

NORTH CAROLINA
PERSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24 CVS 61

KRISTOPHER CLAYTON, JAMES)
DYKES, BERNHARD LAMPERT, MARY)
AMANDA HAMILL, JOHN HOFFMAN,)
SHARI JILL STOWERS-HOFFMAN,)
DAVID THOMPSON, and DORIS ANN)
THOMPSON)


Plaintiffs,)

v.)

PERSON COUNTY, and PERSON)
COUNTY BOARD OF COMMISSIONERS,)

Defendants.)

VERIFIED COMPLAINT

BY: 
PERSON COUNTY, C.S.C.
2024 FEB - 2 2:18

FILED

NOW COME Plaintiffs Kristopher Clayton, James Dykes, Bernhard Lampert, Mary Amanda Hamill, John Hoffman, Shari Jill Stowers-Hoffman, David Thompson, and Doris Ann Thompson (collectively, "Plaintiffs"), by and through undersigned counsel, complaining of Defendants, Person County, and the Person County Board of Commissioners (collectively, "Defendants"). In support thereof, Plaintiffs allege and say as follows:

NATURE OF THE ACTION

1. This action seeks to challenge the rezoning of six (6) parcels of land located in Person County, North Carolina, from Residential and Rural Conservation to General Industrial for purposes of the proposed Moriah Energy Center site.

2. According to publicly available information, the proposed Moriah Energy Center is an industrial development for the collection, storage, and distribution of 25 million gallons of liquified natural gas, with future expansion capabilities to build a second 25-million-gallon storage

tank. The proposed Moriah Energy Center site is comprised of approximately 485.68 acres covering six (6) parcels located in Person County, North Carolina. These six (6) parcels contain the following Person County Parcel Identification Numbers (“PINs”): PIN 0941-00-18-9261, PIN 0941-00-26-4937,¹ PIN 0941-00-35-8661, PIN 0941-00-38-1809, PIN 0941-00-57-3083, and PIN 0941-00-58-7767.

3. Plaintiffs own property and live in close proximity to the proposed Moriah Energy Center site, and have suffered and will continue to suffer injury from this rezoning, which will destroy the rural character of their neighborhood and Person County and subject the Plaintiffs to all the ills that come from having a large liquified natural gas storage and distribution facility near their properties, which include, but are not limited to, increased pollution, noise, traffic, endangered and threatened species impacts, water resource impacts, and the loss of use and enjoyment and value of their properties.

4. At all times relevant to this action and upon information and belief, since 1991, the County has had a planning ordinance (the “Person County Planning Ordinance” or “Planning Ordinance”) that governs and regulates the use of land in Person County. Upon information and belief, the Person County Planning Ordinance has incorporated several amendments since its initial adoption.

5. At all times relevant to this action, the County also had in effect a comprehensive plan called the “Person County & City of Roxboro Joint Comprehensive Land Use Plan,” which

¹ As indicated below, the rezoning application identified a parcel with the PIN 0941-00-26-1506 as one of the parcels petitioned to be rezoned. As of the filing of this action and upon information and belief, there is no publicly available information on the Person County Geographic Information System Department website confirming the existence of a parcel with this PIN. However, relying on publicly available information at the time of filing this action, the parcel associated with the aforementioned application is identified as PIN 0941-00-26-4937.

was adopted by the Person County Board of Commissioners in November 2021 (the “Person County Comprehensive Plan” or “Comprehensive Plan”).

THE PARTIES

6. Plaintiff Kristopher Clayton is a resident of Person County, North Carolina and owns and resides on certain real property located at 6600 Helena Moriah Road, Rougemont, North Carolina (PIN 0941-00-44-5909), approximately 78 feet southeast of one of the rezoned parcels (PIN 0941-00-35-8661) and across the street from several of the other rezoned parcels.

7. Plaintiff James Dykes is a resident of Person County, North Carolina and owns and leases certain real property located at 6910 Helena Moriah Road, Rougemont, North Carolina (PIN 0941-00-53-6336), approximately 1,065 feet southeast of one of the rezoned parcels (PIN 0941-00-35-8661).

8. Plaintiffs Bernhard Lampert and Mary Amanda Hamill are residents of Person County, North Carolina and own and reside on certain real property located at 139 BC Way, Rougemont, North Carolina (PIN 0941-00-96-5466), approximately 1,680 feet east of one of the rezoned parcels (PIN 0941-00-57-3083). Plaintiffs Bernhard Lampert and Mary Amanda Hamill also own two parcels of land that are contiguous to their residential property and located to the south and southeast of their residential property, which contain the following PINs: (PIN 0941-00-95-4340) and (PIN 0951-00-04-5525).

9. Plaintiffs John Hoffman and Shari Jill Stowers-Hoffman (individually, collectively, and/or in any combination, the “Hoffmans”) are residents of Person County, North Carolina and own and reside on certain real property located at 260 BC Way, Rougemont, North Carolina (PIN 0941-00-97-5827), approximately 1,680 feet east of one of the rezoned parcels (PIN 0941-00-57-3083).

10. Plaintiffs David Thompson and Doris Ann Thompson (individually, collectively, and/or in any combination, the “Thompsons”) are residents of Person County, North Carolina and own and reside on certain real property located at 160 BC Way, Rougemont, North Carolina (PIN 0941-00-97-7239), approximately 1,894 feet east of one of the rezoned parcels (PIN 0941-00-57-3083).

11. Defendant Person County is a North Carolina county duly and lawfully existing under the laws of the state of North Carolina and having such powers and authorities granted to it by the state of North Carolina, including through N.C. Gen. Stat. Chapter 160D.

12. Defendant Person County Board of Commissioners (“Board of Commissioners”) is the duly elected governing body of Person County having among its powers the authority to grant or deny zoning map and zoning text amendment requests, and it acted on behalf of Person County when it approved the rezoning at issue in this case.

JURISDICTION & VENUE

13. The Person County Superior Court has personal jurisdiction over Defendants Person County and the Person County Board of Commissioners. The Court has subject matter jurisdiction in this action involving property in Person County.

14. Venue is proper in Person County pursuant to N.C. Gen. Stat. §§ 1-76 and 1-82.

15. This action is timely under all applicable statutes of limitation and repose, including any limitations period established by the Person County Planning Ordinance.

16. Plaintiffs bring this action pursuant to N.C. Gen. Stat. §§ 160D-601, 602, 604, 605, 701, N.C. Gen. Stat. § 1-253 *et seq.*, the United States and North Carolina Constitutions, and other applicable law, seeking a declaration that the December 4, 2023 rezoning of the six (6) parcels comprising the proposed Moriah Energy Center site from Residential and Rural Conservation to

General Industrial was procedurally deficient and arbitrary and capricious, and is therefore unlawful, null, void, and of no effect. This action also requests that Plaintiffs be awarded permanent injunctive relief, costs, attorney's fees, and such other relief as the Court deems just and proper.

STANDING

17. Paragraphs 1–16 are incorporated by reference as if fully set forth herein.

18. All Plaintiffs have been and will be injured by the invasion of legally protected interests, and their injuries result from the Defendants' actions challenged herein. Plaintiffs' injuries will be redressed by a favorable result in this action. Therefore, and for the reasons further set forth herein, all Plaintiffs have standing to challenge the adoption of the rezoning ordinance at issue through this declaratory action.

19. If the rezoning is upheld, Plaintiffs will be directly affected by the decisions challenged in this action in a manner not common to the community at large, due to the significant environmental impacts and related effects that will result from the approval, development, and operation of the proposed Moriah Energy Center as alleged herein, or any uses permitted within the newly rezoned General Industrial district.

20. Those effects include, but are not limited to, changes in the character, intensity, and density of uses allowed on and planned for nearby property that is incompatible with surrounding properties; a diminution in the peaceful rural character of the surrounding area; increased noise, traffic and less safe traffic conditions; odors, light pollution and intrusion; toxic and hazardous air emissions and related environmental and health effects; construction traffic, noise, and debris; increased use and overburdening of public infrastructure (such as roads, water, septic and stormwater facilities); loss of privacy; an increase in nearby impervious surfaces and related

stormwater runoff and erosion; adjacent land clearing and/or disturbance and related sedimentation deposits in the drainage areas of Plaintiffs' properties; increased risk of flooding; increased risk of damage to water control structures and well systems; aquifer depletion and/or lowering of the water table; increased risk of fires, explosions, or terrorist activity; and impacts to state and federally protected species, which Plaintiffs enjoy observing and residing among, and related habitats.

21. All individual Plaintiffs will suffer unique losses and special damages in the diminution of value of their properties and/or a loss in the use and quiet enjoyment of property they own and/or reside on as a result of the Defendants' actions challenged herein.

22. All Plaintiffs have a specific personal and legal interest in the subject matter affected by the adopted zoning ordinance and rezoning and are directly and adversely affected thereby.

23. Several Plaintiffs have been actively and continuously involved throughout the brief rezoning process in various ways including but not limited to attending and speaking at the hearings before the Person County Planning Board and Defendant Board of Commissioners.

24. The Plaintiffs are in close geographic proximity to the rezoned parcels and proposed site at issue. The approximate location of the Plaintiffs' properties in relation to the rezoned parcels are shown on the map attached hereto as Exhibit A, which is a true and accurate depiction of the area in question.

25. In support of the foregoing, the Plaintiffs allege the following:

26. Kristopher Clayton: Plaintiff Kristopher Clayton moved to Person County to settle in a quiet area where he could peacefully raise horses, which require a quiet environment to thrive. Mr. Clayton spends his days playing ball with his son, watching him play on his swing set,

and helping him learn to identify constellations and the Milky Way through his junior telescope. In addition to the peace and quiet of the natural landscape, Mr. Clayton also values and enjoys observing the abundance of wildlife that visits his property, including a bald eagle, which he fears may seek alternate habitat if this rezoning is upheld and construction and operation of the Moriah Energy Center proceeds. Mr. Clayton fears that the air and light pollution from the Moriah Energy Center will prevent his family from continuing to enjoy their activities together.

27. Mr. Clayton is worried about his family's ability to continue living on his property if the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, is built, because Mr. Clayton suffers from acute asthma, which flares up and worsens when exposed to environmental triggers like the anticipated air emissions from the Moriah Energy Center. The anxiety of knowing his asthma may worsen with the increased air pollution resulting from the facility's construction, operation, and traffic make him concerned for his health and safety, especially in light of the considerable distance between his property and the closest hospital.

28. Upon information and belief, the only access road for ingress and egress to and within the rezoned parcels and the Clayton property is via Helena Moriah Road, which is a narrow two-lane road situated between the Clayton property and the rezoned parcels. A liquified natural gas and distribution facility, and/or many or all of the uses permitted in a General Industrial district, have the potential to create significant truck and other vehicle traffic. This traffic not only poses a threat to the road network in and around the Clayton property but will also contribute to increased air pollution from transiting vehicle emissions during both construction and operation of the Moriah Energy Center facility. Upon information and belief, neither a traffic impact analysis nor a traffic study was conducted as part of this rezoning process.

29. Additionally, the significant contrast in zoning designations between the Clayton property (Rural Conservation district) and the rezoned parcels (General Industrial district) means that any use permitted within the General Industrial district will adversely affect Mr. Clayton's use and enjoyment and value of his property.

30. For the reasons set forth above and throughout this Complaint, the light pollution, air pollution, runoff, road impacts, harm to wildlife, potential water impacts, light and noise pollution from the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will substantially harm Mr. Clayton's health and well-being and adversely affect his use and enjoyment and value of his property as described herein.

31. **James Dykes**: James (Jim) Dykes, MD, a lifelong environmentalist, practiced medicine in Durham, North Carolina before retiring in 2008 to pursue his passion for farming full time. Dr. Dykes now owns several properties in the vicinity of the rezoned parcels. Beginning in 1990, Dr. Dykes, together with other joint owners, purchased a 168-acre parcel of land off of Rougemont Road named Potluck Community Farm. Twelve households jointly own the property and live as neighbors, sharing more than 120 acres of common land (mostly forestland, now protected by the Tar River Land Conservancy) in addition to each owning a private 3-acre plot within the farm where their homes and personal homesteads are located. In 2000, Dr. Dykes personally purchased another 108-acre parcel bordering Potluck Community Farm on the northern side and named it "The Hundred Acre Wood Farm and Sanctuary." While this parcel too is largely wooded, Dr. Dykes cleared 12 acres there for pastureland and ponds and built a small log barn on it. He now raises cattle, goats, pigs, ducks, and geese, among other animals, and tends to them daily.

32. In or around 2007, Dr. Dykes purchased another approximately 58-acre tract of land on the northern border of the Hundred Acre Wood Farm and Sanctuary. The address of that property is 6910 Helena Moriah Road, approximately 1,065 feet away from the site of the rezoned parcels and proposed Moriah Energy Center. For the past four years, Dr. Dykes has leased that property to Derrick and Paige Jackson, who farm it commercially, raising pasture-raised hogs, chickens, and cows. The Jacksons named the property “Grass Grazed Farm,” as befits their enterprise. The Jackson family has five children, who are often to be found outside playing and exploring the woods while their parents work the farm. Dr. Dykes walks to Grass Grazed Farm on a frequent basis to enjoy the farm and to sometimes offer treats to the Jacksons’ pigs.

33. As a medical professional who practiced for decades based on organic and holistic approaches, Dr. Dykes is an avid gardener and farmer himself, and is passionate about organic, regenerative farming practices on all land he owns. Dr. Dykes is concerned that the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will significantly impair the Jacksons’ health and farming practices and the viability of Grass Grazed Farm as a working farm. The pollution and runoff generated by the facility’s construction and operation will therefore harm Dr. Dykes, the Jacksons, and any future lessees or farm operators.

34. The rezoning has also disrupted Dr. Dykes’s plans to develop the property at 6910 Helena Moriah Road into a residential eco-village integrated into the farm. Fewer people will certainly be interested in living in a farming neighborhood overshadowed by the industrial operations of a 25-million-gallon liquified natural gas storage and distribution facility with future expansion capabilities like the Moriah Energy Center.

35. Each day before dawn, Dr. Dykes goes outside, looks at the early morning sky, and observes the birds waking up. During his walks for birding and exercise, he often walks to Grass

Grazed Farm. Dr. Dykes deeply appreciates the variety of wildlife and sounds of birds that are found locally. He considers himself an avid “birder,” and knows the calls of numerous bird species. Dr. Dykes enjoys walking several miles each morning, taking pleasure in the sounds of nature and otherwise silent landscape; he is deeply concerned that the proposed development will cause the panoply of birds to migrate elsewhere and drown out the noise of their calls.

36. Additionally, the significant contrast in zoning designations between the Dykes property (Rural Conservation district) and the rezoned parcels (General Industrial district) means that any use permitted within the General Industrial district is not in keeping with the surrounding area and will likely adversely affect Dr. Dykes’ use and enjoyment and value of his property.

37. For the reasons set forth above and throughout this Complaint, the air and noise pollution, harms to wildlife, impacts to agricultural land, and water quality and quantity impacts from the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will substantially harm Dr. Dykes and the Jacksons and adversely affect their use, enjoyment, and value of Dr. Dykes’ properties as described herein.

38. **Bernhard Lampert and Mary Amanda Hamill**: Bernhard Lampert and Mary Amanda Hamill moved to Rougemont over two decades ago to live in a quiet home immersed in nature. Mr. Lampert and Mrs. Hamill designed their home with two goals. Their first goal was to allow all the daylight possible to enter indoors. Their living room walls are almost entirely of glass, and wide windows without window treatments fill every room. Their second goal was to live out the rest of their lives in this house on this property, where their grandchildren can continue their frequent visits to enjoy the property’s natural beauty. They accordingly built their home to be ADA-compliant, and included a dedicated space for a caregiver to live in their home if necessary

in the future. The impacts from the proposed Moriah Energy Center put the viability of these plans at risk.

39. Mr. Lampert and Mrs. Hamill spend as much time outdoors as weather permits, starting and ending each day by walking their dogs across the entirety of their property. They walk daily to the stocked pond to feed the fish and observe the turtles and herons. At night, they sit by their firepit, enjoying the sounds of insects chirping, coyotes howling, and deer picking their way through the foliage. The property is home to wood ducks, bobcats, raccoons, rabbits, possums, the occasional black bear, and innumerable species of birds, which Mr. Lampert and Mrs. Hamill feed and encourage with a variety of birdseed. Mr. Lampert and Mrs. Hamill also keep bees. They installed a half dozen honeybee hives on their property, to help them maintain their substantial gardening hobby. They are avid gardeners, with a large garden including twelve raised beds where they grow flowers, tomatoes, potatoes, corn, and other vegetables, which they share with neighbors, friends, and family. Mrs. Hamill has earned the nickname, “the tomato lady,” an appellation which is now important to her identity. They had planned to construct a greenhouse to expand their gardening projects. Now they worry that water pollution and consumption will contaminate and/or deplete their well, harming their gardening efforts and the health of those who consume their produce. Deforestation and pollution resulting from the rezoning will negatively affect the honeybees and may destroy their colonies altogether, affecting the Plaintiffs’ use and enjoyment of their property for beekeeping and gardening.

40. The light and noise from construction and the completed facility will also seriously damage Mrs. Hamill and Mr. Lampert’s health and well-being. Despite never smoking, Mrs. Hamill suffers from chronic asthmatic bronchitis. Mrs. Hamill had to take oral steroids and use a steroid inhaler for years and fears a relapse from the effects of the Moriah Energy Center’s

construction, operation, and collateral traffic. Mrs. Hamill also lives with diagnosed anxiety triggered by noise and crowded places. For years, she had to take medication to control that anxiety. Since moving to their current home, she has been able to stop taking all medications and instead rely on outdoor time, including painting outdoors and walking, to manage her anxiety. Mrs. Hamill worries that the proposed Moriah Energy Center development will lead to negative physical and mental health impacts that she has worked diligently to keep in remission. Mr. Lampert suffers from sleep apnea, which is exacerbated by light; he must darken their room entirely to sleep. Given the intentionality with which they designed their home to let in light, the potential light pollution from the proposed facility will certainly impact his sleep.

41. Additionally, the significant contrast in zoning designations between Mr. Lampert's and Mrs. Hamill's property (Rural Conservation district) and the rezoned parcels (General Industrial district) means that any use permitted within the General Industrial district will be inconsistent with the surrounding area and will adversely affect Mr. Lampert's and Mrs. Hamill's use and enjoyment and value of their property.

42. For the reasons set forth above and in this Complaint, the light pollution, air pollution, harms to wildlife, potential water quality and quantity impacts, deforestation, and noise generated from the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will substantially harm Mr. Lampert's and Mrs. Hamill's health and well-being and adversely affect their use and enjoyment and value of their property as described herein.

43. **John Hoffman and Shari Jill Stowers-Hoffman**: The Hoffmans purchased their property in Rougemont, Person County in 1999 and moved there from Durham County in 2002 to pursue a more peaceful way of life and escape from the growing bustle of Durham County. The "Tree House," as the Hoffmans lovingly call their home, is truly surrounded by woods. As a family

that has operated a plant nursery for many years nearby—Hoffman Nursery—the Hoffmans deeply appreciate their ability to connect with nature at home. One of the Hoffmans' main hopes for this property is for their grandchildren to camp, play, and enjoy the fresh air there.

44. The Hoffmans have a walking trail on their property, which they maintain and enjoy frequently with friends and family to connect with nature and listen to the peaceful sounds of wildlife. They plan to use the trail even more regularly as their grandchildren get older. With their home nestled in the middle of the woods, the Hoffmans frequently enjoy observing diverse wildlife on their walks or from their ample windows and skylights, including bobcats and wild turkeys. The Hoffmans worry that the proposed development's light pollution, deforestation, and noise will drive away the wildlife that they so deeply appreciate.

45. The Hoffmans have also recently built a greenhouse on the property as part of their retirement plan, which Mrs. Hoffman uses to grow houseplants for their home and for local restaurants. Mrs. Hoffman also hopes to grow her own fruits and vegetables using the greenhouse. The Hoffmans rely on well water to operate their greenhouse and to water the plants on their property, as well as for their everyday needs. The Hoffmans are concerned that the construction and operation of the proposed facility will pollute and potentially deplete their well water, effectively destroying their ability to continue gardening to the degree they have grown accustomed to. As of now, they have ceased to further their plans for retirement until this rezoning issue is hopefully resolved.

46. Upon information and belief, if the proposed Moriah Energy Center is developed on the rezoned parcels, the excessive noise, light, and emissions generated during both the construction and operation phases will significantly impair the Hoffmans' ability to use and enjoy their property. The toxic emissions and other harmful substances produced by the Moriah Energy

Center will likely create adverse impacts to the Hoffmans' air quality, as well as their water quality and quantity, thereby negatively impacting their health and overall quality of life. The Hoffmans are concerned that these effects will leave them without water access for both their everyday lives and for their greenhouse, in which they have invested significant money. Moreover, the Hoffmans are concerned that the pollution will negatively impact the natural environment, from the flora to the wildlife, that they value so deeply as an integral part of their sanctuary. They fear that their grandchildren will not be able to spend time camping or playing outside, and that the wildlife will not be there in the future for their children to observe. With the amount of time and money they have spent developing and tending to the property, the Hoffmans have developed anxiety about their financial stability should they need to leave as a result of these negative impacts.

