyd stated that as far as being an expert, he would not say he is an expert at it but in 2017, he was chosen as the tree farmer of North Carolina by the North Carolina Tree Farm Program, so they thought I was a fair tree farmer. Mr. Floyd concluded by saying that was what he was most concerned about, that and some other issues mentioned earlier. Chairperson Shaw thanked Mr. Floyd and asked if anyone had any questions for Mr. Floyd. Mr. Terrell asked Mr. Floyd if he lived at 110 Beechtree Trail, to which Mr. Floyd confirmed he did. Mr. Terrell asked Mr. Floyd how far away was his address from this site. Mr. Floyd replied that it was the same block of woods, probably a mile and a half, but that his tree farm was 500 acres and goes that direction which was probably half a mile or three quarters of a mile from the site. Mr. Floyd stated that he also had a farm across U.S. 1 that was closer than half a mile. Mr. Terrell asked if Mr. Floyd had evidence that pine beetles and ash bores will come or was this just a genuine real concern. Mr. Floyd replied that there is evidence that moving trees could contain beetles. Mr. Floyd replied that it absolutely could happen and that it does happen. Mr. Floyd stated that he did not know that the applicant would bring them. Mr. Floyd added that when they are clearing property, they are not inspecting trees. Mr. Terrell stated that Mr. Floyd had raised a question of what should be an appropriate standard of care. Mr. Terrell asked Mr. Floyd if he knew what the NCDOT does with trees when they clear land for highways. Mr. Floyd replied that he assumed they take it to Raleigh to put on a big pile of trees. Mr. Terrell asked if to his knowledge did he know if NCDOT does Ash Bore or Pine Beetle inspections every time they clear land. Mr. Floyd replied that the ash bore problem for counties that have been identified with ash bore have been quarantined and that they could not transport ash trees from that county to other counties that are not in the quarantine area. Mr. Floyd added that if they did move trees to unquarantined areas they were in violation. Mr. Terrell asked if he would assume that the NCDEQ would be looking out

for that issue. Mr. Floyd stated that he did not know that. Mr. Terrell stated that he had no further questions for Mr. Floyd. Chairperson Mr. Shaw asked if the board had any questions for Mr. Floyd. Being none, Chairperson Shaw called Jacob Wilkie to the podium.