47. Additionally, the significant contrast in zoning designations between the Hoffman property (Rural Conservation district) and the rezoned parcels (General Industrial district) means that any use permitted within the General Industrial district will likely adversely affect the Hoffman's use and enjoyment and value of their property.

48. For the reasons set forth above and throughout this Complaint, the light pollution, air pollution, potential water quality and quantity impacts, and noise generated from the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will substantially harm the Hoffmans and impair their use and enjoyment and value of their property as described herein.

49. **David and Doris Ann Thompson:** The Thompsons moved away from Cary, North Carolina in the 1990s to escape commercial development in search of a peaceful area where they could live surrounded by nature and look at the stars in the night sky. They settled on their serene property in Person County, which they aptly named "Tranquility." The Thompsons love their

surroundings as a home for themselves and a legacy for their children and grandchildren, who visit often for campfires and stargazing.

50. In the early mornings before sunrise, Mrs. Thompson opens all the windows of their house to let the sounds of nature and the abundant wildlife in before she proceeds outside to look at the sky and journal about the moon. She then engages in her early morning tai chi outdoors, where she regularly encounters friendly wildlife, and then walks around the property as the sun rises. Mr. Thompson joins Mrs. Thompson in the yard later in the morning to tend to their garden, where they grow a variety of flowers and vegetables, which the Thompsons partially rely on for food. The Thompsons deeply appreciate the trees and other nature surrounding their property, and routinely check in on the health of their nearby trees—some of which they have named—and listen for nearby owls and birds.

51. The Thompsons rely on well water, which they periodically test due to Mrs. Thompson's "leaky gut" syndrome. This intestinal condition weakens the intestinal walls, allowing bacteria and toxins into the blood more easily, which causes many health issues. Clean, pure well water mitigates these symptoms and prevents further ill effects.

52. Upon information and belief, if the proposed Moriah Energy Center is developed on the rezoned parcels, the excessive noise, light, and emissions generated during both the construction and operation phases will significantly impair the Thompsons' ability to use and enjoy their property. The toxic and hazardous emissions and other harmful substances produced by the Moriah Energy Center will likely create adverse impacts to the Thompsons' air quality, as well as their water quality and quantity, thereby negatively impacting their health and overall quality of life. The Thompsons are concerned that these effects will leave them without a viable option for routine water access and compromise Mrs. Thompson's health and well-being.

53. Additionally, the significant contrast in zoning designations between the Thompson property (Rural Conservation district) and the rezoned parcels (General Industrial district) means that any use permitted within the General Industrial district will likely adversely affect the Thompsons' use and enjoyment and value of their property.

54. For the reasons set forth above and throughout this Complaint, the light pollution, air pollution, potential water quality and quantity impacts, and noise generated from the Moriah Energy Center, and/or many or all of the uses permitted in a General Industrial district, will substantially harm the Thompsons and adversely affect their use and enjoyment and value of their property as described herein.

55. Accordingly, all Plaintiffs have a specific legal, financial, and personal interest in their properties and how they are and will be directly and adversely affected by the Defendant Board of Commissioners' rezoning of the parcels comprising the proposed Moriah Energy Center site, the harm to which interests can be redressed by the relief requested in this Complaint.

FACTUAL BACKGROUND

The Parcels Comprising the Proposed Moriah Energy Center Site and the Surrounding Community

56. Plaintiffs hereby re-allege and incorporate by reference the allegations above as if fully set forth herein.

57. Six (6) parcels located in Person County comprise the proposed Moriah Energy Center site. (Ex. A, Aerial Image and Map).

58. Based on publicly available information, PIN 0941-00-38-1809 ("Parcel 1") is an approximately 187.16-acre tract as rezoned and is located directly adjacent to the northern boundaries of Parcels 3 and 5 (as further defined below) and the western boundary of Parcel 6 (as further defined below).

59. Based on publicly available information, PIN 0941-00-18-9261 (“Parcel 2”) is an approximately 2.33-acre tract and is located within Parcel 1.

60. According to the rezoning application, a parcel with the PIN 0941-00-26-1506 was identified, and it was specified to be 108.8 acres in size. Upon information and belief, as of the filing of this action, there is no publicly available information on the Person County Geographic Information System Department website confirming the existence of a parcel with this PIN. However, based on publicly available information available at the time of filing this action, PIN 0941-00-26-4937 (“Parcel 3”) is an approximately 74.41-acre tract as rezoned and is located directly adjacent to the southern boundary of Parcel 1, the northern boundary of Parcel 4 (as further defined below), and the western boundary of Parcel 5 (as further defined below).

61. Based on publicly available information, PIN 0941-00-35-8661 (“Parcel 4”) is an approximately 14.19-acre tract and is located directly adjacent to the southern boundaries of Parcels 3 and 5 (as further defined below).

62. Based on publicly available information, PIN 0941-00-57-3083 (“Parcel 5”) is an approximately 158.38-acre tract and is located directly adjacent to the southern boundaries of Parcels 1 and 6 (as further defined below), the eastern boundary of Parcel 3, and the northern boundary of Parcel 4.

63. Based on publicly available information, PIN 0941-00-58-7767 (“Parcel 6”) is an approximately 48.16-acre tract and is located directly adjacent to the eastern boundary of Parcel 1 and the northern boundary of Parcel 5.

64. The rezoned parcels are located in a quiet, rural, and low-density residential area comprised mostly of single-family homes, as well as agricultural and undeveloped wooded land.

65. Consistent with the character of the surrounding area and as further discussed below, prior to the rezoning at issue, the rezoned parcels contained hundreds of acres of undeveloped heavily wooded land zoned as Rural Conservation or Residential—the most restrictive zoning designations in Person County.

66. As displayed in Exhibit A, the rezoned parcels (outlined in red) are surrounded on all sides by other parcels zoned as Rural Conservation or Residential. Just to the south and downstream of the rezoned parcels, across Helena Moriah Road, are single-family homes and agricultural land, including Grass Grazed Farm—an approximately 58-acre farmstead operated on land leased by Plaintiff James Dykes. To the north, east, and west of the rezoned parcels are single-family homes or undeveloped wooded land.

67. As further detailed above, the Plaintiffs' properties are in close proximity to and downgradient from the rezoned parcels and proposed development site. (Ex. A, Aerial Image and Map).

68. Although the application related to the rezoning at issue indicated that the project would be subject to the requirements of the “Flat BW,” or Flat River Watershed Protection Overlay District,² publicly available information indicates that a portion of the rezoned parcels are also subject to the “Tar-Pa,” or Tar River Watershed Protection Overlay District.³ According to publicly available information, the Plaintiffs' properties are also within either of these Watershed Protection Overlay Districts.

² The Person County Planning Ordinance states that the general location of this Watershed Protection Overlay District is the portion of the drainage basin of the Flat River located in Person County.

³ The Person County Planning Ordinance states that the general location of this Watershed Protection Overlay District is the portion of the drainage basin of the Tar River located in Person County.

69. Upon information and belief, in addition to the Plaintiffs' properties being within the drainage areas of the rezoned parcels, the rezoned parcels also contain a pond and streams that are tributaries to Deep Creek, Flat River, Lake Michie,⁴ and Falls Lake.⁵

The Proposed Moriah Energy Center

70. On October 12, 2023, Andrew Moore, on behalf of Public Service Company of North Carolina Incorporated d/b/a Dominion Energy North Carolina ("Dominion Energy" or the "Applicant"), submitted a Rezoning/Map Amendment application to rezone in full or in part Parcels 1, 2, 3, 4, 5, and 6 (the "Rezoning Application"). (Ex. B, Rezoning Application at p. 1).

71. Prior to December 4, 2023, Parcels 2, 4, 5, and 6 were zoned as Rural Conservation, and Parcels 1 and 3 were primarily zoned as Rural Conservation with a portion of each being zoned as Residential. (Ex. B, Rezoning Application at pp. 4–5).

72. The purpose of a Rural Conservation district is "to provide for only limited land use controls in areas with limited nonagricultural development." (Ex. C, Person County Planning Ordinance at p. 52).

73. The purpose of a Residential district is "to provide for single family residential uses and compatible development." (Ex. C, Person County Planning Ordinance at p. 52.).

74. According to the Rezoning Application, Dominion Energy sought to have Parcels 1, 2, 3, 4, 5, and 6 rezoned to a General Industrial district for purposes of constructing the Moriah Energy Center—a liquified natural gas storage and distribution facility.

75. The purpose of a General Industrial district is "to provide suitable locations for wholesale, distribution, warehousing, fabrication and processing of both light and heavy industrial production natures." (Ex. C, Person County Planning Ordinance at p. 52).

⁴ Upon information and belief, Lake Michie is the primary drinking water supply for the City of Durham.

⁵ Falls Lake is a drinking water reservoir for the City of Raleigh and surrounding areas.

76. By contrast to the areas surrounding the rezoned parcels, General Industrial is the least restrictive zoning designation in Person County.

77. Many uses are permitted in a General Industrial district, including Heavy Industrial uses. Heavy Industrial uses are “generally for those industrial uses **where the impacts to the public health, safety and/or welfare are greatest.**” (Ex. D, Person County Planning Ordinance, Appendix C, Note 2 at p. 124) (emphasis added).

78. According to the Person County Planning Ordinance, Heavy Industrial uses encompass activities such as asphalt and concrete plants, hazardous material disposal, explosive storage and distribution facilities, production of chemicals, quarry operations, livestock slaughterhouses, and other uses that pose significant impacts. Moreover, Heavy Industrial uses are prohibited in Residential and Rural Conservation districts. (Ex. D, Person County Planning Ordinance, Appendix C, Note 2 at p. 124).

79. Significantly, the Person County Planning Ordinance does not contemplate a liquified natural gas storage and distribution facility as a permitted use. According to a letter to the North Carolina Department of Environmental Quality (“NCDEQ”) from Person County’s Planning & Zoning Director, “[t]he land use for a Liquefaction, Storage, and Vaporization of Natural Gas facility **does not exist** within the current Planning Ordinance, **there is no use listed on the Table of Permitted Uses** of this ordinance, and there is no corresponding definition of this land use with the ordinance.” (Ex. E, September 11, 2023 Letter to the NCDEQ at p. 1) (emphasis added).

80. According to publicly available information, on August 29, 2023, Dominion Energy submitted a “Non-Title V Source Construction Permit Application” to the NCDEQ which,

if approved, would authorize the construction and operation of the Moriah Energy Center on the rezoned parcels (the “Air Permit Application”).⁶

81. According to the Air Permit Application, the purpose for obtaining these construction and operating permits is for Dominion Energy to develop a facility that would receive natural gas from its system pipeline, process and liquefy the natural gas, store approximately 4 billion cubic feet of the liquified natural gas in two on-site tanks and re-gasify it for transfer back into the pipeline system.

82. According to the Air Permit Application, annual criteria air pollutant emissions from the Moriah Energy Center are expected to reach over 65,000 tons of greenhouse gases, over 94 tons of carbon monoxide, over 52 tons of volatile organic compounds, 35 tons of nitrogen oxide, and nearly four (4) tons of particulate matter. Other expected air pollutants with known deleterious human health impacts include sulfur dioxide and lead.⁷

83. Additionally, the Air Permit Application indicates that annual hazardous air pollutant emissions are expected to reach nearly 4 tons. The Moriah Energy Center is also expected to emit toxic air pollutants that include but are not limited to benzene, butadiene, and ethylene dibromide.⁸

84. According to the Air Permit Application, the Moriah Energy Center is “being designed to include a tanker truck loading and unloading operation allowing for the capability to load [liquified natural gas] transport trucks for offsite delivery or to receive [liquified natural gas] for storage in the [liquified natural gas] storage tank(s).”⁹ The loading, unloading, and

⁶ A true and accurate copy of Dominion Energy’s publicly available Air Permit Application is available at the following link: <https://edocs.deq.nc.gov/AirQuality/DocView.aspx?id=450633&dbid=0&repo=AirQuality> (last visited Feb. 1, 2024).

⁷ *Id.* at pdf. p. 45, Appendix A, Form D1 Facility-Wide Emissions Summary.

⁸ *Id.* at pdf. pp. 45–46, Appendix A, Form D1 Facility-Wide Emissions Summary.

⁹ *Id.* at pdf. p. 5.

transportation of liquified natural gas to and from the Moriah Energy Center site would result in additional emissions due to the movement of transport trucks in and around the rezoned parcels. Moreover, these activities would elevate security and safety concerns.

85. Publicly available information indicates that based on air toxics modeling conducted by Dominion Energy as part of its Air Permit Application, the most significant or highest levels of impact from modeled pollutants would be observed within a 1-mile radius of the rezoned parcels.

86. Relevant to the allegations contained herein, all Plaintiffs live within a 1-mile radius of the rezoned parcels. Upon information and belief, the emissions, air pollutants, and toxins anticipated from the proposed Moriah Energy Center are harmful and detrimental to both human health and the environment.

87. Upon information and belief, the Air Permit Application submitted to the NCDEQ remains active and is currently pending as of the date of this Complaint.

The Planning Board's Public Hearing

88. According to the Person County Planning Ordinance, the review process for evaluating proposed zoning map amendments commences with a Planning Board hearing for review and recommendation. The final review and decision is then conducted by the Board of Commissioners.

89. Consistent with N.C. Gen. Stat. § 160D-604(d), the Planning Board must advise and comment on whether the proposed action is consistent with the County's Comprehensive Plan. The Planning Board must also provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. (*See also* Ex. F, Person County Planning Ordinance at § 153-4(a), p. 84).

90. According to the Planning Ordinance, the Planning Board must also “approve a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan and a brief statement of reasonableness.” (Ex. F, Person County Planning Ordinance at § 153-4(b), p. 84).

91. The Planning Board began and concluded its review of the proposed rezoning at its November 9, 2023 meeting. At this meeting, public comment was limited to three (3) minutes per individual.

92. Upon information and belief, at least 100 community members attended the Planning Board meeting, with almost all in attendance there to express concerns about the rezoning of the area from Rural Conservation and Residential to General Industrial for the Moriah Energy Center.

93. Upon information and belief, before the public comment period of the meeting began, the Planning Board urged the audience not to present specific concerns about the proposed Moriah Energy Center and instead focus on the proposed rezoning to General Industrial.

94. Upon information and belief, the Planning Board also urged those in attendance to wait to express concerns about the proposed Moriah Energy Center until the area is rezoned to General Industrial “as planned” by the Board of Commissioners and sent back to the Planning Board. Upon information and belief, the Planning Director reiterated that there were no technical details or site plan related to the Rezoning Application and that this meeting was not the appropriate time to bring concerns about the proposed Moriah Energy Center itself.

95. Upon information and belief, in reliance on these representations from the Planning Board and Planning Director, 29 people spoke during the public comment period, with 26 community members expressing opposition and concerns about rezoning the area to General

Industrial for construction of the proposed Moriah Energy Center. Three (3) individuals spoke in support of the rezoning, including an attorney representing Dominion Energy.

96. Upon information and belief, community members presented questions and concerns regarding several aspects of the proposal, including but not limited to, compatibility with the rural character of the area, well water supply, potential air pollution, water pollution and impacts to vital watersheds, light pollution, protected species impacts, property values, and health and safety issues. Many community members urged the Planning Board to delay their recommendation until they had time to address these concerns and learn more about the proposed project and site.

97. Plaintiff Bernhard Lampert urged the Planning Board to deny the requested rezoning, expressing concern about rises in property taxes and declines in property value. He also commented on the proposed project's limited employment opportunities for citizens of Person County.

98. Plaintiff Kristopher Clayton also spoke to the Planning Board to indicate his strong opposition to the rezoning of the area to General Industrial given that he lives directly across from the proposed site.

99. Plaintiff John Hoffman told the Planning Board that he moved to Rougemont due to its quiet and rural nature, which would be compromised by the proposed rezoning. Plaintiff Hoffman also shared concerns about potential noise pollution, along with disruptions to his nearby nursery businesses which may harm him economically.

100. Upon information and belief, the Planning Board member who ultimately voted against the proposed rezoning, Cynthia Lynch, asked numerous questions of Dominion Energy representatives regarding whether the site would align with the Person County Comprehensive

Plan and benefit Person County residents. However, Ms. Lynch's questioning was ultimately interrupted by the Planning Board chair, Barry Walker, who abruptly asked for a motion on the rezoning application without further debate or discussion.

101. At the November 9, 2023 meeting, the Planning Board ultimately voted 5 to 1 to recommend approval of the Rezoning Application to the Board of Commissioners. Upon information and belief, it is unclear whether the Planning Board approved a brief statement of reasonableness pursuant to Planning Ordinance § 153-4(b).

The County's Inadequate Notice of the Board of Commissioners' Public Hearing

102. "Before adopting, amending, or repealing any ordinance or development regulation authorized by [Chapter 160D--Local Planning and Development Regulation], the governing board shall hold a legislative hearing." N.C. Gen. Stat. § 160D-601(a).

103. Additionally, N.C. Gen. Stat. § 160D-601(b) states in relevant part that:

If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing.

104. The Rezoning Application requested modifications that would result in changes to the County's zoning map and change or affect the permitted uses on the parcels requested to be rezoned. Therefore, Defendants were subject to the notice requirements of N.C. Gen. Stat. § 160D-601(b).

105. Based on publicly available information, the Camp Butner Training Center is a military base located within a five-mile radius of the parcels subject to the Rezoning Application.

106. Upon information and belief, Defendants did not provide any written notice of the proposed changes by certified mail to the commander of the Camp Butner Training Center.

107. As of 2022, publicly accessible data indicates that the Camp Butner Training Center comprises 98% of the field training acreage for the North Carolina Army National Guard, including all of its small arms ranges. Camp Butner also provides training support for the North Carolina Air National Guard, U.S. Army Reserve, Reserve Officer Training Corps, as well as active units from Fort Liberty and Camp Lejeune.

108. The Camp Butner Training Center is also situated within the watersheds of Raleigh and Durham. According to publicly available information, the Camp Butner Training Center aims to safeguard a majority of land surrounding it by restricting development to ensure uninterrupted military operations without disrupting its current neighbors, characterized by rural agricultural and low-density residential areas. Additionally, these aims seek to preserve water resources and habitats crucial for the well-being of threatened species.

109. Failing to provide the legally mandated notice resulted in the Defendants denying individuals associated with the Camp Butner Training Center the opportunity to express their opinions and/or concerns and prevented the Board of Commissioners from considering these views in their decision-making process, as required by law. Defendants' notice failure also deprived Plaintiffs of the safeguards this mandated notice requirement was put in place to advance, such as ensuring that the proximity of such a large volume of volatile material would not pose additional safety or security risks by being located so near to a military installation.

110. Defendants' failure to provide notice was in violation of N.C. Gen. Stat. § 160D-601(b), and as such, the procedural requirements for the adoption of the amending ordinance were not met. As a result, Plaintiffs are entitled to a declaratory judgment that the rezoning and Ordinance Approving Rezoning Map Amendment Application RZ-02-23 are unlawful, null, void, and of no effect.

111. Another statutory requirement regarding notice of hearings on proposed zoning map amendments is N.C. Gen. Stat. § 160D-602(a), which states in relevant part that:

The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. **This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.**

(emphasis added).

112. As further discussed below, the rezoning and Ordinance Approving Rezoning Map Amendment Application RZ-02-23 was adopted by the Board of Commissioners under the procedures associated with zoning map amendments.

113. Upon information and belief, on November 29, 2023—5 days before the Board of Commissioners’ public hearing—the County mailed a notice of public hearing to Plaintiff Kristopher Clayton and other property owners.¹⁰

114. To comply with N.C. Gen. Stat. § 160D-602(a) and the Person County Planning Ordinance, the deadline for mailing a notice of the Board of Commissioners’ public hearing scheduled for December 4, 2023 was November 24, 2023.

115. The result of this unlawful procedure is that Defendants failed to timely provide the required legislative notice and deprived Plaintiff Kristopher Clayton of the necessary time to adequately prepare for his opportunity to be heard.

¹⁰ Citing N.C. Gen. Stat. § 160D-602, the Person County Planning Ordinance also requires that for map amendments, the Zoning Administrator is “responsible for mailing written notices to all property owners within 500’ of the property including the applicant and properties separated from the subject property by street, railroad, and other transportation corridor.” (See Exhibit F, Person County Planning Ordinance at § 153-4, p. 84). Although this directive is listed under Section 153-4 of the Planning Ordinance (Planning Board Review and Recommendation), upon information and belief, the County applies the same notice requirement for Board of Commissioner public hearings.

116. Upon information and belief, the result of this unlawful procedure is that Defendants failed to timely provide the required legislative notice and deprived other property owners within 500 feet of the rezoned parcels of the necessary time to adequately prepare for their opportunity to be heard or participate in the public hearing.

117. Defendants' failure to provide reasonably adequate notice was in violation of N.C. Gen. Stat. § 160D-602(a) and the Person County Planning Ordinance, and as such, the procedural requirements for the adoption of the amending ordinance were not met. As a result, Plaintiffs are entitled to a declaratory judgment that the rezoning and Ordinance Approving Rezoning Map Amendment Application RZ-02-23 are unlawful, null, void, and of no effect.

The Board of Commissioners' Public Hearing and Action on the Rezoning

118. On December 4, 2023, the Board of Commissioners began and concluded its only public hearing related to the Rezoning Application. Hundreds of individuals attended the hearing and 36 individuals spoke against the proposed rezoning, with almost all in attendance cheering in support for each speaker. Other than a representative for Dominion Energy, no community members spoke in favor of the proposed rezoning. (Ex. G, December 4, 2023 BOC Meeting Minutes at p. 29).

119. While Dominion Energy was permitted to make a presentation featuring multiple slides and speakers, the Board of Commissioners restricted each citizen to only a two (2) minute window for comments.

120. Even with the two (2) minute time limit, community members, including Plaintiff James Dykes and counsel with the Southern Coalition for Social Justice ("SCSJ") on behalf of Plaintiffs Kristopher Clayton, Bernhard Lampert, and Mary Amanda Hamill, expressed their concerns over several matters, including but not limited to, the proposed rezoning's inconsistency

with broader community interests and the Comprehensive Plan's principles and objectives; potential negative effects on their individual property values and insurance rates; air and water pollution; health and safety effects; and disruptions to the use and enjoyment of their properties. (Ex. G, December 4, 2023 BOC Meeting Minutes at pp. 29–42).

121. These comments emphasized that the detriment suffered by those who live in close proximity to the parcels subject to the rezoning would be substantial. For example, Plaintiff James Dykes highlighted the proximity and vulnerability of Grass Grazed Farm, located on property he owns and leases out, which is directly across and downstream from the parcels proposed to be rezoned. He expressed concern about the farm's viability and explained the adverse effects it may face due to the proposed liquified natural gas storage and distribution facility. (Ex. G, December 4, 2023 BOC Meeting Minutes at p. 33).

122. Other concerns raised at the public hearing included potential effects on the quality and supply of the community's well water, surrounding watersheds, local wildlife, and federally and state protected species and their habitats downstream from the parcels proposed to be rezoned. (Ex. G, December 4, 2023 BOC Meeting Minutes at pp. 29, 30, 35, 36, 37, 39, 41).

123. After oral testimony from undersigned counsel with SCSJ informed the Board of Commissioners that they were required to consider not only the impacts of the proposed Moriah Energy Center but also the impacts of all General Industrial uses, the County Attorney asked the Planning Director to list the permitted uses in a General Industrial zoning district as outlined in the Person County Planning Ordinance.

124. In response, the Planning Director merely read aloud selected General Industrial uses listed in the Person County Ordinance's Appendix C, Table of Permitted Uses. (Ex. D, Person County Planning Ordinance, Appendix C at pp. 116–21).

125. Relevant to the allegations contained herein, the Planning Director stated “Heavy Industrial” as a permitted use without explaining or listing any of the polluting, noxious, or extractive uses permissible in a Heavy Industrial district or the general standards and limitations associated with such a district, as highlighted in Note 2 of Appendix C of the Person County Planning Ordinance. (Ex. D, Person County Planning Ordinance, Appendix C, Note 2 at p. 124).

126. Importantly, the Planning Director and the Board of Commissioners did not address the fact that the Person County Planning Ordinance does not contemplate a liquified natural gas storage and distribution facility as a permitted use within a General Industrial district.

127. Immediately afterward, the County Attorney prompted the Board of Commissioners that he was available to answer questions from the Board. They asked none.

128. The Board of Commissioners asked zero questions and had no discussion after public testimony, the above-mentioned statements from the Planning Director, or invitation from the County Attorney. Instead, without any consideration or discourse, the Board closed the public hearing and unanimously moved to approve the Rezoning Application without adopting a related ordinance. (Ex. G, December 4, 2023 BOC Meeting Minutes at p. 42).

129. Three days later, on December 7, 2023, the Board of Commissioners convened to approve the Ordinance Approving Rezoning Map Amendment Application RZ-02-23. (Ex. H, Ordinance Approving Rezoning Map Amendment Application RZ-02-23). This vote had the effect of rezoning the six (6) parcels from Rural Conservation and Residential to General Industrial.

130. While Dominion Energy presented in the Rezoning Application that the rezoning was for the development of Moriah Energy Center, by rezoning to a General Industrial district, the Ordinance allows for a wide range of uses, all of which are undesirable in a rural, residential neighborhood. As outlined above, these uses include, among other things, asphalt and concrete

plants, hazardous material disposal, explosive storage and distribution facilities, production of chemicals, quarry operations, livestock slaughterhouses, and other uses that pose significant impacts to the public's health, safety, and/or welfare.

The Rezoning of the Six (6) Parcels Constitutes Arbitrary and Capricious Rezoning

131. The Board of Commissioners is authorized to rezone property in its jurisdiction when the decision is made in accordance with a comprehensive plan and is reasonably necessary to promote public health, safety, and general welfare. N.C. Gen. Stat. § 160D-701.

132. Following a twelve-month engagement process which included stakeholder interviews, listening sessions, public surveys, panel discussions, online engagement, and community meetings, Person County adopted its Comprehensive Plan in November 2021.¹¹

133. The Person County Comprehensive Plan is intended to guide Person County's future development and growth and is implemented through zoning decisions.

134. The Comprehensive Plan contains four (4) "Guiding Principles" that form the Plan's vision and focus. Every Guiding Principle includes "key objectives," and the Plan outlines specific strategies and actions designed to achieve these key objectives.

135. The Guiding Principles are as follows:

- a. Guiding Principle 1: Celebrating Our Rural Character and Lifestyle
- b. Guiding Principle 2: Facilitating Sustainable Economic Growth
- c. Guiding Principle 3: Building a Strong & Vibrant Community
- d. Guiding Principle 4: Strengthening Governmental Coordination

¹¹ A true and accurate copy of Person County's publicly available Comprehensive Plan is available at the following link: <https://www.personcountync.gov/home/showpublisheddocument/15165/637738658003970000> (last visited Feb. 1, 2024).

136. Provisions of the Comprehensive Plan that are relevant to the allegations contained herein include, but are not limited to:

- a. Guiding Principle 1 – Objective 1: Implement growth management policies that direct development to growth areas, helping preserve prime agricultural and sensitive natural areas.
- b. Guiding Principle 1 – Objective 3: Adopt context sensitive development standards (such as “conservation subdivisions”) in prime agricultural/sensitive natural areas.
- c. Guiding Principle 1 – Objective 4: Support the diversification of agricultural related activity to strengthen the financial position and viability of farming.
- d. Guiding Principle 2 – Objective 7: Provide utility infrastructure¹² to support economic growth.
 - i. Importantly, the strategies and actions corresponding with this objective state in relevant part that “[t]o ensure this alignment, it is critical that the City and County develop long-range plans that are aligned with both the **Future Land Use Map** as well as the strategic economic development priorities of the community.” (emphasis added).

(Ex. I, Comprehensive Plan, Chapter 4 at pp. 81–82, and 85).

137. Pursuant to N.C. Gen. Stat. § 160D-501(b)(2), a local government’s comprehensive plan may also address “[t]he pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks.”

¹² “Utility infrastructure,” “utility systems,” or “utility services,” as used in the Comprehensive Plan refer to municipal (City or County) water, wastewater, and sewer utilities used to support existing or planned infrastructure.

138. To keep into effect and reinforce Person County's longstanding development and preservation goals, which include protection of rural, agricultural, and sensitive natural areas, the Comprehensive Plan contains a Future Land Use Map.

139. The Future Land Use Map designates the rezoned parcels and the surrounding area, covering hundreds of acres, as "Rural." The description of this land use category notes that it is intended to promote the protection of agricultural lands and natural resources while allowing low density residential development. (Ex. J, Comprehensive Plan at p. 68).

140. As a result, when Plaintiffs purchased their property and/or moved to Person County, they did so in reliance of this future designation and the fact that the rezoned parcels would retain its rural character.

141. Based on publicly available information, during the public hearing on December 4, 2023, the visual aids presented to the Board of Commissioners, such as maps, Power Point presentations, and surveys, did not show the entirety of some of the Plaintiffs' or other properties surrounding the parcels to be rezoned.

142. During the public hearing on December 4, 2023, the Board of Commissioners did not engage in any discussion or ask any questions regarding the use and proximity of Plaintiffs' and other surrounding properties in relation to the rezoned parcels, thereby disregarding relevant planning principles, objectives, and related strategies of the Comprehensive Plan that advocate for the long-term preservation and protection of rural and agricultural areas.

143. Furthermore, the Board of Commissioners neglected to address potential impacts on watershed areas and other environmental features on and around the parcels to be rezoned, as well as potential impacts to state and federally protected species and related habitats, thereby

disregarding relevant planning principles, objectives, and related strategies of the Comprehensive Plan that advocate for the long-term preservation and protection of sensitive natural areas.

144. For example, the Board of Commissioners made no investigation or findings regarding potential water quality impacts relating to the pond and streams on the rezoned parcels and related tributaries and watersheds.

145. N.C. Gen. Stat. § 160D-701 also states that a zoning regulation must be made with “reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction.”

146. Upon information and belief, several community members, including Plaintiffs, sent several emails and letters to members of the Planning Board and Board of Commissioners to alert them to their concerns regarding the proposed rezoning and Moriah Energy Center. There is no indication that these emails or the information contained therein was addressed or considered in the Board of Commissioners’ decision.

147. At the public hearing on December 4, 2023, the Applicant and its representatives urged approval of the rezoning on the basis that the parcels to be rezoned would be used for the Moriah Energy Center. In reliance on this representation, the Board of Commissioners did not engage in any discussion or ask any questions regarding any uses allowed within a General Industrial district, and therefore failed to consider the character of the parcels and their suitability for the entire range of permitted uses in a General Industrial district.

148. With no discussion whatsoever, the Board of Commissioners also neglected to examine, deliberate, and assess the compatibility and suitability of uses allowed within a General

Industrial district in relation to surrounding property owners, including Plaintiffs, and their uses, or consider potential impacts to those properties and their uses, such as the farming operation on Plaintiff James Dykes' property.

149. By not acknowledging or discussing the fact that the proposed Moriah Energy Center is a use that the Planning Ordinance does not contemplate, the Board of Commissioners also failed to consider the character of the parcels and their suitability for the proposed Moriah Energy Center.

150. The Board of Commissioners also made no investigation or findings as to the potential increase in commercial vehicle activity on Helena Moriah Road or the toxic and hazardous air pollution linked to the proposed Moriah Energy Center that community members, including Plaintiffs, raised at the public hearing.

151. The Board of Commissioners should have duly considered the Plaintiffs' properties and expressed concerns, given their close proximity to the rezoned parcels. Additionally, approval of the rezoning, which directly and adversely impacts the Plaintiffs' interests, should have taken into account the recorded objections during the decision-making process.

152. Despite having notice of the proposed rezoning's vicinity to Plaintiffs' properties and of anticipated deleterious impacts to same, the Board of Commissioners never inquired into any circumstances justifying the proposed rezoning or the geographical relationship between the parcels comprising the Moriah Energy Center site and other properties, including but not limited to their proximity, elevation, topography, hydrology, drainage, and minimum and maximum slopes.

153. In addition to violating the procedural requirements related to map amendments imposed by state and local law, the rezoning was also arbitrary and capricious, unconstitutional,

and otherwise unlawful. Plaintiffs respectfully request that the Court declare it null and void and restore the previous zoning designations of Rural Conservation and Residential on the rezoned parcels.

FIRST CAUSE OF ACTION

(Procedural Violation: Failure to Provide Mailed Notice of a Zoning Map Amendment and Rezoning as Required by N.C. Gen. Stat. § 160D-601(b))

154. Plaintiffs hereby re-allege and incorporate herein by reference the allegations above as if fully set forth herein.

155. The Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is the type of ordinance that would result in changes to the zoning map and change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, which obligates Defendants to comply with the requirements of N.C. Gen. Stat. § 160D-601(b) to furnish written notice of the proposed changes by certified mail to the commander of a military base not less than 10 days nor more than 25 days before the date fixed for the hearing.

156. The date of Defendant Board of Commissioners' public hearing related to the Rezoning Application was December 4, 2023.

157. The Camp Butner Training Center is located within a five-mile radius of the parcels subject to the Rezoning Application. However, written mailed notice regarding the proposed zoning map and permitted use changes associated with the Rezoning Application was not provided to the commander of Camp Butner prior to the date fixed for the hearing as required by N.C. Gen. Stat. §160D-601(b).

158. By virtue of Defendants' failure to comply with the notice requirements of applicable law, the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is invalid.

159. By adopting the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 in the manner that it was, the Defendants exceeded its statutory and other binding legal authority, and the Ordinance should be stricken or voided.

SECOND CAUSE OF ACTION

(Procedural Violation: Failure to Provide Timely Mailed Notice of a Zoning Map Amendment and Rezoning as Required by N.C. Gen. Stat. § 160D-602(a) and the Person County Planning Ordinance)

160. Plaintiffs hereby re-allege and incorporate herein by reference the allegations above as if fully set forth herein.

161. The Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is the type of ordinance that seeks to adopt a zoning map amendment or rezoning, which obligates Defendants to comply with the requirements of N.C. Gen. Stat. § 160D-602(a) to furnish mailed notice of the hearing on such proposed zoning changes to the owners of affected parcels of land and to any other property owners who own property “abutting” the affected parcels, even if separated by a street, railroad, or other transportation corridor. N.C. Gen. Stat. § 160D-602(a) further obligates Defendants to deposit the notice in the mail at least 10 but not more than 25 days prior to the date of a hearing on a proposed zoning map amendment.

162. Citing N.C. Gen. Stat. § 160D-602, the Person County Planning Ordinance also requires Defendants to furnish mailed notice of the hearing for zoning map amendments to all property owners within 500 feet of parcels subject to a proposed amendment.

163. Plaintiff Kristopher Clayton, among other property owners, owns property “abutting” the parcels subject to the Rezoning Application (as defined by N.C. Gen. Stat. § 160D-602(a)) and within 500 feet of the parcels subject to the Rezoning Application.

164. The date of Defendant Board of Commissioners’ public hearing related to the Rezoning Application was December 4, 2023.

165. To comply with N.C. Gen. Stat. § 160D-602(a), the deadline for mailing a notice of the Board of Commissioners' public hearing scheduled for December 4, 2023 was November 24, 2023.

166. However, the County mailed a notice of the Board of Commissioners' public hearing on November 29, 2023.

167. The notice(s) provided by Defendants to "abutting" property owners and property owners within 500 feet, including Plaintiff Kristopher Clayton, as to the above rezoning map amendment was untimely as a matter of law.

168. By virtue of Defendants' failure to comply with the notice requirements of applicable law, the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is invalid.

169. By adopting the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 in the manner that it was, Defendants exceeded its statutory and other binding legal authority, and the Ordinance should be stricken or voided.

THIRD CAUSE OF ACTION
(Arbitrary and Capricious Rezoning)

170. Plaintiffs hereby re-allege and incorporate herein by reference the allegations above as if fully set forth herein.

171. N.C. Gen. Stat. § 160D-701 states in relevant part:

Zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among

other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction.

172. If the fundamental concepts in N.C. Gen. Stat. § 160D-701 and other related provisions are disregarded, then the resulting rezoning is arbitrary and capricious, and therefore, unlawful. Therefore, a rezoning of property which does not consider consistency with the Comprehensive Plan, the character of the land and its suitability for the permitted uses in the district, or changed circumstances justifying the rezoning is arbitrary, capricious, and therefore, unlawful.

173. In approving the rezoning without any discussion of the use and proximity of Plaintiffs' and other surrounding properties in relation to the rezoned parcels, or any discussion relating to environmental features and protected species on and around the rezoned parcels, the Board of Commissioners failed to address and did not consider the proposed rezoning's consistency with the overall principles, objectives, and strategies of the Comprehensive Plan and its Future Land Use Map, which advocate for the long-term preservation and protection of rural, agricultural, and sensitive natural areas within Person County.

174. In approving the rezoning without any discussion or questions and in reliance on the basis that the parcels to be rezoned would be used for the proposed Moriah Energy Center, the Board of Commissioners did not consider the range of permitted uses within a General Industrial district, and therefore failed to consider the character of the parcels proposed to be rezoned and their suitability for permitted uses within a General Industrial district in light of the surrounding community.

175. In approving the rezoning without any discussion or acknowledgement of the fact that the proposed Moriah Energy Center consists of a use that the Planning Ordinance does not

contemplate, the Board of Commissioners failed to thoroughly consider the character of the parcels proposed to be rezoned and their suitability for the proposed Moriah Energy Center in light of the character of the surrounding community.

176. In approving the rezoning without any discussion or questions whatsoever, the Board of Commissioners did not consider the existence of any changed circumstances that justified the rezoning.

177. For the reasons set forth herein, by approving the rezoning of the six (6) parcels comprising the proposed Moriah Energy Center site to a General Industrial district without consideration for the rezoning's consistency with the overall goals of the Comprehensive Plan; Plaintiffs' and other surrounding properties; the environmental features and character of the surrounding community; the suitability and compatibility of uses allowed within a General Industrial district and the Moriah Energy Center site on the rezoned parcels in light of the surrounding area; and community members, including Plaintiffs' documented concerns; the Board of Commissioners acted arbitrarily and capriciously and in a manner lacking in impartiality, reasoned decision making, and fair and careful consideration of key factors including but not limited to the aforementioned community and surrounding property owners' concerns.

178. For the reasons set forth herein, Plaintiffs request a declaratory judgment that the Board of Commissioners' rezoning of the six (6) parcels comprising the proposed Moriah Energy Center site to General Industrial was arbitrary and capricious, and, therefore, is unlawful, null, void, and of no effect.

FOURTH CAUSE OF ACTION
(Violation of State and Federal Due Process)

179. Plaintiffs hereby re-allege and incorporate herein by reference the allegations above as if fully set forth herein.

180. The Board of Commissioners' decision to approve the rezoning at issue was arbitrary and capricious because no consideration was given to the fundamental zoning concepts and requirements mandated by law, as discussed *supra*.

181. An arbitrary and capricious rezoning decision violates the Due Process Clause of the United States Constitution, 42 U.S.C. § 1983, and the Law of the Land Clause of the North Carolina Constitution (Article I, Section 19).

182. For the reasons set forth herein, Plaintiffs request a declaratory judgment holding that the Board of Commissioners' rezoning of the six (6) parcels comprising the proposed Moriah Energy Center site to General Industrial violated the Due Process Clause of the United States Constitution, 42 U.S.C. § 1983, and the Law of the Land Clause of the North Carolina Constitution and is therefore, illegal, null, and void.

183. If a Federal Due Process violation is established, Plaintiffs further request an award of attorney's fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiffs respectfully pray the Court as follows:

- A. Entry of a declaratory judgment declaring that the Defendants failed to provide mailed notice pursuant to N.C. Gen. Stat. § 160D-601(b), and the resulting Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is therefore unlawful, null, void, and of no effect.
- B. Entry of a declaratory judgment declaring that the Defendants failed to provide mailed notice within the timeframe required by N.C. Gen. Stat. § 160D-602(a) and the Person County Planning Ordinance, and the resulting Ordinance Approving Rezoning Map Amendment Application RZ-02-23 is therefore unlawful, null, void, and of no effect.
- C. Entry of a declaratory judgment declaring that the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 adopted on December 7, 2023 with a stated

effective date of December 4, 2023, and the resulting rezoning of the six (6) parcels comprising the Moriah Energy Center site to General Industrial by Defendants was arbitrary and capricious and therefore unlawful, null, void, and of no effect.

- D. Entry of a declaratory judgment declaring that the rezoning of the six (6) parcels comprising the Moriah Energy Center site to General Industrial violated the Due Process Clause of the United States Constitution, 42 U.S.C. § 1983, and the Law of the Land Clause of the North Carolina Constitution and is therefore unlawful, null, void, and of no effect.

- E. For a permanent injunction prohibiting Person County from enforcing the Ordinance Approving Rezoning Map Amendment Application RZ-02-23 adopted on December 7, 2023 with a stated effective date of December 4, 2023 allowing development of the six (6) parcels comprising the Moriah Energy Center site.


- F. For an award of reasonable attorney's fees and costs incurred pursuant to N.C. Gen. Stat. § 6-21.7, and/or 42 U.S.C. § 1988.

- G. For such other and further relief which appears to the Court to be just and proper.

[SIGNATURE PAGE TO FOLLOW]


This the 2nd day of February, 2024.

LAW OFFICES OF F. BRYAN BRICE, JR.

By: 

Andrea C. Bonvecchio
State Bar No.: 56438
130 S. Salisbury Street
Raleigh, NC 27601
Telephone: (919) 754-1600
Facsimile: (919) 573-4252
Email: andrea@attybryanbrice.com

SOUTHERN COALITION FOR SOCIAL JUSTICE

By: 

James B. Huey
State Bar No.: 60933
Anne M. Harvey
State Bar No.: 56502
PO Box 51280
Durham, NC 27717
Telephone: (919) 323-3380
Email: james@scsj.org
Email: anne@scsj.org

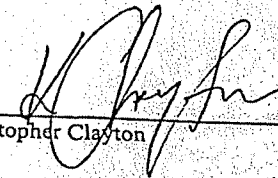
NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, Kristopher Clayton, being first duly sworn, deposes and says that he is the Plaintiff in the above-captioned matter, that he has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true. I signed this notarial certificate on January 31, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 31 day of January, 2024.