Mr. Wilkie took the podium and stated his name and that he was with the Soil and Water Department for Vance County. Mr. Wilkie stated that he had a soils map and that it shows that Tabbs Creek runs right through the left side of the property. Mr. Wilkie stated that was about a mile, give or take, as the crow flies from Tar River, which is one of the main rivers in North Carolina. Mr. Wilkie stated that on the permit map showing where the landfill will be, that the creek runs right through it, that it never dries up and that there is a natural spring right under Egypt Mountain Road, meaning the creek will not dry up. Mr. Wilkie stated that if anything gets spilled into that it feeds into the Tar River. Mr. Wilkey stated that is all he wanted to say. Chairperson Shaw thanked Mr. Wilkie and asked if anyone had any questions. Mr. Terrell asked Mr. Wilkie his title. Mr. Wilkie replied it was Natural Resources Conversationalist for Vance County. Mr. Terrell asked Mr. Wilkie what his degree was in. Mr. Wilkey replied it was Field Crop Technology with a Minor in Conservation from North Carolina State University. Mr. Terrell asked if Mr. Wilkie was here when the experts testified. Mr. Wilkie replied that he was not. Mr. Terrell stated that Mr. Wilkie then, did not hear Mr. Moore give his testimony, to which Mr. Wilkie replied he did not. Mr. Terrell asked Mr. Wilkie if he knew what NCDEQ was. Mr. Wilkie stated that he did. Mr. Terrell asked if Mr. Wilkie had any evidence that NCDEQ would not adequately review this application. Mr. Wilkie stated he did not. Mr. Terrell asked if Mr. Wilkie had any evidence that the regulations adopted by this state are not adequate to protect the streams that go through this site. Mr. Wilkie stated that he believes that they are adequate but that there is always a chance. Mr. Terrell asked Mr. Wilkie if he had any evidence that the engineering construction controls are inadequately designed. Mr. Wilkie replied that he did not, that he had not seen them. Mr. Terrell asked if Mr. Wilkie had any evidence that the engineering and constructure controls will not be maintained. Mr. Wilkie replied that he did not. Mr. Terrell stated that Mr. Wilkie really did not have evidence that the screens are inadequate and you are just raising concerns. Mr. Wilkie replied that he absolutely had concerns that that would happen. Mr. Wilkie stated that if something did leak it would be undetected. Mr. Terrell stated that when Mr. Moore testified earlier, he stated that if this were a farm that no structural devices or sediment basins would have to be used to protect the stream from run off, and asked if he was correct. Mr. Wilkie stated that was above his knowledge. Mr. Terrell asked if agriculture was exempt from having to use best management practices. Chairperson Shaw stated that he could answer that. Chairperson Shaw stated that he had an erosion control plan for every farm that he tends. Chairperson Shaw stated that all the farms that he tends are HEL or Highly Erodible Land and that he has to play by their rules if he wants to play in their game. Chairperson Shaw stated that was through the USDA. Chairperson Shaw stated that Mr. Moore stated that he was exempt as a farmer, but that he has not found his exemption yet. Mr. Terrell asked Chairperson Shaw if that is evidence for the record. Chairperson Shaw replied if he wanted to put it as evidence for the record, he would allow it and would furnish plans if they needed them, as he has them for every farm that he tends. Mr. Terrell asked Chairperson Shaw if when he inspects properties, were the farmers building sediment basins or any type of engineered design control for the land. Chairperson Shaw replied that they were. Chairperson Shaw added that he cannot plant a crop on his farm without having control measures in place, and that Mr. Wilkie could attest to that. Mr. Wilkie agreed and stated that was exactly what his job entails. Mr. Terrell asked if the control measures were designed to work. Chairperson Shaw replied that they were. Chairperson Shaw added that he has a T Factor on how much erosion is allowable on the slopes of the land. Mr. Terrell stated that he had no further questions. Mrs. Garrett asked from the audience, if since Mr. Terrell had asked Mr. Floyd if he had any evidence that beetles would come, did Mr. Terrell have any evidence that they would not come. Mr. Terrell replied that under the law of North Carolina, it is neither his or his clients duty to present evidence as to fact that something as a supposition could possibly come true. Mr. Terrell stated that that is what is called a generalized fear, a generalized fear that something could happen is not evidence. Mr. Terrell continued that it is a supposition, hypothetical, but not evidence of something that would happen. Mr. Terrell stated that the State of North Carolina Supreme Court, through the case Woodhouse vs. Board of Commissioners has said that it is not the applicants' duty to prove or disprove every possible conceivable objection that could be raised. Mr.

Terrell stated that the fact that it is possibly hypothetical in a theoretical universe, that an ash bore could come on this property, exist today. Mr. Terrell stated that whether there is an LCID facility or not. Mr. Terrell stated that an ash bore could come on this property by wind or by any number of ways. Mr. Terrell stated that his church was cutting down trees right now, that have the ash borer and that there has been no activity except people driving into the parking lot on Sunday morning. Mr. Terrell stated that there is no evidence that this type of activity would bring that in, as that is what is called a generalized fear.

Chairperson Shaw stated that Wayne Finch was not in the room and that he was the last on the list. Chairperson Shaw asked planning staff if they had anything further, having none, Chairperson Shaw asked the board if they had anything further. Mr. Terrell stated that they have the right to rebut and that they needed to close and add additional conditions.

Mr. Terrell stated that his rebuttal would be based on competent material and substantial evidence. Mr. Terrell stated that there has been a lot of concern, generalized fears that have been expressed, but not competent evidence, material or substantial evidence that there would be substantial injury to adjoining properties, that it is not consistent with the comprehensive plan, that it would injure in any material way the public health or safety. Mr. Terrell stated that they would like to offer additional conditions to make sure that these are in the record. Mr. Terrell stated that firstly, the facility would only operate Monday through Friday, that the operating hours shall be 7:30 am to 5:00 pm, that Mr. Stephenson shall present an engineer's seal to substitute for the one in the notebook that did not adequately get picked up when it was photocopied, anything that is required by the NCDOT driveway permit shall be implemented, and that they would also like to add an additional natural vegetative buffer along the South side along Egypt Lane next to the Herring Property to extend that from 100 ft. to 150 ft. Mr. Terrell asked that those additional conditions be added.