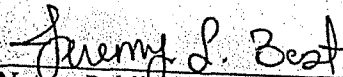


Kristopher Clayton

Notary was in Wake county during the emergency notarization

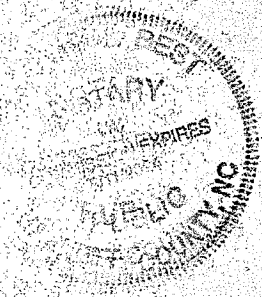
Principal was in Dishon county during emergency notarization

Sworn to and subscribed before me this the 31st day of January, 2024.



Notary Public

8 / 11 / 2024
My commission expires

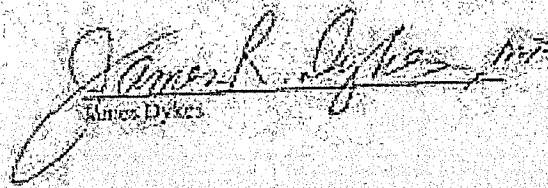


NORTH CAROLINA
PERSON COUNTY

VERIFICATION

I, James Dykes, being first duly sworn, depose and say that he is the Plaintiff in the above-captioned matter, that he has read the foregoing Verified Complaint, and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true. I signed this personal certificate on January 31, 2024 according to the emergency requirements contained in G.S. 10B-25.

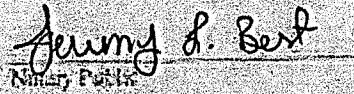
This the 31st day of January, 2024.


James Dykes

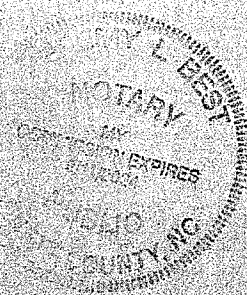
Notary was in Wake county during the emergency notarization

Principal was in Person county during emergency notarization

Sworn to and subscribed before me this the 31st day of January, 2024.


Jeremy S. Best
Notary Public

8/11/2024
My commission expires



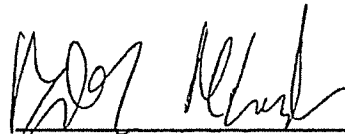
NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, Bernhard Lampert, being first duly sworn, deposes and says that he is the Plaintiff in the above-captioned matter, that he has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 30 day of January, 2024.



Bernhard Lampert

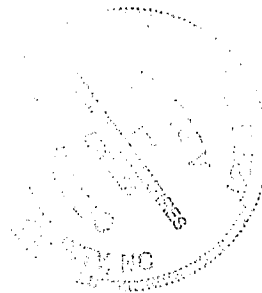
Notary was in Wake county during the emergency notarization

Principal was in Person county during emergency notarization

Sworn to and subscribed before me this the 30th day of January, 2024.

Jeremy S. Best
Notary Public

8/11/2024
My commission expires



NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, Amanda Hamill, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned matter, that she has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of her own knowledge except as to those matters and things stated therein upon information and belief, and as to those she believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 30th day of January, 2024.

Amanda Hamill
Amanda Hamill

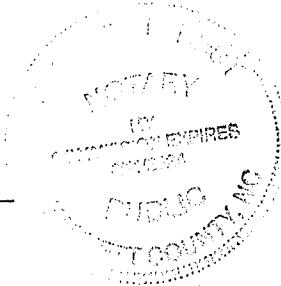
Notary was in Wake county during the emergency notarization

Principal was in Person county during emergency notarization

Sworn to and subscribed before me this the 30th day of January, 2024.

Jeremy R. Best
Notary Public

8/11/2024
My commission expires



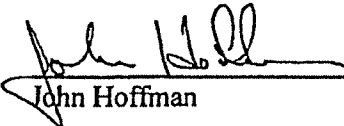
NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, John Hoffman, being first duly sworn, deposes and says that he is the Plaintiff in the above-captioned matter, that he has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 30th day of January, 2024.

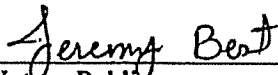


John Hoffman

Notary was in Wake county during the emergency notarization

Principal was in Durham county during emergency notarization

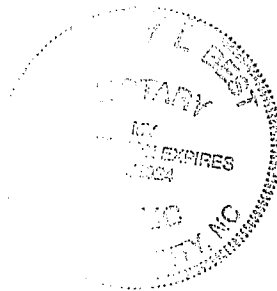
Sworn to and subscribed before me this the 30th day of January, 2024.



Notary Public

8/11/2024

My commission expires



NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, Shari Jill Stowers-Hoffman, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned matter, that she has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of her own knowledge except as to those matters and things stated therein upon information and belief, and as to those she believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

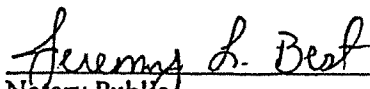
This the 30th day of January, 2024.


Shari Jill Stowers-Hoffman

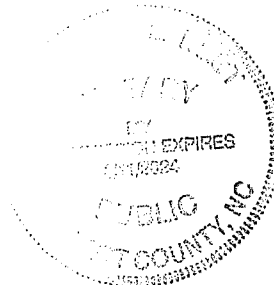
Notary was in Wake county during the emergency notarization

Principal was in Durham county during emergency notarization

Sworn to and subscribed before me this the 30th day of January, 2024.


Notary Public

8/11/2024
My commission expires



NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, Doris Ann Thompson, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned matter, that she has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of her own knowledge except as to those matters and things stated therein upon information and belief, and as to those she believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 30 day of January, 2024.

Doris Ann Thompson
Doris Ann Thompson

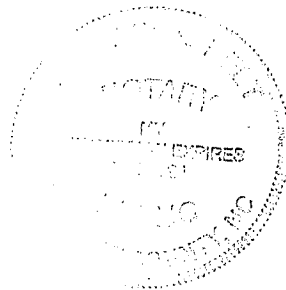
Notary was in Wake county during the emergency notarization

Principal was in Person county during emergency notarization

Sworn to and subscribed before me this the 30th day of January, 2024.

Jeremy Best
Notary Public

8/11/2024
My commission expires



NORTH CAROLINA

PERSON COUNTY

VERIFICATION

I, David Thompson, being first duly sworn, deposes and says that he is the Plaintiff in the above-captioned matter, that he has read the foregoing *Verified Complaint*, and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true. I signed this notarial certificate on January 30, 2024 according to the emergency requirements contained in G.S. 10B-25.

This the 30 day of January, 2024.

David Thompson

David Thompson

Notary was in Wake county during the emergency notarization

Principal was in PERSON county during emergency notarization

Sworn to and subscribed before me this the 30th day of January, 2024.

Jeremy L. Best
Notary Public

8/11/2024
My commission expires

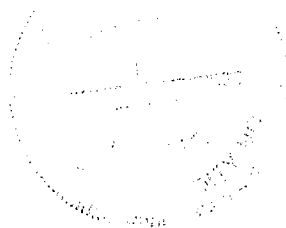
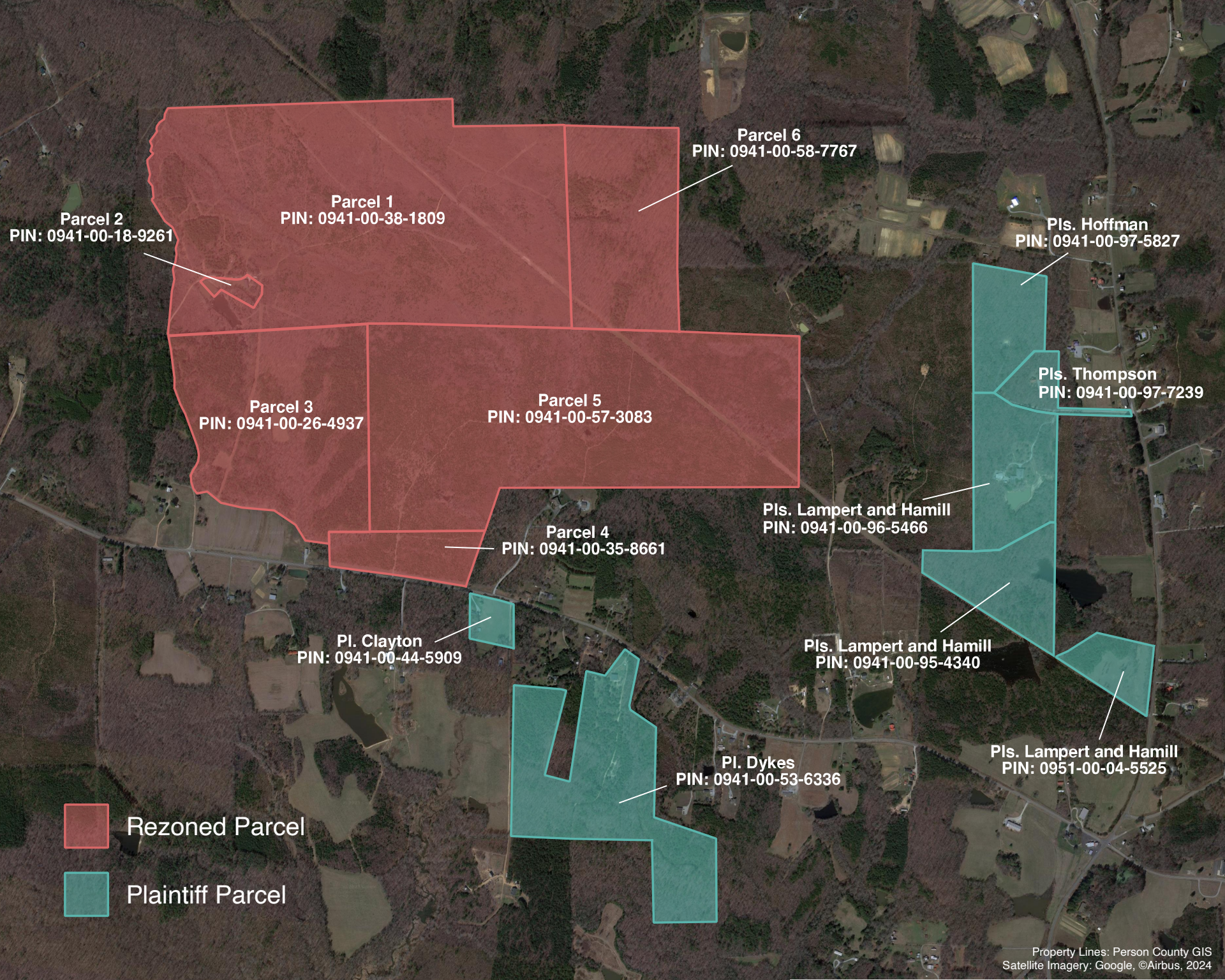


EXHIBIT A



Parcel 6
PIN: 0941-00-58-7767

Parcel 1
PIN: 0941-00-38-1809

Parcel 2
PIN: 0941-00-18-9261

Pls. Hoffman
PIN: 0941-00-97-5827

Parcel 3
PIN: 0941-00-26-4937

Parcel 5
PIN: 0941-00-57-3083

Pls. Thompson
PIN: 0941-00-97-7239

Parcel 4
PIN: 0941-00-35-8661

Pls. Lampert and Hamill
PIN: 0941-00-96-5466

Pl. Clayton
PIN: 0941-00-44-5909

Pls. Lampert and Hamill
PIN: 0941-00-95-4340

Pl. Dykes
PIN: 0941-00-53-6336

Pls. Lampert and Hamill
PIN: 0951-00-04-5525

Rezoned Parcel

Plaintiff Parcel

EXHIBIT B



REZONING / MAP AMENDMENT APPLICATION

Person County Planning & Zoning
325 S. Morgan Street, Suite B
Roxboro, NC 27573
(336) 597-1750

\$5,110 + \$150.00
Fee: \$250 + \$10/acre
10/13/23
Date Received
RZ-02-23
Application Number

APPLICANT INFORMATION

Name: Public Service Company of North Carolina Incorporated d/b/a Dominion Energy North Carolina (DENC) Telephone: 704-718-4114
Mailing Address: 800 Gaston Road
City: Gastonia State: NC Zip: 28056
Email: Andrew.moore@dominionenergy.com Fax: N/A

PROPERTY OWNER INFORMATION

Name: See Attachment Telephone: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Email: _____ Fax: _____

SUBJECT PROPERTY INFORMATION

Property Location: See Attachment
Tax Map & Parcel Number(s): See Attachment
Total Acreage: 485.68 Watershed: Neuse Floodplain: Yes No
Existing Zoning: See Attachment Requested Zoning: General Industrial
Current Use of Land: See Attachment
Surrounding Land Uses: Residential/Rural Residential
Comments: Property Boundary Survey is attached.

A SURVEY MAP OR A MAP DRAWN TO SCALE SHOWING THE EXTERIOR BOUNDARIES OF THE LOT(S) SHALL BE ATTACHED TO THIS APPLICATION.

SIGNATURES AND ACKNOWLEDGEMENT

To the best of my knowledge, all of the information herein submitted on this application is complete and accurate.


Signature of Applicant

10/12/2023
Date

Signature of Property Owner

Date

ZONING PROPOSAL SIGNS

Applicants are required to post notice on the land subject to the application, one sign per each road frontage and no more than 25' from the street right-of-way. **Signs must be clearly visible from the street.**

Sign picked up: _____

Signature: _____

Sign Returned: _____

Signature: _____

OFFICE USE ONLY

Completed Application Submitted On: _____

Received By: _____

Date of Planning Board Hearing: _____

Receipt Number: _____

Public Hearing Notice Filed: _____

Name of Newspaper

Dates Notices Published: _____

Action of Planning Board: _____

Additional Comments: _____

Date of Board of Commissioners Hearing: _____

Dates Notices Published: _____

Action of Board of Commissioners: _____

Additional Comments: _____

PROPERTY OWNER INFORMATION

Parcel No: 0941-00-18-9261.000
Name: Smith, Lisa Street
Mailing Address: 6105 Helena Moriah Road
City: Rougemont
State: NC
Zip: 27572
Email: lisastreet070@gmail.com

Parcel No: 0941-00-26-1506.00
Name: Day, Benard Lee
Mailing Address: 6258 Helena Moriah Road
City: Rougemont
State: NC
Zip: 27572
Email: iaday@embarqmail.com

Parcel No: 0941-00-57-3083.000, 0941-00-35-8661.00
Name: Sparrow, Christie Leigh
Mailing Address: 6470 Helena Moriah Road
City: Rougemont
State: NC
Zip: 27572
Email: csmelggs@gmail.com

Par Parcel No: 0941-00-38-1809.000
Name: Street, Lillie Mae B (Estate)
Mailing Address: 2806 Cheek Road
City: Durham
State: NC
Zip: 27704
Email: lisastreet070@gmail.com

Parcel No: 0941-00-58-7767.000
Name: Blalock, Larry T
Mailing Address: 224 Circle B Farm Road
City: Rougemont
State: NC
Zip: 27572
Email: Hblalock22@gmail.com

SUBJECT PROPERTY INFORMATION

PARCEL

Property Location: 6105 Helena Moriah Road
Tax Map & Parcel Numbers: A98 198, 0941-00-18-9261.000
Total Acreage: 2.33
Acres to Be Rezoned: 2.33
Watershed: Neuse
Floodplain: No
Existing Zoning: Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

PARCEL

Property Location: 6100 Helena Moriah Road
Tax Map & Parcel Numbers: A87 24, 0941-00-26-1506.000
Total Acreage: 179.24 (Acreage includes Both sides of Helena Moriah Road)
Acres to Be Rezoned: 74.41
Watershed: Neuse
Floodplain: No
Existing Zoning: Residential (R), Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

PARCEL

Property Location: 4851 Helena Moriah Road
Tax Map & Parcel Numbers: A98 93, 0941-00-35-8661.000
Total Acreage: 15.24
Acres to Be Rezoned: 15.24
Watershed: Neuse
Floodplain: No
Existing Zoning: Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

PARCEL

Property Location: 4863 Helena Moriah Road
Tax Map & Parcel Numbers: A98 39, 0941-00-38-1809.000
Total Acreage: 203.11
Acres to Be Rezoned: 187.16
Watershed: Neuse
Floodplain: No
Existing Zoning: Residential (R), Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

PARCEL

Property Location: 4848 Helena Moriah Road
Tax Map & Parcel Numbers: A98 8, 0941-00-57-3083.000
Total Acreage: 158.38
Acres to Be Rezoned: 158.38
Watershed: Neuse, Pamlico
Floodplain: No
Existing Zoning: Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

PARCEL

Property Location: 4319 Mount Harmony Church Road
Tax Map & Parcel Numbers: A98 21A, 0941-00-58-7767.000
Total Acreage: 48.16
Acres to Be Rezoned: 48.16
Watershed: Neuse, Pamlico
Floodplain: No
Existing Zoning: Rural Conservation (R-C)
Requested Zoning: General Industrial (GI)
Surrounding Land Uses: Rural Residential

Dominion Energy Moriah Energy Center

Project Narrative

Dominion Energy North Carolina (DENC) is seeking a rezoning to allow for the construction of a Liquefied Natural Gas (LNG) facility in Person County, North Carolina. DENC serves some of the fastest growing areas in the state. As the region's population and economy grow, we're seeing increased demand for natural gas from residential and business customers. In recent years, increasing demand has resulted in supply constraints and increased price volatility for our consumers. As a solution, Dominion Energy has proposed the Moriah Energy Center, a LNG storage facility to enhance service reliability for our customers in Person County and the Triangle. The development of the site with the proposed Liquid Natural Gas (LNG) facility will support future development in the area supporting Guiding Principle 2 from the Person County & City of Roxboro Joint Comprehensive Land Use Plan. The facility will allow for DENC to meet the need of increased demand for development in Person County and the surrounding areas with a reliable natural gas supply.

The LNG facility will allow for collection and storage of natural gas in periods of excess capacity. When peak demand occurs, the gas can then be returned to the system increasing supply to accommodate the increase in demand. The proposed facility is anticipated to have an initial build of one 25-million-gallon storage tank and with future expansion capabilities to build a second 25-million-gallon storage tank.

The proposed facility will receive and send natural gas via the existing DENC gas pipeline, located on the proposed site. This proximity reduces the length for the interconnect and allows DENC to readily response to gas events.

DENC has completed an evaluation of the area to locate parcels/or a combination of parcels that will allow for the facility to meet all applicable federal and local requirements. DENC has identified a group of parcels, accessed from Helena Moriah Road in Person County, that meets the size requirements for the facility, and minimizes impacts to the surrounding property owners and local environment. The proposed development will encompass approximately 70 acres of the 485.68 acres requested in the Conditional Use Permit Application. The remaining area of approximately 415 acres will remain undeveloped maintaining a rural feel in the community.

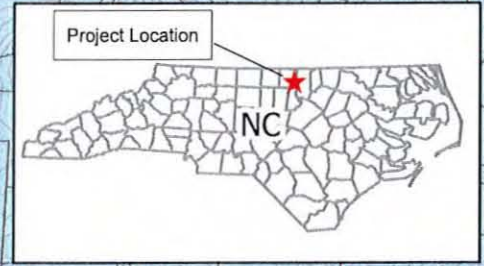
The parcels, making up the proposed facility, total 485.68. The parcels, requested to be rezoned, are shown in the attached Figure, and represented in Table 1. The parcels making up the proposed LNG site are zoned Residential, Rural, or Rural Conservation. As the LNG facility is an industrial use, a shift to Heavy Industrial is required to permit the proposed facility.

DENC proposes to develop a portion of the property, totaling approximately 50 acres. Development will be focused in the center of the site allowing for significant buffers between the facility and surrounding properties. The site will be enclosed with a security fence along the

perimeter of the facility, as well as a secondary fence, surrounding the LNG processing area. The design and construction of equipment and structures shall be carried out in accordance with good engineering practices and will conform to all applicable standards and regulations including, without limitation, the Pipeline and Hazardous Materials Safety Administration, the North Carolina Building Code, and the Person County Planning Ordinance. DENC is not seeking any relief from the development requirements as part of this application.

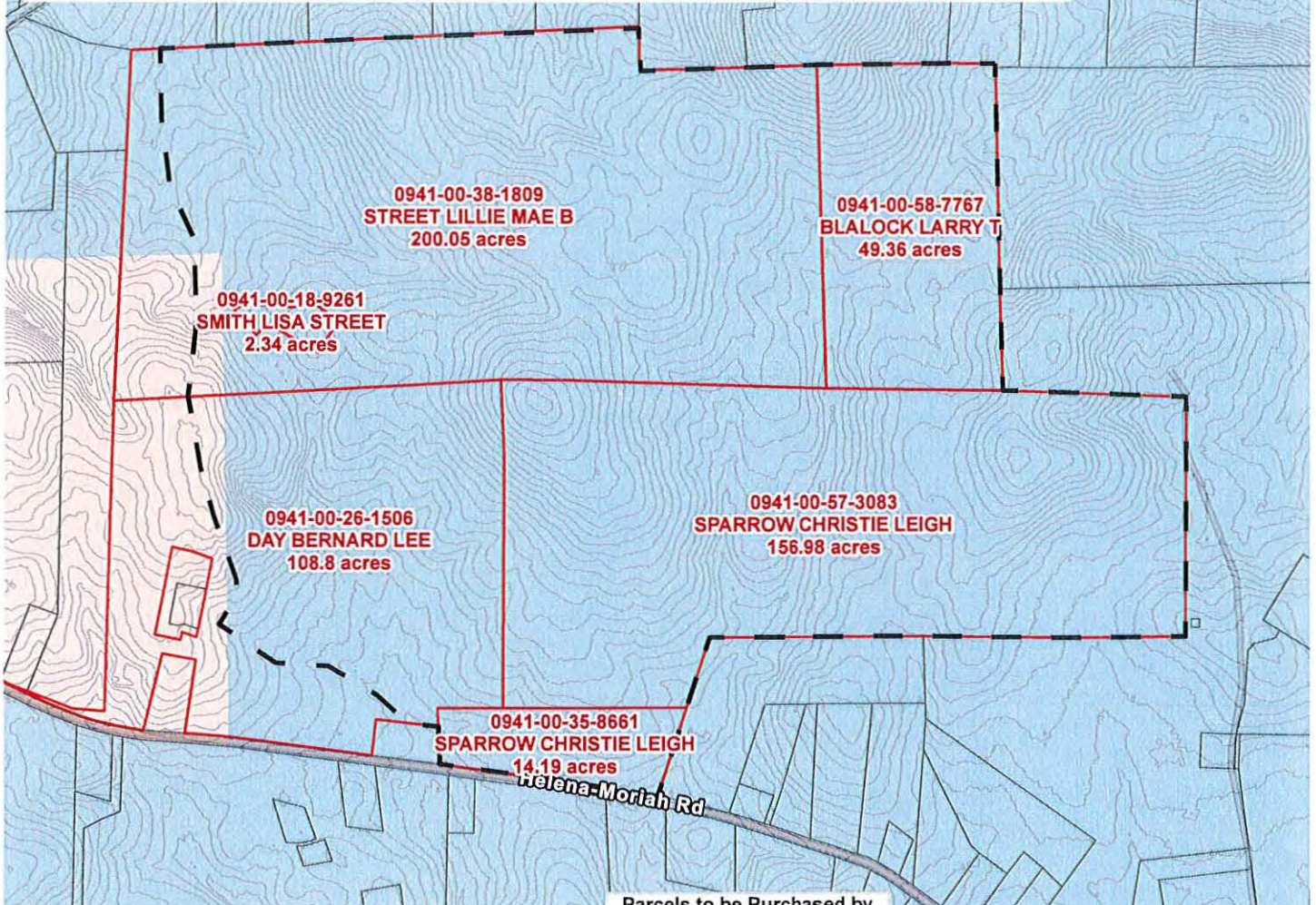
LEGEND

- Proposed Dominion Property Boundary (Potential Subdivision)
- Existing Property Boundary
- Current Zoning**
- Residential (R)
- Rural Conservation (RC)



Notes:

1. The project will be subject to the Neuse Falls (Flat BW) Watershed District overlay requirements.
2. Development will not exceed 24% Built Upon Area (BUA).
3. Development requirements will meet all conditions set forth in Section 72: Table of Dimensional Requirements specific to the column entitled "Without Central Sewer and Water" of the Person County Planning Ordinance dated May 3, 2021.
4. Per the Person County Planning Ordinance Dominion Energy will provide a 150' vegetative buffer from residential properties.
5. Per Section 110 of the Person County Planning Ordinance, parking will be provided at a minimum of 1 space per 1.5 employees during maximum employment. An additional space per truck to be stored or stopped simultaneously will be provided.



Parcels for Rezoning Consideration

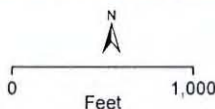
Parcel Number	Current Zoning*	Proposed Zoning**
0941-00-18-9261	RC (2.33 Acres)	GI (2.33 Acres)
0941-00-26-1506	RC (71.66 Acres) and R (2.75 Acres)	GI (74.41 Acres)
0941-00-35-8661	RC (15.24 Acres)	GI (15.24 Acres)
0941-00-38-1809	RC (183.63 Acres) and R (3.53 Acres)	GI (187.16 Acres)
0941-00-57-3083	RC (158.38 Acres)	GI (158.38 Acres)
0941-00-58-7767	RC (48.16 Acres)	GI (48.16 Acres)

Total RC (479.40 Acres) and R (6.28 Acres) HI (485.68 Acres)

Parcels to be Purchased by Dominion

Parcel Number	Proposed Acres**
0941-00-18-9261	2.33
0941-00-26-1506	74.41
0941-00-35-8661	15.24
0941-00-38-1809	187.16
0941-00-57-3083	158.38
0941-00-58-7767	48.16

Total 485.68



PERSON COUNTY REZONING APPLICATION

Property Map

Figure 1

EXHIBIT C

ARTICLE VII

SECTION 70 - DISTRICT REGULATIONS

DESCRIPTION OF GENERAL USE AND CONDITIONAL DISTRICTS

(Amended 8-17-92, 11/16/20; 5/3/21)

70-1 The following general use zoning districts are hereby established:

70-1(A) R Residential District: The purpose of this district is to provide for single family residential uses and compatible development.

70-1(B) B-2 Neighborhood Shopping: The purpose of this district shall be to provide for small clusters of retail service and other commercial development which would be compatible with nearby residential areas.

70-1(C) B-1 Highway Commercial Business District: The purpose of this district shall be to provide for commercial and light industrial development which operate in a relative quiet, clean and non-noxious manner.

70-1(D) GI General Industrial District: The purpose of this district shall be to provide suitable locations for wholesale, distribution, warehousing, fabrication and processing of both light and heavy industrial production natures. (Amended 11/16/20)

70-1(E) AP Airport District: The purpose of this district shall be to provide an overlay district which establishes land use regulations for areas adjacent to the Person County Executive Airport. Specific requirements for the Airport District are set forth in **ARTICLE IX, SECTION 91 and SECTION 92.**

70-1(F) R-C Rural Conservation District: The purpose of this district shall be to provide for only limited land use controls in areas with limited nonagricultural development.

70-2 The following **Conditional Districts** are hereby established.

70-2(A) A Conditional District, bearing the designation CD, is hereby established as a companion district for every district established in Section 70-1 (a-f). These districts are CD-R, CD-B-2, CD-B-1, CD-GI, CD-AP, and CD-R-C. All regulations which apply to a general use zoning district also apply to the companion special use district. All other regulations which may be offered by the property owner and approved by Person County as part of the rezoning process, shall also apply.

SECTION 71 - TABLE OF PERMITTED USES (SEE APPENDIX C)

EXHIBIT D

APPENDIX C

TABLE OF PERMITTED USES

(Amended: 5/18/92; 11/17/92; 4/4/94; 7/11/94; 2/19/96; 6/3/96; 7/8/96; 5/5/97; 12/6/99; 5/4/2001; 12/1/2003; 6/6/2005; 11/1/2004; 11/19/2007; 11/3/2008; 12/1/2008; 4/20/2015; 9/6/2016; 10/2/17; 10/5/20, 11/16/20; 5/3/21)

- *Districts in which particular uses are permitted as a Use-By-Right are indicated by "X". Districts in which particular uses are permitted as a Use-By-Right with certain conditions are indicated by "X" with a reference to a footnote to this Table.*
- *District in which particular uses are permitted as a special use upon approval of the Board of Commissioners are indicated by "S". See Section 153 for details in obtaining a Special Use Permit.*

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Accessory Building	X	X	X	X	X
Accessory Uses Incidental To Any Permitted Use (*See Note 1)	X	X	X		X
Adoption Services		X			X
Advertising Agencies		X	X		X
AGRICULTURAL OR FARM USE EXEMPT FROM PLANNING ORDINANCE					
Aircraft Equipment, Parts and Supplies (*See Note 5)			X	X*	X
Airline Ticket Agency (*See Note 5)		X	X	X*	X
Airport Operations (*Note 5 and Sections 90 & 91)	S	S	S	X*	S
Airstrips, (Private) /Heliport Without Commercial Activity (*See Note 8) (Added 5/7/01)	X*	X*	X*	X*	X*
Alcoholic Beverages Packaged, Retail Sale		X	X		X
Ambulance Service or Rescue Service	S	X	X	S	X
Amusement Parks			S		X
Animal Medical Care (Including Kennel Operations)		X	X		X
Antique Shops	S	X	X		X
Apparel And Accessory Sales		X	X		X
Appliance (Major) Sales and Repair		X	X		X
Appliance (Small) Sales and Repair		X	X		X
Art and Craft Supplies		X	X		X
Art Gallery		X	X		X
Auction Sales (Excluding livestock auctioning)		S	X		X
Automobile Off-Street Parking, (Commercial)		X	X	X	X
Automobile Parts and Accessory Sales		X	X		X
Automobile Rentals and Leasing (*See Note 5)		X	X	X*	X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Automobile Repair and/or Body Work (Excluding commercial wrecking, dismanteling, or storage of junk vehicles) Amended 12/01/2008			X		S
Automobile Sales, New and Used		S	X		X
Automobile Service Station Operations		X	X		X
Bank, Savings and Loan Company and Other Financial Activities		X	X	S	X
Barber or Beauty College Instruction		X	X		X
Barbering and Hair Dressing Services		X	X		X
Bed and Breakfast Inns, Boarding and Rooming Houses, and Tourist Homes	S	X			X
Bicycle Sales and Repair		X	X		X
Blacksmith			X		X
Boats and Accessories, Retail Sales and Service		S	X		X
Books and Printed Matter, Distribution			X		X
Book Stores		X	X		X
Bowling Alley		X	X		X
Brewery (Added 10/2/17)	S				S
Bridal Shops		X			X
Builders Supply			X		X
Bus Repair and Storage Terminal Activities (Amended 12/1/2008)			X		S
Bus Station Activities (*See Note 5)		S	X	X*	X
Camper/Recreational Park (Amended 8/2/2010) (See Section 155-2)	S	S	S		S
Carpet and Rug Cleaning		X	X		X
Carwash		X	X		X
Catalog Sales		X	X		X
Catering		X	X		X
Cellular Telephone Sales and Services		X	X		X
Cemeteries - Church or Family	X	X	X	S	X
Cemeteries – Commercial	S	S	S		X
Chemical Retail Sales			X		X
Church, Temples, Synagogues	X	X	X	X	X
Clinic Services, Medical and Dental	S	X	X	S	X
Club or Lodge	S	S	S		X
Commercial Modular Building (Adopted 5/5/97)		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Construction, Trades (*Building, heating, electrical, plumbing, fire sprinkler and others) (Excluding outside storage of equipment or supplies) (Amended 11/19/2007)		S	X	X	X
Construction, Trades (With outside storage of equipment or supplies)			X		X
Contractor, General (Excluding outside storage of equipment or supplies)		X	X		X
Contractor, General (With Outside Storage of Equipment or Supplies)			X		X
Convenience Stores	S	X	X		X
County Governmental Facility (Adopted 2/3/97)	S	X	X		X
Curio and Souvenir Sales		X	X		X
Day Care Center	S	X	X	X	X
Distillery (Added 10/2/17)	S				S
Dry Cleaning and Laundry		X	X		X
Dwelling, Single-Family	X	X	X		X
Dwelling, Two-Family and Garage Apartments	X	X	X		X
Dwelling, Multiple-Family (See Section 80)	S	S	S		X
Eating and Drinking Facilities (Amended 12/1/2008)		X	X		S
Electrical / Electronic Equipment and Supply Sales		X	X		X
Employment Agencies		X	X		X
Equipment Rental (Amended 11/16/20)		X	X	X	X
Event Center (Amended 09/09/2019)	S	X	X	X	X
Exterminating Service		X	X		X
Family Care Home	X	X	X		X
Farm Machinery Sales and Servicing		S	X		X
Farm Supplies Merchandising (Excluding Farm Machinery)		X	X		X
Fire Station And Law Enforcement Operations	S	X	X	X	X
Floor Covering Sales		X	X		X
Flower Shop		X	X		X
Funeral Home	S	X	X		X
Furniture Retail Sales		X	X		X
Game and Sports Facilities (Amended 5-18-92)		S	S		
Glass Sales and Installation		X	X		X
Golf Courses	S	X	X		X
Grocery Retail		X	X		X
Grocery, Wholesale			X		X
Group Home for Developmentally Disabled Adults	X	X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Gunsmith		X	X		X
Hardware, Paint and Garden Supply Sales		X	X		X
Health Spas, Fitness Center (Amended 2/7/2011)		X	X		X
Historical Preservation Commercial Use	S	X	X		X
Home for the Aged	S	S	X		X
Home Furnishings And Appliance Sales		X	X		X
Hospital or Sanitarium Care (Except for the Insane, Feeble-Minded and Addicted) (Amended 12/1/2008)		S	X		S
Industrial, Light (See Appendix C Note 2) (Amended 11/16/20)		S	X	X	X
Industrial, Heavy (See Appendix C, Note 2) (Amended 11/16/20)			S	X	
Insurance Agencies		X	X		X
Interior Decorator		X	X		X
Janitorial Service		X	X		X
Jewelers		X	X		X
Karate and Other Martial Arts Instruction		X	X		X
Kennel Operations, Care		S	X		X
Landscape Contractor		X	X		X
Library	S	X	X		X
Livestock Sales and Auctions (Amended 12/1/2008)			S		S
Locksmith		X	X		X
Manufactured Home for Temporary Dwelling During Construction of Permanent Dwelling (Adopted 5/5/97)	See Note 7				
Manufactured Home (Individual) for Residential Occupancy - Class B (Rev. 5/5/97)	See Note 3				
Manufactured Home (Individual) for Residential Occupancy - Class A (Rev. 5/5/97)	See Note 6				
Manufactured Home Supplies and Equipment Sales		S	X		X
Manufactured Homes Under the Hardship Class A and B	See Note 4				
Marinas		X	X		X
Mobile Home Park but Excluding Any Mobile Home Sales (Amended 11-17-92, 7/11/94)	S	S	S		S
Mobile Home Sales and Service			X		X
Modular Homes (Amended 11-17-92)	X	X	X		X
Monument Sales		X	X		X
Motel, Hotel or Motor Court Operations			X		X
Movies, Video Sales and Rentals		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Moving and Storage Operations (Amended 12/1/2008)			X	S	S
Musical Instrument Sales		X	X		X
Newsstand Sales		X	X		X
Nonhazardous, Non-Toxic Solid Waste Disposal (Adopted 5/18/92)	S	S	S	S	S
Nursery Operation (Plant) - Agricultural	X	X	X		X
Nursing Home	S	S	X		X
Office and Professional Office (Adopted 12/6/99)	S	X	X	X	X
Office Supplies and Equipment Sales and Service		X	X		X
Painting Contractors		X	X		X
Paving Contractors (Amended 12/1/2008)					S
Pawn Shop		X	X		X
Pet Sales, Excluding Kennel Activities or Outside Storage of Animals		X	X		X
Pharmaceutical Sales, Retail		X	X		X
Photography, Commercial		X	X		X
Planned Building Group (See Article Viii, Section 80) (Added 12/1/03)	S	X	X		S
Post Office		X	X	X	X
Private Recreation Club Or Swimming Club Activities Not Operated As A Business Or Profit (Amended 12/1/2008)	S	S	S	S	S
Private Recreation Facilities For Profit (Amended 5/18/92, 7/8/96)	S	S	S	S	S
Public Recreations (Such as Community Center Buildings, Parks, Museums, Playgrounds, and Similar Facilities Operated on a Nonprofit Basis)	S	X	X		X
Public Utility Station, Bulk Station or Substations (Amended 12/1/2008)	S	S	S	S	S
Radio or Television Studio Activities Only			X		X
Radio, Telephone and TV Transmitting Tower (See Note 9 and Article VII & IX) (Amended 11/6/95)	S	X	X	X	S
Railroad Station Operations (Amended 12/1/2008)			S	S	S
Railroad Yard Operations				S	X
Real Estate Agencies		X	X		X
Reception Centers for Recycling		S	X		X
Reducing Salon Care		X	X		X
Rest Home	S	S	X		X
Retailing or Servicing Operations		S	X		X
Salvage Operation/Junkyard - Commercial				S	S
Second Hand and Swap Shop Sales		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
School, Private or Public (Elementary, Secondary, or Higher Level) (Amended 12/1/2008)	S	S	X	X	S
Solar Energy Systems (Added 10/2/17; Deleted 10/5/20)	See Person County Solar Energy System Ordinance				
Sport Shops		X	X		X
Stables, Horse (Amended 4/4/94)	X		S		X
Stereophonic and High Fidelity Equipment and Supply Sales		X	X		X
STORAGE, HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	NOT PERMITTED IN ANY DISTRICT				
Storage, Household and Commercial		S	X		X
Storage, Open (Amended 5-4-01)		S	S		S
Tanning Salons		X	X		X
Taxicab Stand Operations (*See Note 5)		X	X	X*	X
Teaching of Art, Music, Dance, Dramatics, or Other Fine Arts	S	X	X		X
Temporary Construction Building (Amended 6/6/2005)	X	X	X	X	X
Theater Productions	S	X	X		X
Tire Recapping				X	X
Tire Sales Centers		X	X		X
Tobacco Sales			X	X	X
Travel Agencies (*See Note 5)		X	X	X*	X
Truck Stop					X
Truck Terminal Activities Repair and Hauling and/or Storage					X
Variety, Gift and Hobby Supply Sales		X	X	X	X
Winery (Added 11/1/2004)	S				X

NOTES TO THE TABLE OF PERMITTED USES

NOTE 1- HOME OCCUPATIONS

(Amended 9/7/94, 3/18/96)

A home occupation is an occupation carried on in a dwelling unit or accessory building in accordance with the following.

1. The use is an incidental use to the residential property.
2. The home occupation shall not generate significantly greater volumes of traffic than would be expected in that residential neighborhood.
3. No more than one (1) person other than the resident of the dwelling is to be engaged in the home occupation.
4. No more than twenty-five percent (25%) of the total heated floor area of the principal structure shall be used for the home occupation.
5. One hundred percent (100%) of an accessory structure may be used for the home occupation: (1) if located to the side or the back of the principal structure; and (2) the total floor area of the accessory structure does not exceed fifty percent (50%) of the gross floor area of the principal structure.
6. The exterior of any structure (principal or accessory) shall not be built or altered in any manner nor shall the occupation be conducted in such a way as to cause the premises to substantially differ from its' residential character in exterior appearance.
7. The outside storage or exterior display of merchandise, products or materials, is prohibited.
8. Required parking for a home occupation shall be met off the street and not in a required front or side yard setback.
9. Signage shall comply with Article XII, Section 125.
10. All residential properties served by a well and/or sewage disposal system must have said systems evaluated (when applicable) in accordance with North Carolina General Statutes and local regulations.
11. The use shall not emit any obnoxious or offending noise, dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio or television reception beyond what normally occurs in the applicable zoning district, and shall not present a fire hazard.
12. The on-premise sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

NOTE 2 – INDUSTRIAL AND MANUFACTURING OPERATIONS

(Amended 3/18/96; 2016; 10/06/2020, 11/16/20)

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
<p>LIGHT INDUSTRIAL (LI)</p>	<p>Light industrial uses are prohibited in the Residential (R) Zoning District.</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>The intent of these categories is to provide development standards that promote the development of industrial and manufacturing operations without compromising the health, safety and welfare of properties adjacent to and in the vicinity of the project area. Included in this category are uses that shall have minimal impacts on the public health, safety and welfare.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS’ activity dimension to differentiate between an office activity and a factory activity for such establishments.</p> <p>Vegetative and/or structural buffers shall be required when light industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p>	<ul style="list-style-type: none"> ▪ Manufacture, assembly, repair or servicing of light industrial goods and products; business or consumer machinery; equipment, products or by-products; ▪ Commercial bakery; ▪ Crematorium; ▪ Cold storage plant; ▪ Coal sales and storage; ▪ Manufacture, assembly and repair of computer components including semi-conductors; precision instruments; electrical/electronic; toys; wind energy component; telecommunication equipment; advanced textiles; transportation equipment components; ▪ Sheet metal shop; ▪ Bottling; ▪ Woodworking, cabinet making, and/or furniture manufacturing

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
<p style="text-align: center; font-size: 48pt; font-weight: bold; letter-spacing: 0.5em;">HEAVY INDUSTRIAL (HI)</p>	<p>Heavy industrial uses are prohibited in the Residential (R), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts. (Amended 11/16/20)</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>Vegetative and/or structural buffers shall be required when heavy industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p> <p>This District is generally for those industrial uses where the impacts to the public health, safety and/or welfare are greatest.</p> <p>These industrial uses typically have large land requirements and require the outdoor storage of materials. In addition to most of the industrial uses permitted as “Industrial, Light” uses, uses involving the primary processing of materials such as metal refining, plastics, pulp and paper, animal rendering, clay sand or gravel processing are included in this category. (Amended 11/16/20)</p> <p>The Director of Planning may use discretion to consider uses not specifically listed here as long as these meet the intent of the definition. The Planning Director shall provide a summary supporting of their interpretation for the record.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS’ activity dimension to differentiate between an office activity and a factory activity for such establishments.</p>	<ul style="list-style-type: none"> ▪ Animal Processing, Packing, Treatment and Storage Livestock Slaughter, Processing of Food and Related Products ▪ Production of Chemicals, Rubber, Leather, Clay, Bone, Plastic, Stone, Glass ▪ Production of Fabrication of Metals or Metal Products (enameling, galvanizing, sawmill) ▪ Asphalt and concrete plants ▪ Power generating plants, including the storage of ore, coal, atmospheric gas, grain, petroleum and other materials used to produce power ▪ Hazardous material disposal ▪ Explosive Storage and Distribution Facilities ▪ Fertilizer Manufacture ▪ Quarry Operations ▪ Storage, Flammable

INDUSTRIAL ADDITIONS:

1. If otherwise in compliance with applicable provisions of the ordinance and other rules or regulations, the Zoning Administrator may approve or approve with conditions an application to expand a principal structure, or parking and circulation areas, by not more than 10 percent (10%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This ten percent limitation shall apply whether reached in one increment or in more than increment over time.