Chairperson Shaw asked the board for discussion. Chairperson Shaw recognized Howard Gillis from the audience. Mr. Gillis requested to speak on behalf of his property. Chairperson Shaw asked Mr. Gillis to come forward and be sworn. Mr. Gillis was sworn in.

Mr. Gillis took the podium and stated his name and his address as 1200 H.R. Gillis Lane, Kittrell, NC. Mr. Gillis stated that he was a retired Forest Technician for Vance County and that he was currently a Carolina Timber Broker and stated that he has walked on a majority of the acreage in Vance County. Mr. Gillis stated that he was transferred to this county in 1972, and at that time, there was an epidemic of Southern Pine Beetle, Ips Beetle and Turpentine Beetle. Mr. Gillis stated that the forest service would fly over the county every quarter and record dead trees on property. Mr. Gillis stated that he flew the plane. Mr. Gillis stated that they would contact the landowner about the infestation. Mr. Gillis stated that he has worked extensively with landowners in Vance County. Mr. Gillis stated that Mr. Floyd has had them, that Chairperson Shaw's father may have had them. Mr. Gillis stated that in his job over the years, he has learned that the Southern Pine Beetle is very small and that their lifespan is 40 days. Mr. Gillis stated that from the time the female bores into a tree, making a hole the size of a pencil lead, that they cut channels under the bark devouring the cambium layer resulting in the tree starving to death. Mr. Gillis stated that he had seen acres of land, half acres, 70 acres in Kittrell, 50 acres in Williamsboro, that died as a result of infestation. Mr. Gillis stated that the beetles cannot be controlled. Mr. Gillis stated that the beetle is so small that the wind direction the day they emerge from the tree controls their flight pattern. Mr. Gillis stated that he had lost 11 acres of pine timber to this beetle. Mr. Gillis stated that he has documentation that he planted 33,000 acres in trees in Vance County during his tenure before retiring in 2000. Mr. Gillis stated that he has practiced forest management for 40 plus years. Mr. Gillis stated that if this beetle is in the trunk of a tree, in the back of a dump truck, coming from where ever, there is no way to tell when he will emerge. Mr. Gillis stated that when the beetle emerges he would be looking for somewhere to kill a tree. Mr. Gillis stated that he did not want this facility in his community or in the county. Mr. Gillis stated that there is a Government Cost Share program called the Southern Pine Beetle Program that will assist land owners in helping to prevent the spread of the Southern Pine Beetle, and that there are different