Prior to making a final decision on any such application, the applicant shall cause notice of the proposal in a form approved by the Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot. The Zoning Administrator shall afford the notified property owners ten (10) days within which to comment before mailing a final decision on the application. The Zoning Administrator shall notify the Planning Boards at its next regular meeting of any application approved or approved with conditions under this section.

If, in the judgment of the Zoning Administrator, the application presents significant issues affecting the public health, safety and welfare, he/she shall refer the application to the Planning Board for approval, denial, or approved with conditions. In such cases, the applicant shall cause notice of the Planning Board meeting in a form approved by the Zoning Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot.

2. If otherwise in compliance with applicable provisions of this ordinance and other rules or regulations, the Planning Board may approve an application to expand a principal structure, or parking and circulation areas, by not more than fifteen percent (15%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This fifteen percent limitation shall apply whether reached in one increment or in more than one increment over time.

NOTE 3 - MANUFACTURED HOMES, CLASS B

(See Note 6 for Manufactured Homes, Class A)

(Amended 7/11/94, 11/6/95, 5/5/97; 5/3/21)

A 'Class B' manufactured home shall be a permitted use in the Residential (R) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard.
- (2) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (3) The roofing materials are compatible with those used in standard residential construction;
- (4) The wheels, axles, transporting lights and towing apparatus have been removed
- (5) Stairs, porches, entrance platforms and other means of entrance and exit to the home are installed or constructed in accordance with the *North Carolina State Building Code, Volume VII - Residential*.

A Class B manufactured home meeting conditions 1 through 5 above shall be a special use in the Highway Business (B-1) and Neighborhood Business (B-2) Zoning Districts except when located within a mobile home park.

Class B manufactured homes may be used only for residential purposes and may not be used for storage accessory buildings, utility buildings nor shops.

All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

Class B manufactured homes not meeting requirements (1) through (5) above may be located in a mobile home park subject to the provisions of the *Person County Mobile Home Park Ordinance*. (Rev. 5/5/97)

NOTE 4 - MANUFACTURED HOMES, HARDSHIP (Revised 5/3/21)

The Zoning Administrator may grant temporary permits for placing mobile homes for dwelling purposes to the rear or side of a dwelling located on a residential lot in certain hardship cases when the Zoning Administrator finds that:

- (1) The person or persons occupying the mobile home are physically dependent upon the person or persons occupying the dwelling house, or that the person or persons occupying the dwelling house are physically dependent upon the person or persons occupying the mobile home.
- (2) The water and sewage facilities are approved by the District Health Department.
- (3) One of the following types of relationships exists between the occupants of the manufactured home and the occupants of the principal dwelling unit:
 - a) Blood relationship.
 - b) Relationship by marriage.
 - c) Legal guardian relationship established by law.
 - d) The attendant is compensated for his or her services and is providing care for not more than two related persons.
- (4) The manufactured home meets requirements 1 through 5 in *Note 3 Manufactured Homes, Class B In Appendix C, Notes to the Table of Permitted Uses*.

The permit shall expire after one (1) year and shall be renewable upon similar findings by the Zoning Administrator. When the hardship ceases to exist, the permit shall automatically be revoked and the mobile home removed. When any of the terms, conditions, or restrictions imposed on the zoning permit are not being complied with, the Zoning Administrator shall rescind and revoke such permits after notifying all parties concerned by letter.

Any mobile home approved by the Zoning Administrator under the hardship provisions prior to the date of this amendment shall be included in the above restrictions with regard to expiration of permits after one (1) year from the date of issuance and all such permits shall be renewed within one (1) year of the date of this amendment. (Rev. 5/5/97)

NOTE 5 - AIRPORT OVERLY

1. Use specifically permitted only in the Airport Overlay, provided in accordance with applicable ordinance provisions.

NOTE 6 - MANUFACTURED HOMES, CLASS A
(Adopted 5/5/97)

A Class A manufactured home shall be a permitted use in the Residential (R), Highway Business (B-1), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The manufactured home is listed and assessed as real property;
- (2) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- (3) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (4) The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with standards set by the *North Carolina State Building Code, Volume VII - Residential*; and
- (6) The moving hitch, wheels and axles, and transporting lights have been removed.

A Class A manufactured home may be used only for residential purposes and may not be used for storage, accessory buildings, utility buildings nor shops. All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

A Class A manufactured home not meeting criteria (1) through (6) above may be located in a mobile home park subject to provisions of the *Person County Mobile Home Park Ordinance*.

NOTE 7 - MANUFACTURED HOME FOR TEMPORARY DWELLING DURING CONSTRUCTION OF A PERMANENT DWELLING (Revised 5/3/21)

The Zoning Administrator may allow the temporary placement of a manufactured home for dwelling purposes on a lot during construction or installation of a permanent residential unit on that lot provided that:

- (1) A building permit has been issued for construction of the permanent home;
- (2) The construction of the permanent home is started within six (6) months from placement of the manufactured home on the lot and is completed within three (3) years from the date of approval of the zoning permit. At the discretion of the Zoning Administrator, the duration of the zoning permit may be extended a maximum of five (5) years from the date of approval of the permit to allow completion of the permanent home;
- (3) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard; and
- (4) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.

The manufactured home must be removed from the lot within thirty (30) days following issuance of the Certificate of Occupancy of the permanent home.

Should any of the terms, conditions or restrictions imposed on the zoning permit be violated, the Zoning Administrator shall rescind and revoke such permits after notifying by letter all parties concerned and granting them full opportunity of a hearing. When such a zoning permit is revoked, the manufactured home for which it was issued must be removed from the property within thirty (30) days after the revocation is final. (Adopted 5/5/97)

NOTE 7A – TEMPORARY EMERGENCY USE OF CAMPER/RECREATIONAL VEHICLE (Added 8/2/2010; Revised 5/3/21)

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Zoning Administrator may allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a new permanent residential unit due to the previous residential unit being made uninhabitable by a natural disaster provided that:

1. A building permit has been issued for construction of the permanent home.
2. Approval is for a maximum period of one year. Applicant shall only be allowed one reapplication for the same lot after the initial six month application period.
3. The camper/recreational vehicle cannot be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the zoning permit has expired.

NOTE 8 – PRIVATE AIRSTRIP/HELIPORT

(Added May 7, 2001)

Private airstrip/heliport without commercial activity. No zoning permit required.

NOTE 9 – RADIO, TELEPHONE AND TV TRANSMITTING TOWER

Towers located in B1, B2 or GI Districts require a Special Use Permit if located adjacent to a residential use.

Setbacks for Radio, Telephone and TV Transmitting Towers will be equal to the height of the tower unless the fall-zone is certified to be less than the height of the tower.

Lattice towers, or self-supporting towers, with a triangular base tapered to the top and engineered with break-points may be setback a distance $\frac{1}{2}$ their height.

At a minimum, towers in all Districts are subject to the standards of the Table of Dimensional Requirements (Table 75; page 64).

There are no height limitations for towers except as specified by the Federal Aviation Administration (FAA) in the vicinity of the Person County Airport.

NOTE 10 – DELETED 10/5/20

EXHIBIT E

SEP 13 2023



PERSON COUNTY

Raleigh Regional Office

PLANNING AND ZONING DEPARTMENT

325 S. Morgan Street Suite B
Roxboro, North Carolina 27573

September 11, 2023

Ms. Dawn Reddix
Regional Supervisor
North Carolina Environmental Management Commission
Department of Environmental Quality
Division of Air Quality
3800 Barrett Drive
Raleigh, NC 27609

Re: *Dominion Energy North Carolina Moriah Energy Center Construction Permit Application for a New Non-Title V Source (Air Permit Application)*

Dear Ms. Reddix:

The Person County Planning & Zoning Department received a request from Dominion Energy North Carolina (Dominion Energy) for a zoning consistency determination for the site referenced above as the Moriah Energy Center. Per North Carolina General Statute (NCGS) § 143-215.108(f), as the local government having jurisdiction over any part of the land on which the facility and its appurtenances are to be located, Dominion Energy has requested that Person County (County) determine whether there is in effect a zoning or subdivision ordinance applicable to the facility or expansion would be consistent with the ordinance. The County also has within fifteen (15) days after receipt of the request to notify the North Carolina Environmental Management Commission (Commission) to proceed to consider the permit application without regard to local zoning and subdivision ordinances. In addition to the Commission, a copy of this determination will also be provided to the applicant, Dominion Energy.

Dominion Energy's request was accompanied by a copy of the draft permit application received by the Person County Clerk to the Board of Commissioners on August 29, 2023, and delivered to the Planning & Zoning Department on August 31, 2023, for a response by September 12, 2023. To comply with NCGS § 143-215.108(f), please see the attached signed *Affidavit for Zoning Consistency Determination* (Affidavit) signed by me, as Director of Planning, provided in the *Person County Planning Ordinance* (Planning Ordinance) to make that determination.

As provided on the attached Affidavit, there are no applicable zoning ordinances for this facility at this time. **The land use for a Liquefaction, Storage, And Vaporization of Natural Gas facility does not exist within the current Planning Ordinance, there is no use listed on the Table of Permitted Uses of this ordinance, and there is no corresponding definition of this land use with the ordinance.** The proposed land

use is a utility/industrial use and the Planning Ordinance allows for reference to a comparable NAICS code. The proposed Liquefied Natural Gas Storage Facility is most applicable to NAICS codes 221210 (Natural Gas Distribution) and 486210 (Storage of Natural Gas).

Please note that the County is processing a new Unified Development Ordinance to repeal and replace the Planning Ordinance. Within the Unified Development Ordinance, the County has included a Liquefied Natural Gas Storage Facility land use within the Definitions section and as a permitted use within the General Industrial (GI) zoning district on the Permitted Use Table. Upon adoption of the Unified Development Ordinance within 2023, the Liquefied Natural Gas Storage Facility land use will be consistent with applicable zoning ordinances. Dominion Energy has applied for a zoning amendment, to be processed upon Unified Development Ordinance adoption. Thus, please proceed to consider the permit application without regard to local zoning and subdivision ordinances.

Please contact me if you have any questions.

Best Regards,



Chris Bowley, AICP
Planning & Zoning Director

/ with Attachment of the Affidavit of Zoning Consistency Determination

Cc: Mr. Aaron Lyons, E.I.T., Dominion Energy (via email dated 09.11.23)
Mr. James Shapard, P.E., MBA, HDR (via email dated 09.11.23)
File

AFFIDAVIT FOR Zoning Consistency Determination

SEP 13 2023

Raleigh Regional Office

Facility Name Moriah Energy Center

Facility Street Address 6633 Helena Moriah Road (exact 911 address to be determined)

Facility City Rougemont (unincorporated Person County, NC)

Description of Process Liquefaction, storage and vaporization of natural gas

SIC/NAICS Code 4922 / 221210

Facility Contact Aaron Lyons

Phone Number 804-219-9200

Mailing Address 600 East Canal Street, 15th Floor

Mailing City, State Zip Richmond, VA 23219

Based on the information given above:

I have received a copy of the air permit application (draft or final) AND...

There are no applicable zoning ordinances for this facility at this time

The proposed operation IS consistent with applicable zoning ordinances

The proposed operation IS NOT consistent with applicable zoning ordinances
(please include a copy of the rules in the package sent to the air quality office)


The determination is pending further information and can not be made at this time

Other:

Agency Person County Planning & Zoning Department

Name of Designated Official Chris Bowley, AICP

Title of Designated Official Planning & Zoning Director (a.k.a. Director of Planning)

Signature 

Date 09/11/23

Please forward to the facility mailing address listed above and the air quality office at the appropriate address as checked on the back of this form.

EXHIBIT F

SECTION 153 – AMENDMENTS TO THE ZONING MAP OR ORDINANCE

(Amended 8/5/96; Amended 11/5/01; 7/22/02; Amended 3/13/2006; 9/2/2008; 5/3/21; Added: 3/13/2006)

153-1 Zoning district boundaries adopted pursuant to this Ordinance shall be drawn on a map that is adopted or incorporated within a duly adopted development regulation. Zoning district maps that are so adopted shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government (N.C.G.S. 160D-105). Staff will maintain up to date maps following case approval (N.C.G.S. 160D-105).

153-2 *INITIATION OF AMENDMENT* - The Board of Commissioners may, at any time, amend, supplement, change, modify or repeal the boundaries or regulations in this Ordinance, or subsequently amended. Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by one or more owners, optionees or lessees of property within the area proposed to be changed or affected. This may be done in accordance with the provisions of this section.

153-3 *SUBMISSION OF PETITIONS* - Petitions to amend this Ordinance or the zoning map shall be submitted to the Planning and Zoning Department for review according to the adopted Planning Board and Board of Commissioners yearly schedule. The petition shall include the following:

1. A completed Application for Map Amendment or Application for Text Amendment.
2. For Amendments to the Official Planning Map, a map drawn to scale showing the exterior boundaries of the lot(s) which will be covered by the proposed map amendment;
3. For amendments to the Planning Ordinance text, a copy of the existing text provisions which the applicant proposes for amendment, and a written statement which describes in detail changes the applicant proposes to make to the text of the Ordinance.
4. The alleged error in the Official Planning Map and/or Planning Ordinance Text which will be corrected by the proposed amendment with a detailed explanation of such and detailed reasons how the proposed amendment will correct the same;
5. The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Official Planning Map and/or Planning Ordinance text amendment reasonable necessary to the promotion of the public health, safety and general welfare;
6. The manner in which the proposed Official Planning Map and/or Planning Ordinance text amendment will carry out the intent and purpose of the Comprehensive Plan or part thereof; and,
7. All other circumstances, factors and reasons which the applicant offers in support of the proposed Official Planning Map and/or Planning Ordinance text amendment. (Amended 8/5/96)

Each petition, unless initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or staff, shall be accompanied by a fee to defray the cost of advertising and other administrative costs involved.

153-4 PLANNING BOARD REVIEW AND RECOMMENDATION - After submission of a completed application, the Zoning Administrator will schedule a public hearing for the Planning Board in accordance with the published Planning Board meeting schedule on file in the Planning and Zoning Department. A notice of such public hearing shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Person County. Said notice shall be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established

for such public hearing. (Amended 11/5/01; 7/22/02; 3/13/2006). For map amendments, the Zoning Administrator will be responsible for mailing written notices to all property owners within 500' of the property including the applicant and properties separated from the subject property by street, railroad, and other transportation corridor (N.C.G.S. 160D-602). The Zoning Administrator shall require that notice be posted on the land subject to the application within the same time period specified for mailed notices of the hearing (N.C.G.S. 160D-602). The applicant shall post the notice on weatherproof signs supplied by the Planning and Zoning Department, one sign per each road frontage and no more than 25' from the street right-of-way. Signs must be clearly visible from the street and designate "Zoning Proposal Pending" with the phone number of the Planning and Zoning Department. When multiple parcels are included, a posting on each individual parcel is not required, but there should be reasonable notice provided to interested persons.

- a) When conducting a review of proposed zoning text or map amendments pursuant to this section, the Planning Board shall advise and comment on whether the proposed action is consistent with the County's comprehensive plan that has been adopted. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners (N.C.G.S. 160D-604 (d)).
- b) When reviewing any zoning text or map amendment, the Planning Board shall approve a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan and a brief statement of reasonableness. The statement of reasonableness and plan consistency required in this section may be approved as a single statement. Board members may adopt this statement when acting upon the zoning text or map amendment or as a separate motion (N.C.G.S. 160D-605).

153-5 BOARD OF COMMISSIONERS PUBLIC HEARING

- a) The Zoning Administrator will schedule a public hearing for the Board of Commissioners in accordance with that year's adopted schedule. A notice of such public hearing shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Person County. Said notice shall be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established for such public hearing. (Amended 7/22/02).
- b) The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses whether the proposed amendment is consistent with the comprehensive plan, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and why such action is reasonable and in the public interest. (Added 3/13/2006)
- c) The Planning Board shall have 30 days within which to submit its recommendation to the Board of Commissioners. If no written report is received from the Planning Board within thirty days, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendation, if any, of the Planning Board. (Amended 7/22/02; 3/13/2006)

- d) When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan and a brief statement of reasonableness. The statement of reasonableness and plan consistency required in this section may be approved as a single statement. Board members may adopt this statement when acting upon the zoning text or map amendment or as a separate motion (N.C.G.S. 160D-605).
- e) A simple majority vote of the Board of Commissioners shall be the required minimum to amend this ordinance when recommendation from the Planning Board is received.

153-6 *OTHER DEVELOPMENT REGULATION AMENDMENTS* - All other development regulations governed by Person County and enforced by the Planning and Zoning Department shall be subject to the above procedure when amended by the public, Board of Commissioners, Board of Adjustment, Planning Board, or staff.

153-7 *THIRD-PARTY DOWNZONING* - Third-party downzoning submitted after July 11, 2019, unless initiated by a Person County Board or staff member, are prohibited unless written consent is obtained from the property owner(s) (N.C.S.L 2019-111, Part 1).

SECTION 154 – CONDITIONAL DISTRICT (CD) REZONINGS (Added: 5/3/21)

154-1 Conditional zoning districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the general district has insufficient standards to mitigate the site-specific impact on surrounding areas. Uses which may be considered for a conditional zoning district are restricted to those uses permitted in the corresponding general zoning district. Conditional Zoning Districts are established on an individualized basis, only in response to a petition by the owners of all the property to be included. Zoning of a conditional zoning district is not intended for securing early or speculative reclassification of property.

154-2 *SUBMISSION OF PETITIONS* - Petitions shall be submitted to the Planning and Zoning Department for review according to the adopted Planning Board and Board of Commissioners yearly schedule. The petition shall include the following:

1. A completed Application for CD-Rezoning Map Amendment accompanied by a site plan, prepared by a North Carolina registered land surveyor, engineer, or architect. The site plan, drawn to scale, shall depict the following:
 - a. The boundary of the lot(s) to be developed labeled with bearings and distances, total gross land area, location of easement(s), utilities, adjacent road name(s) and number(s);
 - b. Name of project, property owner and applicant, vicinity map, north arrow, scale, date of plan preparation and subsequent revisions dates;
 - c. Topography of site, at contour interval no greater than ten (10) feet, location of perennial and intermittent waters, 100 year flood plains;
 - d. Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred feet adjacent thereto;
 - e. Proposed points of ingress and egress together with the proposed pattern of internal circulation;
 - f. Existing and proposed parking spaces;
 - g. Proposed provisions for water supply and sewage disposal;

EXHIBIT G

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

December 4, 2023
OTHERS PRESENT

Gordon Powell
C. Derrick Sims
Kyle W. Puryear
Charlie Palmer
Jason Thomas

Katherine M. Cathey, County Manager
Michele Solomon, Clerk to the Board
S. Ellis Hankins, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, December 4, 2023 at 7:00 p.m. in the County Office Building Auditorium located at 304 S. Morgan Street, Roxboro, NC.

Chairman Powell called the meeting to order. Chairman Powell offered an invocation and Commissioner Sims led the group in the Pledge of Allegiance.

ORGANIZATION OF BOARD

County Attorney Ellis Hankins stated, as noted in the Board’s Rules of Procedure, the Board would convene its organization of the Board. Hankins proceeded to the nomination and election of the Board of Commissioners’ Chairman noting if multiple nominations were received, he would ask the Board to vote in the order of the nomination. Hankins called for nominations for Chairman of the Board of Commissioners. Commissioner Puryear nominated current Chairman Powell. No other nominations were received. Hankins called for a vote on the nomination of Board Chair. All Board members voted in favor of current Chairman Powell to be Board Chair. Powell thanked fellow Board members and stated it was an honor and privilege to be nominated Chairman by his peers and to continue to serve the people of Person County.