Forest Management Practices that can be implemented under that program that will help stop the spread. Mr. Gillis stated that he was not anti-business, but that the board was in a position to make a decision. Mr. Terrell asked Mr. Gillis if he agreed that land had to be cleared for roadways, to which Mr. Gillis agreed. Mr. Terrell asked Mr. Gillis if he agreed that land has to be cleared to build a shopping center or a subdivision, to which Mr. Gillis agreed that it did. Mr. Terrell asked Mr. Gillis where the land clearing debris go, or where should it go. Mr. Gillis replied that there was a place in Wake Forest. Mr. Gillis stated that he used to have pulp wood trucks and saw milling crews cutting pulp wood back in the 1970's trying to stop the Southern Pine Beetle, and it could not be done. Mr. Gillis stated that Mother Nature took care of it and that their life cycle was 40 days and a rotation of 20 years, that every 20 years they come back around. Mr. Terrell stated that he wanted to make sure that the testimony was correct that it was ok to take limbs and debris to Wake Forest, but it is not ok to bring limbs and debris to Vance County. Mr. Gillis replied that if they have an established site to dispose of it using tub grinding or some other way, but that they can't burn it. Mr. Gillis stated that you cannot get a permit to burn debris that came from one piece of property to another piece of property. Mr. Terrell asked what does NCDOT do with the debris, do they have to take it to a licensed facility. Mr. Gillis replied that he did not know what they do with it but that he was only concerned about his forestland. (Mr. Gillis continued but could not be heard). Mr. Terrell asked if Mr. Gillis had evidence that there were going to be pine beetles. Mr. Gillis stated that he did not have evidence that when a tree is cut down it has beetles in it. Mr. Gillis described the type of damage done by different beetles. (Mr. Gillis continued, could not hear all he was saying). Mr. Gillis stated that he sees this as a hazardous thing for the forestland. Mr. Gillis stated he had seen grown men cry because he had to tell them their trees were dead. Mr. Terrell asked if we should have regulations that ban LCID landfill facilities. Mr. Gillis stated that he knew a little about the regulations and that his opinion is his and no one else's. Mr. Gillis stated that he did not want to do anything in his county, especially since he was not native originally being from Person County, having to do with importing any type of wood product that had the possibility of being infested with these beetles. Mr. Terrell asked if it was ok to take wood from here somewhere else. Mr. Gillis replied that there was some wood cut on Egypt Mountain Road that went to Roxboro to LP Mill, some went to Morgan Lumber Company, some went to Toney Lumber Company in Louisburg, that it went different places. Mr. Terrell asked Mr. Gillis if he was against commerce between counties. Mr. Gillis stated that he was not, and as he had stated before he was not opposed to business, but that he did not want to have a business that would jeopardize his forestland. Mr. Gillis stated that he had 230 acres of trees that he planted himself that are 35 years old. Mr. Gillis stated that his property is about 2 miles from this proposed site. Mr. Terrell asked Mr. Gillis what other concerns he had. Mr. Gillis stated that the 50 ft. buffer set up on either side of Tabbs Creek, according to the map, is what is known as a Stream Management Zone. Mr. Gillis stated that when timber is sold they have to flag that area out to protect water quality. Mr. Gillis stated that they can harvest in that zone 14 inch diameter trees or larger, but they cannot clear cut to the bank. Mr. Gillis stated that 10 ft. from the waters edge out, they cannot cut a tree, that it has to be left no matter what size it is. Mr. Gillis stated that if the root system of those trees extend into the water itself, although it is beyond the 10 ft. measure, it cannot be cut. Mr. Gillis stated that the 50 ft. buffer shown on the map, was in his opinion, just a forestry regulation. Mr. Terrell asked Mr. Gillis if he thought the buffer was inadequate. Mr. Gillis stated that it was adequate for the forestry work, but that he did not know if it was adequate for the beetle. Mr. Terrell stated that he had no further questions.

Chairperson Shaw asked the board for discussion. Board member Mr. Alvin Johnson, Jr. made a motion that a vote be postponed for 60 days to allow those in opposition to secure expert testimony. Chairperson Shaw stated a motion had been made. Board member Mrs. Phyllis Stainback seconded the motion. Jonathan Care, County Attorney, asked that it be made clear that the board is continuing the hearing, not postponing. Board member Mr. Johnson stated a correction to continue the meeting, not postpone. Board member Mr. Ruxton Bobbitt commented that they had heard a lot of expert testimony from the applicant, and that it took the board about three years to learn about solar farms, and then stated that he could not think of a worst part of the county for this to be in. Mr. Bobbitt commented that so many things factor in such as the topography. Mr. Johnson stated that he personally would like to more about the environmental impact. Mr. Bobbitt commented that perhaps the people in Kittrell were correct when they said they did

not want county water. Mr. Bobbitt stated that he did not know if someone could come in from DEQ, but he would like to try. Mr. Care stated that it was not the boards position to ask for witnesses to come before them. Mrs. Stainback stated that she was very much concerned about the river and the environmental issues that this presents for Vance County. Mrs. Stainback stated that she knew they had two sides of an issue present, and that the board need the time to think about and to absorb what is in the notebook from the applicant. Mrs. Stainback added that she was the type of person who had to study the issue in order to vote, and that she was not ready to do that unless the hearing was continued.

Chairperson Shaw recapped that there was a motion to continue for 60 days, which had been seconded and asked for a vote. A unanimous vote was taken to continue the hearing for 60 days.

Mrs. Herring, resident and opponent of the application, asked for a copy of the material presented by the applicant. Mr. Terrell advised that a copy of the transcript could be purchased, but would make a copy of the notebook available.

Chairperson Shaw asked for a motion to dismiss. A motion was made and seconded. Chairperson Shaw adjourned the September 10, 2020 meeting of the Vance County Board of Adjustment at about 7:30 pm.