Chairman Powell called for nominations for Vice Chairman of the Board. Commissioner Palmer nominated current Vice Chairman Sims. No other nominations were received. Powell called for a vote on the nomination of Vice Chairman. All Board members voted in favor of current Vice Chairman Sims to be Vice Chairman. Sims thanked fellow Board members for the nomination.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

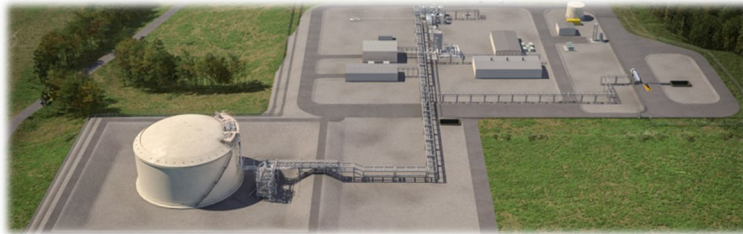
A **motion** was made by Commissioner Palmer and **carried 5-0** to approve the agenda.

PUBLIC HEARING:

REZONING MAP/AMENDMENT APPLICATION RZ-02-23 IS A REQUEST BY THE APPLICANT, PUBLIC SERVICES COMPANY OF NORTH CAROLINA, INC./DOMINION ENERGY NORTH CAROLINA (DENC) TO AMEND THE ZONING DESIGNATION ON ±485.68-ACRES OF THE MORIAH ENERGY CENTER SITE, LOCATED AT 6401 HELENA MORIAH RD, from RC (RURAL CONSERVATION) and R (RESIDENTIAL) to GI (GENERAL INDUSTRIAL)

A **motion** was made by Commissioner Sims and **carried 5-0** to open the duly advertised public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

Planning & Zoning Director Chris Bowley shared the following presentation for the Rezoning/Map Amendment Application RZ-02-23.



Moriah Energy Center

REZONING/MAP AMENDMENT APPLICATION

RZ – 02 – 23

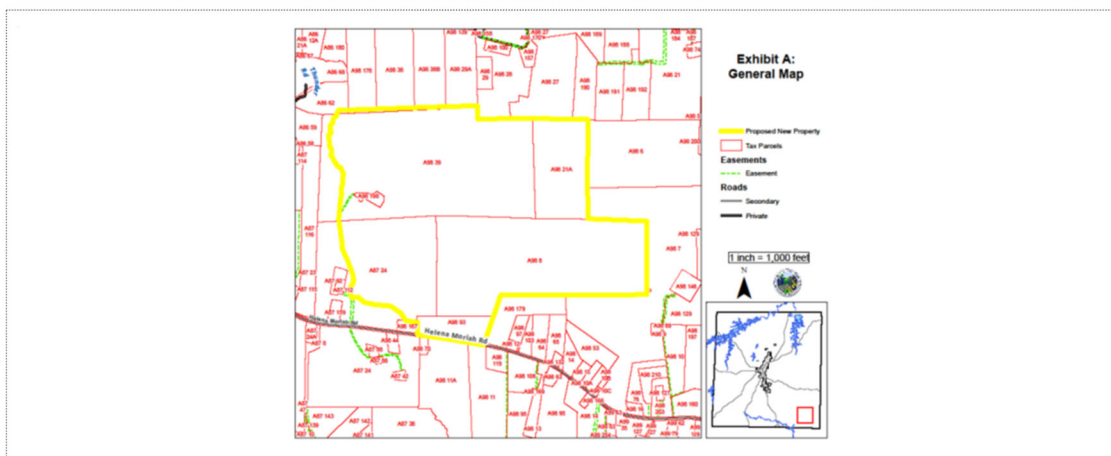
December 4, 2023

Moriah Energy Center (RZ-02-23) Introduction



- The Subject Property is ±485.68 acres, located at 6401 Helena-Moriah Rd.
- Generally located along the north side of Helena-Moriah Rd., ±1.15 miles west of the intersection of Helena-Moriah Rd. and Mt. Harmony Church Rd.
- Existing land uses are vacant and residential, consistent with adjacent land uses
- Site has a Rural future land use designation & RC (Rural Conservation) & R (Residential) zoning designations
- Proposed rezoning for ±485.68 acres from RC & R to GI (General Industrial) to allow for Heavy Industrial Permitted Use
- Proposed rezoning is consistent with County's Comprehensive Plan

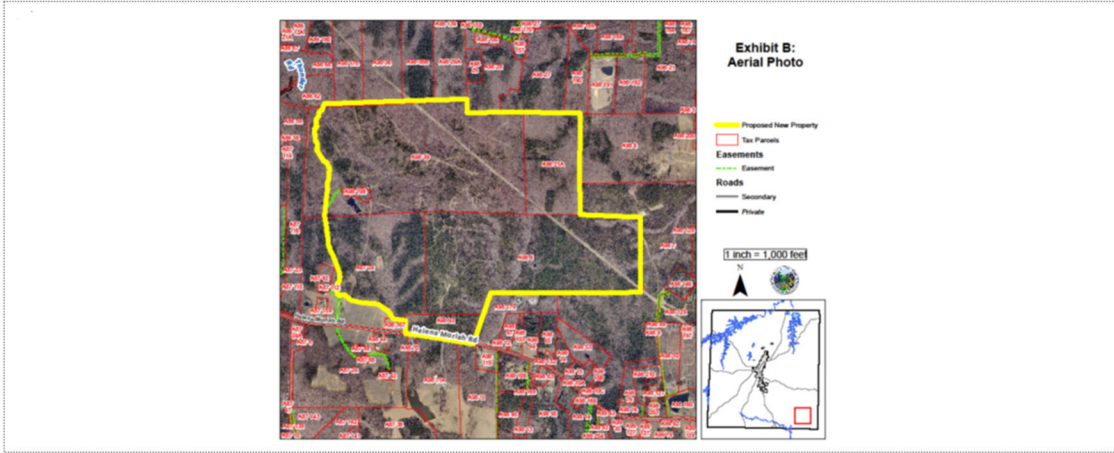
Moriah Energy Center (RZ-02-23) Exhibit A: General Map



December 4, 2023

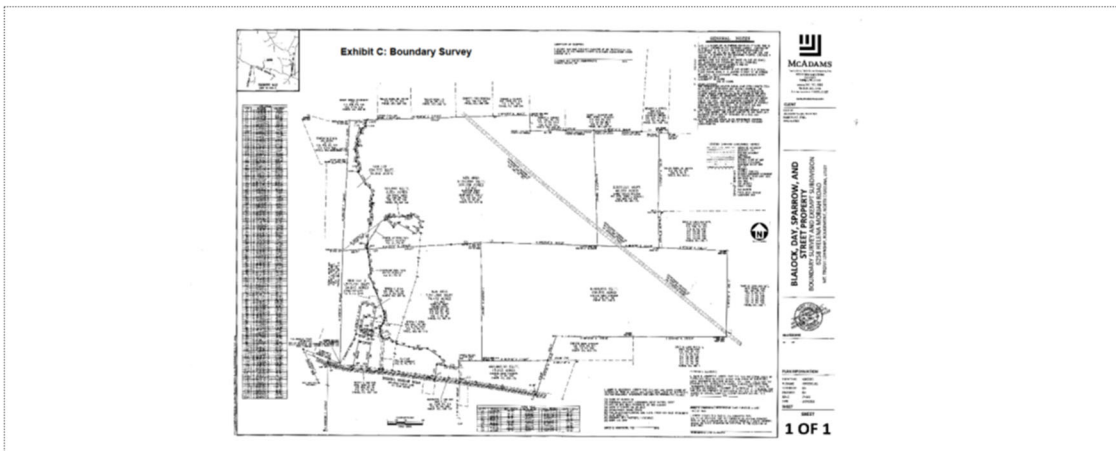
Moriah Energy Center (RZ-02-23)

Exhibit B: Aerial Photo



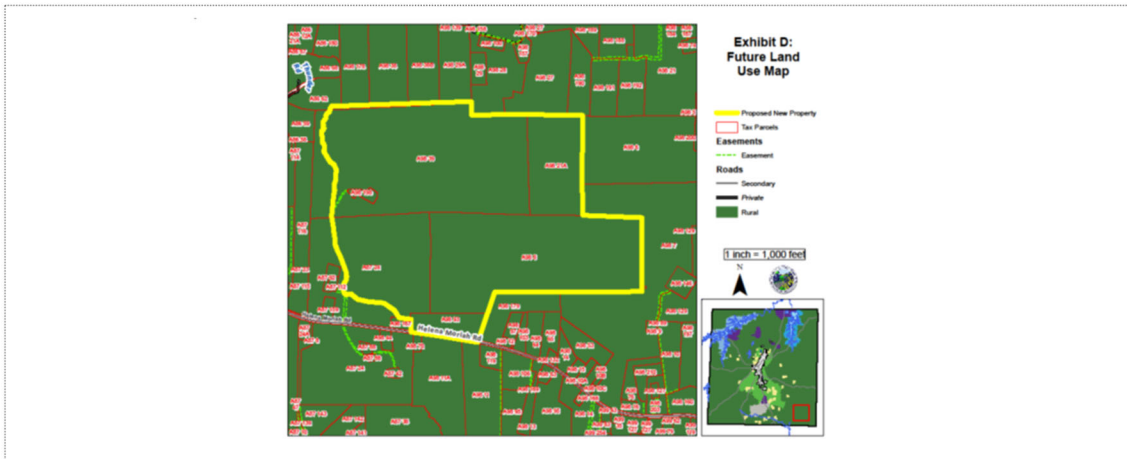
Moriah Energy Center (RZ-02-23)

Exhibit C: Boundary Survey

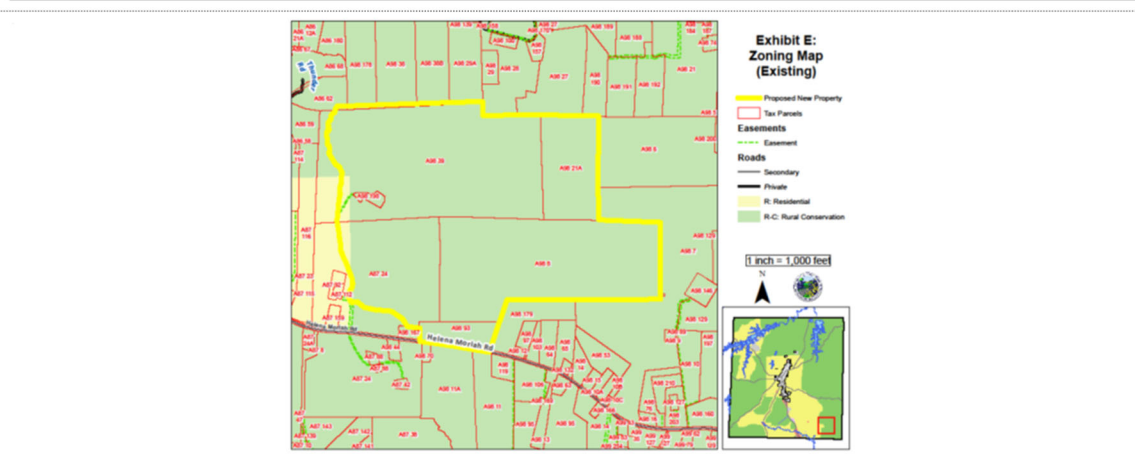


December 4, 2023

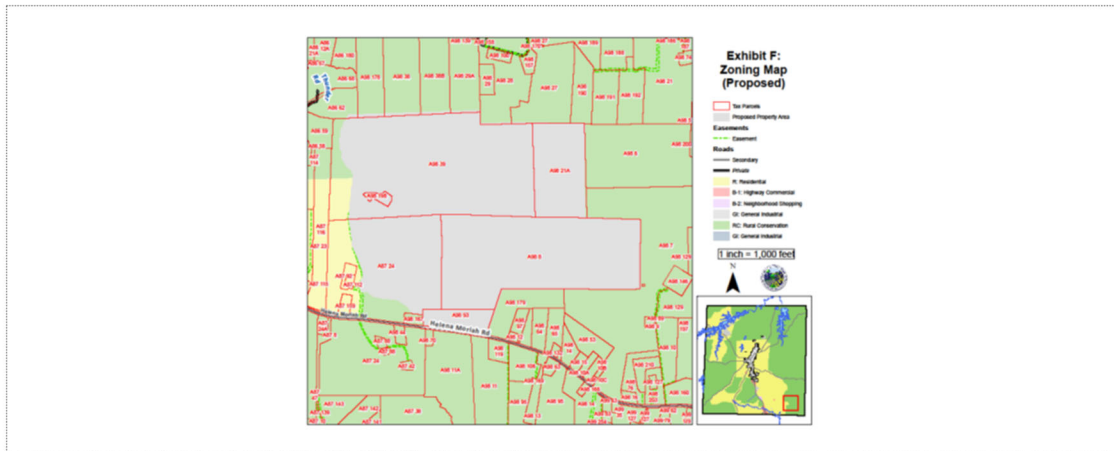
Moriah Energy Center (RZ-02-23) Exhibit D: Future Land Use Map



Moriah Energy Center (RZ-02-23) Exhibit E: Zoning Map (Existing)



Moriah Energy Center (RZ-02-23) Exhibit F: Zoning Map (Proposed)



Moriah Energy Center (RZ-02-23) Comprehensive Plan Guiding Principles



The *Person County & City of Roxboro Joint Comprehensive Land Use Plan* (Comprehensive Plan) includes the following Guiding Principles related to this rezoning request (listed in italics):

Guiding Principle No. 2 – Facilitating Sustainable Economic Growth

Guiding Principle No. 2.1 – Reserve sufficient developable land and sites to support economic growth. *The proposed rezoning action to (GI) General Industrial is an appropriate zoning classification for the proposed land use as an essential public utility site.*

Guiding Principles No. 2.4 & 2.7 – Identify and recruit industry sectors that bring diversity to the economic/employment base and provide utility infrastructure to support economic growth. *The proposed rezoning action will allow for expanded alternative forms of energy production and employment opportunities within Person County. Dominion Energy has invested in Person County with utility infrastructure through pipelines and a methane conversion operation at the landfill.*

December 4, 2023

Moriah Energy Center (RZ-02-23)

Staff Recommendation & Potential Motion



Based on the above, Planning & Zoning Department staff recommends adoption of Rezoning/Zoning Map Application RZ-02-23 amendment. It is also recommended that the Board of Commissioners adopt a statement describing whether their action is consistent or inconsistent with the Comprehensive Plan and why that action is reasonable and in the public's interest, with a potential motion, as follows:

"I hereby move to adopt Rezoning/Map Amendment Application RZ-02-23 from RC (Rural Conservation) and R (Residential) to GI (General Industrial) and find it consistent with the *Person County & City of Roxboro Joint Comprehensive Land Use Plan*; specifically, Guiding Principles 2.1, 2.4, and 2.7, to facilitate sustainable economic growth."

Moriah Energy Center (RZ-02-23)



Thank You

December 4, 2023

Bowley turned the presentation over to Dominion Energy’s VP and General Manager, Rusty Harris. Harris gave a brief introduction of himself and Dominion Energy’s plan for the Moriah Energy Center (MEC). Harris stated that Dominion Energy has proposed a 25,000,000-gallon liquified natural gas (LNG) storage facility with future expansion capabilities in Person County. Harris advised there is increased demand for natural gas in North Carolina. He advised natural gas from Dominion Energy’s system that currently serves the area would be liquefied on site, stored in the facility, and then turned back into natural gas during high demand periods. Harris advised that the liquefied natural gas (LNG) will be transported using the existing Dominion Energy underground pipeline system already serving customers in the area and on the facility’s property. Harris stated the MEC would serve Dominion Energy’s natural gas customers in the region. Harris discussed the proposed acquisition of Dominion Energy by Enbridge.

Harris introduced his colleague, Aaron Lyons, who shared the following presentation:



**Moriah Energy Center
Liquefied Natural Gas Facility**

What is LNG?



- LNG stands for Liquefied Natural Gas
- LNG is formed by cooling natural gas to a liquid state (-260°F)
- LNG is 600 times denser than natural gas



Why an LNG facility?



Reliability - In recent years, the increasing demand for natural gas in North Carolina has resulted in supply constraints

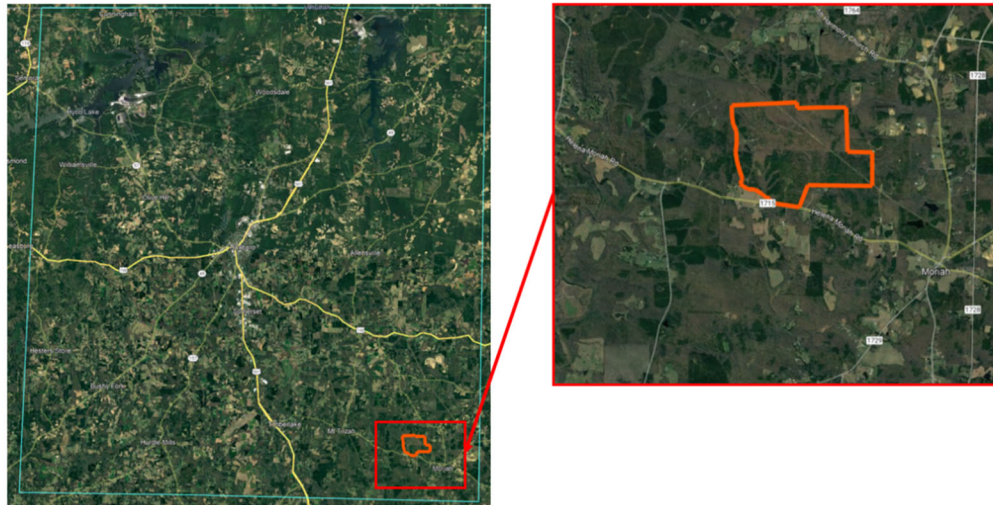
- **Purpose:**
Peak Shaving facility: Store gas when demand is low; send out gas when demand is high, increasing service reliability in the pipeline network
- **Similar Projects:**
Cary LNG: Dominion Energy in NC
Magna LNG: Dominion Energy in UT
Pine Needle LNG: Williams in NC
Robeson LNG: Piedmont Natural Gas in NC



The Liquefied Natural Gas Process



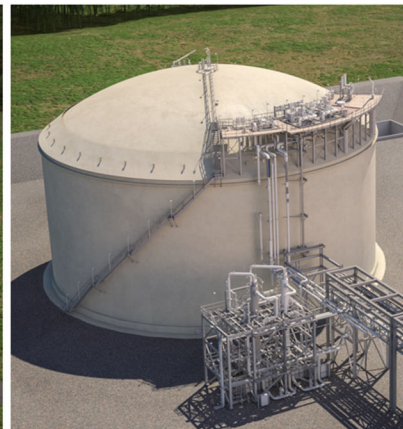
Proposed Location



LNG Facility Site Rendering



LNG Facility Site Rendering



Environmental Highlights



- **No Stream/Wetland Impact**
 - The proposed approximately 70-acre development avoids streams and wetlands.
- **No Cultural Resources or Threatened/Endangered Species Affected**
 - Dominion Energy conducted numerous desktop and field studies on the proposed site.
- **Stormwater Management**
 - Runoff will be contained, maintained, and disposed of according with local, state, and federal regulations during construction and operation of the facility.
- **Facility Water Usage**
 - Water is not a part of the process to liquify natural gas or any other plant process. Well water will only be used for employee facilities and to refill the firewater storage tank.
 - Initial fill of the firewater tank will be performed over several days to minimize any potential impacts.
- **Leak Prevention**
 - Gas monitoring and detection devices will be placed throughout the facility and Dominion Energy will adhere to an inspection schedule.

Project Safety & Security



- Experience with LNG facilities
- Subject to stringent federal/state regulations
- Onsite firewater storage and fire protection
- Robust hazard/security detection
- Dual security fencing around the facility
- Plant will be staffed 24/7 365 days per year
- Coordination with local first responders



December 4, 2023

Moriah Energy Center

Email: MoriahEnergyCenter@DominionEnergy.com

Website: DominionEnergy.com/MoriahEnergyCenter



Hankins asked Bowley to read the list of Permitted Uses in the GI (General Industrial) Zoning District from the Person County Planning Ordinance.

Bowley read the Table of Permitted Uses in the GI Zoning District from Appendix C, which is located in the Person County Planning Ordinance.

APPENDIX C

TABLE OF PERMITTED USES

(Amended: 5/18/92; 11/17/92; 4/4/94; 7/11/94; 2/19/96; 6/3/96; 7/8/96; 5/5/97; 12/6/99; 5/4/2001; 12/1/2003; 6/6/2005; 11/1/2004; 11/19/2007; 11/3/2008; 12/1/2008; 4/20/2015; 9/6/2016; 10/2/17; 10/5/20, 11/16/20; 5/3/21)

- Districts in which particular uses are permitted as a Use-By-Right are indicated by "X". Districts in which particular uses are permitted as a Use-By-Right with certain conditions are indicated by "X" with a reference to a footnote to this Table.
- District in which particular uses are permitted as a special use upon approval of the Board of Commissioners are indicated by "S". See Section 153 for details in obtaining a Special Use Permit.

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Accessory Building	X	X	X	X	X
Accessory Uses Incidental To Any Permitted Use (*See Note 1)	X	X	X		X
Adoption Services		X			X
Advertising Agencies		X	X		X
AGRICULTURAL OR FARM USE EXEMPT FROM PLANNING ORDINANCE					
Aircraft Equipment, Parts and Supplies (*See Note 5)			X	X*	X
Airline Ticket Agency (*See Note 5)		X	X	X*	X
Airport Operations (*Note 5 and Sections 90 & 91)	S	S	S	X*	S
Airstrips, (Private) /Heliport Without Commercial Activity (*See Note 8) (Added 5/7/01)	X*	X*	X*	X*	X*
Alcoholic Beverages Packaged, Retail Sale		X	X		X
Ambulance Service or Rescue Service	S	X	X	S	X
Amusement Parks			S		X
Animal Medical Care (Including Kennel Operations)		X	X		X
Antique Shops	S	X	X		X
Apparel And Accessory Sales		X	X		X
Appliance (Major) Sales and Repair		X	X		X
Appliance (Small) Sales and Repair		X	X		X
Art and Craft Supplies		X	X		X
Art Gallery		X	X		X
Auction Sales (Excluding livestock auctioning)		S	X		X
Automobile Off-Street Parking, (Commercial)		X	X	X	X
Automobile Parts and Accessory Sales		X	X		X
Automobile Rentals and Leasing (*See Note 5)		X	X	X*	X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Automobile Repair and/or Body Work (Excluding commercial wrecking, dismantling, or storage of junk vehicles) Amended 12/01/2008			X		S
Automobile Sales, New and Used		S	X		X
Automobile Service Station Operations		X	X		X
Bank, Savings and Loan Company and Other Financial Activities		X	X	S	X
Barber or Beauty College Instruction		X	X		X
Barbering and Hair Dressing Services		X	X		X
Bed and Breakfast Inns, Boarding and Rooming Houses, and Tourist Homes	S	X			X
Bicycle Sales and Repair		X	X		X
Blacksmith			X		X
Boats and Accessories, Retail Sales and Service		S	X		X
Books and Printed Matter, Distribution			X		X
Book Stores		X	X		X
Bowling Alley		X	X		X
Brewery (Added 10/2/17)	S				S
Bridal Shops		X			X
Builders Supply			X		X
Bus Repair and Storage Terminal Activities (Amended 12/1/2008)			X		S
Bus Station Activities (*See Note 5)		S	X	X*	X
Camper/Recreational Park (Amended 8/2/2010) (See Section 155-2)	S	S	S		S
Carpet and Rug Cleaning		X	X		X
Carwash		X	X		X
Catalog Sales		X	X		X
Catering		X	X		X
Cellular Telephone Sales and Services		X	X		X
Cemeteries - Church or Family	X	X	X	S	X
Cemeteries – Commercial	S	S	S		X
Chemical Retail Sales			X		X
Church, Temples, Synagogues	X	X	X	X	X
Clinic Services, Medical and Dental	S	X	X	S	X
Club or Lodge	S	S	S		X
Commercial Modular Building (Adopted 5/5/97)		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Construction, Trades (*Building, heating, electrical, plumbing, fire sprinkler and others) (Excluding outside storage of equipment or supplies) (Amended 11/19/2007)		S	X	X	X
Construction, Trades (With outside storage of equipment or supplies)			X		X
Contractor, General (Excluding outside storage of equipment or supplies)		X	X		X
Contractor, General (With Outside Storage of Equipment or Supplies)			X		X
Convenience Stores	S	X	X		X
County Governmental Facility (Adopted 2/3/97)	S	X	X		X
Curio and Souvenir Sales		X	X		X
Day Care Center	S	X	X	X	X
Distillery (Added 10/2/17)	S				S
Dry Cleaning and Laundry		X	X		X
Dwelling, Single-Family	X	X	X		X
Dwelling, Two-Family and Garage Apartments	X	X	X		X
Dwelling, Multiple-Family (See Section 80)	S	S	S		X
Eating and Drinking Facilities (Amended 12/1/2008)		X	X		S
Electrical / Electronic Equipment and Supply Sales		X	X		X
Employment Agencies		X	X		X
Equipment Rental (Amended 11/16/20)		X	X	X	X
Event Center (Amended 09/09/2019)	S	X	X	X	X
Exterminating Service		X	X		X
Family Care Home	X	X	X		X
Farm Machinery Sales and Servicing		S	X		X
Farm Supplies Merchandising (Excluding Farm Machinery)		X	X		X
Fire Station And Law Enforcement Operations	S	X	X	X	X
Floor Covering Sales		X	X		X
Flower Shop		X	X		X
Funeral Home	S	X	X		X
Furniture Retail Sales		X	X		X
Game and Sports Facilities (Amended 5-18-92)		S	S		
Glass Sales and Installation		X	X		X
Golf Courses	S	X	X		X
Grocery Retail		X	X		X
Grocery, Wholesale			X		X
Group Home for Developmentally Disabled Adults	X	X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Gunsmith		X	X		X
Hardware, Paint and Garden Supply Sales		X	X		X
Health Spas, Fitness Center (Amended 2/7/2011)		X	X		X
Historical Preservation Commercial Use	S	X	X		X
Home for the Aged	S	S	X		X
Home Furnishings And Appliance Sales		X	X		X
Hospital or Sanitarium Care (Except for the Insane, Feeble-Minded and Addicted) (Amended 12/1/2008)		S	X		S
Industrial, Light (See Appendix C Note 2) (Amended 11/16/20)		S	X	X	X
Industrial, Heavy (See Appendix C, Note 2) (Amended 11/16/20)			S	X	
Insurance Agencies		X	X		X
Interior Decorator		X	X		X
Janitorial Service		X	X		X
Jewelers		X	X		X
Karate and Other Martial Arts Instruction		X	X		X
Kennel Operations, Care		S	X		X
Landscape Contractor		X	X		X
Library	S	X	X		X
Livestock Sales and Auctions (Amended 12/1/2008)			S		S
Locksmith		X	X		X
Manufactured Home for Temporary Dwelling During Construction of Permanent Dwelling (Adopted 5/5/97)	See Note 7				
Manufactured Home (Individual) for Residential Occupancy - Class B (Rev. 5/5/97)	See Note 3				
Manufactured Home (Individual) for Residential Occupancy - Class A (Rev. 5/5/97)	See Note 6				
Manufactured Home Supplies and Equipment Sales		S	X		X
Manufactured Homes Under the Hardship Class A and B	See Note 4				
Marinas		X	X		X
Mobile Home Park but Excluding Any Mobile Home Sales (Amended 11-17-92, 7/11/94)	S	S	S		S
Mobile Home Sales and Service			X		X
Modular Homes (Amended 11-17-92)	X	X	X		X
Monument Sales		X	X		X
Motel, Hotel or Motor Court Operations			X		X
Movies, Video Sales and Rentals		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
Moving and Storage Operations (Amended 12/1/2008)			X	S	S
Musical Instrument Sales		X	X		X
Newsstand Sales		X	X		X
Nonhazardous, Non-Toxic Solid Waste Disposal (Adopted 5/18/92)	S	S	S	S	S
Nursery Operation (Plant) - Agricultural	X	X	X		X
Nursing Home	S	S	X		X
Office and Professional Office (Adopted 12/6/99)	S	X	X	X	X
Office Supplies and Equipment Sales and Service		X	X		X
Painting Contractors		X	X		X
Paving Contractors (Amended 12/1/2008)					S
Pawn Shop		X	X		X
Pet Sales, Excluding Kennel Activities or Outside Storage of Animals		X	X		X
Pharmaceutical Sales, Retail		X	X		X
Photography, Commercial		X	X		X
Planned Building Group (See Article VIII, Section 80) (Added 12/1/03)	S	X	X		S
Post Office		X	X	X	X
Private Recreation Club Or Swimming Club Activities Not Operated As A Business Or Profit (Amended 12/1/2008)	S	S	S	S	S
Private Recreation Facilities For Profit (Amended 5/18/92, 7/8/96)	S	S	S	S	S
Public Recreations (Such as Community Center Buildings, Parks, Museums, Playgrounds, and Similar Facilities Operated on a Nonprofit Basis)	S	X	X		X
Public Utility Station, Bulk Station or Substations (Amended 12/1/2008)	S	S	S	S	S
Radio or Television Studio Activities Only			X		X
Radio, Telephone and TV Transmitting Tower (See Note 9 and Article VII & IX) (Amended 11/6/95)	S	X	X	X	S
Railroad Station Operations (Amended 12/1/2008)			S	S	S
Railroad Yard Operations				S	X
Real Estate Agencies		X	X		X
Reception Centers for Recycling		S	X		X
Reducing Salon Care		X	X		X
Rest Home	S	S	X		X
Retailing or Servicing Operations		S	X		X
Salvage Operation/Junkyard - Commercial				S	S
Second Hand and Swap Shop Sales		X	X		X

PRINCIPAL USES	ZONING DISTRICTS				
	R	B-2	B-1	GI	RC
School, Private or Public (Elementary, Secondary, or Higher Level) (Amended 12/1/2008)	S	S	X	X	S
Solar Energy Systems (Added 10/2/17; Deleted 10/5/20)	See Person County Solar Energy System Ordinance				
Sport Shops		X	X		X
Stables, Horse (Amended 4/4/94)	X		S		X
Stereophonic and High Fidelity Equipment and Supply Sales		X	X		X
STORAGE, HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	NOT PERMITTED IN ANY DISTRICT				
Storage, Household and Commercial		S	X		X
Storage, Open (Amended 5-4-01)		S	S		S
Tanning Salons		X	X		X
Taxicab Stand Operations (*See Note 5)		X	X	X*	X
Teaching of Art, Music, Dance, Dramatics, or Other Fine Arts	S	X	X		X
Temporary Construction Building (Amended 6/6/2005)	X	X	X	X	X
Theater Productions	S	X	X		X
Tire Recapping				X	X
Tire Sales Centers		X	X		X
Tobacco Sales			X	X	X
Travel Agencies (*See Note 5)		X	X	X*	X
Truck Stop					X
Truck Terminal Activities Repair and Hauling and/or Storage					X
Variety, Gift and Hobby Supply Sales		X	X	X	X
Winery (Added 11/1/2004)	S				X

NOTES TO THE TABLE OF PERMITTED USES

NOTE 1- HOME OCCUPATIONS

(Amended 9/7/94, 3/18/96)

A home occupation is an occupation carried on in a dwelling unit or accessory building in accordance with the following.

1. The use is an incidental use to the residential property.
2. The home occupation shall not generate significantly greater volumes of traffic than would be expected in that residential neighborhood.
3. No more than one (1) person other than the resident of the dwelling is to be engaged in the home occupation.
4. No more than twenty-five percent (25%) of the total heated floor area of the principal structure shall be used for the home occupation.
5. One hundred percent (100%) of an accessory structure may be used for the home occupation: (1) if located to the side or the back of the principal structure; and (2) the total floor area of the accessory structure does not exceed fifty percent (50%) of the gross floor area of the principal structure.
6. The exterior of any structure (principal or accessory) shall not be built or altered in any manner nor shall the occupation be conducted in such a way as to cause the premises to substantially differ from its' residential character in exterior appearance.
7. The outside storage or exterior display of merchandise, products or materials, is prohibited.
8. Required parking for a home occupation shall be met off the street and not in a required front or side yard setback.
9. Signage shall comply with Article XII, Section 125.
10. All residential properties served by a well and/or sewage disposal system must have said systems evaluated (when applicable) in accordance with North Carolina General Statutes and local regulations.
11. The use shall not emit any obnoxious or offending noise, dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio or television reception beyond what normally occurs in the applicable zoning district, and shall not present a fire hazard.
12. The on-premise sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.

NOTE 2 – INDUSTRIAL AND MANUFACTURING OPERATIONS

(Amended 3/18/96; 2016; 10/06/2020, 11/16/20)

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
<p>LIGHT INDUSTRIAL (LI)</p>	<p>Light industrial uses are prohibited in the Residential (R) Zoning District.</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>The intent of these categories is to provide development standards that promote the development of industrial and manufacturing operations without compromising the health, safety and welfare of properties adjacent to and in the vicinity of the project area. Included in this category are uses that shall have minimal impacts on the public health, safety and welfare.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS' activity dimension to differentiate between an office activity and a factory activity for such establishments.</p> <p>Vegetative and/or structural buffers shall be required when light industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p>	<ul style="list-style-type: none"> ▪ Manufacture, assembly, repair or servicing of light industrial goods and products; business or consumer machinery; equipment, products or by-products; ▪ Commercial bakery; ▪ Crematorium; ▪ Cold storage plant; ▪ Coal sales and storage; ▪ Manufacture, assembly and repair of computer components including semi-conductors; precision instruments; electrical/electronic; toys; wind energy component; telecommunication equipment; advanced textiles; transportation equipment components; ▪ Sheet metal shop; ▪ Bottling; ▪ Woodworking, cabinet making, and/or furniture manufacturing

TYPE OF INDUSTRIAL USE	GENERAL DESCRIPTION, INTENT AND STANDARDS	EXAMPLES OF USES
<h1 style="writing-mode: vertical-rl; transform: rotate(180deg);">HEAVY INDUSTRIAL (HI)</h1>	<p>Heavy industrial uses are prohibited in the Residential (R), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts. (Amended 11/16/20)</p> <p>Industrial operations involving the manufacturing, processing, fabrication of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, or matches shall not be allowed in any district. (Amended 5/18/92)</p> <p>Vegetative and/or structural buffers shall be required when heavy industrial land uses are adjacent to or across from, any residential use regardless of the distance separating uses (For additional information, please see Setback Requirements – Section 75)</p> <p>This District is generally for those industrial uses where the impacts to the public health, safety and/or welfare are greatest.</p> <p>These industrial uses typically have large land requirements and require the outdoor storage of materials. In addition to most of the industrial uses permitted as “Industrial, Light” uses, uses involving the primary processing of materials such as metal refining, plastics, pulp and paper, animal rendering, clay sand or gravel processing are included in this category. (Amended 11/16/20)</p> <p>The Director of Planning may use discretion to consider uses not specifically listed here as long as these meet the intent of the definition. The Planning Director shall provide a summary supporting of their interpretation for the record.</p> <p>The distinctions used in this category closely follow the NAICS definitions. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. The subcategories reflect sectors with distinct production processes related to material inputs, production equipment, and employee skills. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management). These are functionally the same as the primary establishment. However, when such services are provided by separate establishments, they will be evaluated as either light or heavy industrial in their own right. If needed, Person County Planning and Zoning staff should rely on the NAICS’ activity dimension to differentiate between an office activity and a factory activity for such establishments.</p>	<ul style="list-style-type: none"> ▪ Animal Processing, Packing, Treatment and Storage Livestock Slaughter, Processing of Food and Related Products ▪ Production of Chemicals, Rubber, Leather, Clay, Bone, Plastic, Stone, Glass ▪ Production of Fabrication of Metals or Metal Products (enameling, galvanizing, sawmill) ▪ Asphalt and concrete plants ▪ Power generating plants, including the storage of ore, coal, atmospheric gas, grain, petroleum and other materials used to produce power ▪ Hazardous material disposal ▪ Explosive Storage and Distribution Facilities ▪ Fertilizer Manufacture ▪ Quarry Operations ▪ Storage, Flammable

INDUSTRIAL ADDITIONS:

1. If otherwise in compliance with applicable provisions of the ordinance and other rules or regulations, the Zoning Administrator may approve or approve with conditions an application to expand a principal structure, or parking and circulation areas, by not more than 10 percent (10%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This ten percent limitation shall apply whether reached in one increment or in more than increment over time.

Prior to making a final decision on any such application, the applicant shall cause notice of the proposal in a form approved by the Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot. The Zoning Administrator shall afford the notified property owners ten (10) days within which to comment before mailing a final decision on the application. The Zoning Administrator shall notify the Planning Boards at its next regular meeting of any application approved or approved with conditions under this section.

If, in the judgment of the Zoning Administrator, the application presents significant issues affecting the public health, safety and welfare, he/she shall refer the application to the Planning Board for approval, denial, or approved with conditions. In such cases, the applicant shall cause notice of the Planning Board meeting in a form approved by the Zoning Administrator to be given by first class mail to all property owners within five hundred (500) feet, as shown on the County's tax records, of the zoning lot.

2. If otherwise in compliance with applicable provisions of this ordinance and other rules or regulations, the Planning Board may approve an application to expand a principal structure, or parking and circulation areas, by not more than fifteen percent (15%) of those respective areas as reflected in a Special Use approved by the Board of Commissioners, or as in existence at the time zoning became effective as to the zoning lot, whichever is applicable. This fifteen percent limitation shall apply whether reached in one increment or in more than one increment over time.

NOTE 3 - MANUFACTURED HOMES, CLASS B

(See Note 6 for Manufactured Homes, Class A)

(Amended 7/11/94, 11/6/95, 5/5/97; 5/3/21)

A 'Class B' manufactured home shall be a permitted use in the Residential (R) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard.
- (2) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (3) The roofing materials are compatible with those used in standard residential construction;
- (4) The wheels, axles, transporting lights and towing apparatus have been removed
- (5) Stairs, porches, entrance platforms and other means of entrance and exit to the home are installed or constructed in accordance with the *North Carolina State Building Code, Volume VII - Residential*.

A Class B manufactured home meeting conditions 1 through 5 above shall be a special use in the Highway Business (B-1) and Neighborhood Business (B-2) Zoning Districts except when located within a mobile home park.

Class B manufactured homes may be used only for residential purposes and may not be used for storage accessory buildings, utility buildings nor shops.

All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

Class B manufactured homes not meeting requirements (1) through (5) above may be located in a mobile home park subject to the provisions of the *Person County Mobile Home Park Ordinance*. (Rev. 5/5/97)

NOTE 4 - MANUFACTURED HOMES, HARDSHIP (Revised 5/3/21)

The Zoning Administrator may grant temporary permits for placing mobile homes for dwelling purposes to the rear or side of a dwelling located on a residential lot in certain hardship cases when the Zoning Administrator finds that:

- (1) The person or persons occupying the mobile home are physically dependent upon the person or persons occupying the dwelling house, or that the person or persons occupying the dwelling house are physically dependent upon the person or persons occupying the mobile home.
- (2) The water and sewage facilities are approved by the District Health Department.
- (3) One of the following types of relationships exists between the occupants of the manufactured home and the occupants of the principal dwelling unit:
 - a) Blood relationship.
 - b) Relationship by marriage.
 - c) Legal guardian relationship established by law.
 - d) The attendant is compensated for his or her services and is providing care for not more than two related persons.
- (4) The manufactured home meets requirements 1 through 5 in *Note 3 Manufactured Homes, Class B In Appendix C, Notes to the Table of Permitted Uses*.

The permit shall expire after one (1) year and shall be renewable upon similar findings by the Zoning Administrator. When the hardship ceases to exist, the permit shall automatically be revoked and the mobile home removed. When any of the terms, conditions, or restrictions imposed on the zoning permit are not being complied with, the Zoning Administrator shall rescind and revoke such permits after notifying all parties concerned by letter.

Any mobile home approved by the Zoning Administrator under the hardship provisions prior to the date of this amendment shall be included in the above restrictions with regard to expiration of permits after one (1) year from the date of issuance and all such permits shall be renewed within one (1) year of the date of this amendment. (Rev. 5/5/97)

NOTE 5 - AIRPORT OVERLY

1. Use specifically permitted only in the Airport Overlay, provided in accordance with applicable ordinance provisions.

NOTE 6 - MANUFACTURED HOMES, CLASS A
(Adopted 5/5/97)

A Class A manufactured home shall be a permitted use in the Residential (R), Highway Business (B-1), Neighborhood Business (B-2) and Rural Conservation (RC) Zoning Districts provided that:

- (1) The manufactured home is listed and assessed as real property;
- (2) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;
- (3) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (4) The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- (5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with standards set by the *North Carolina State Building Code, Volume VII - Residential*; and
- (6) The moving hitch, wheels and axles, and transporting lights have been removed.

A Class A manufactured home may be used only for residential purposes and may not be used for storage, accessory buildings, utility buildings nor shops. All standards of this ordinance must be met before a Certificate of Compliance is issued by the Person County Inspection Department.

A Class A manufactured home not meeting criteria (1) through (6) above may be located in a mobile home park subject to provisions of the *Person County Mobile Home Park Ordinance*.

NOTE 7 - MANUFACTURED HOME FOR TEMPORARY DWELLING DURING CONSTRUCTION OF A PERMANENT DWELLING (Revised 5/3/21)

The Zoning Administrator may allow the temporary placement of a manufactured home for dwelling purposes on a lot during construction or installation of a permanent residential unit on that lot provided that:

- (1) A building permit has been issued for construction of the permanent home;
- (2) The construction of the permanent home is started within six (6) months from placement of the manufactured home on the lot and is completed within three (3) years from the date of approval of the zoning permit. At the discretion of the Zoning Administrator, the duration of the zoning permit may be extended a maximum of five (5) years from the date of approval of the permit to allow completion of the permanent home;
- (3) The exterior finish is in good repair and the exterior materials are comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction. Acceptable materials for the exterior of such homes include but are not limited to vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard; and
- (4) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.

The manufactured home must be removed from the lot within thirty (30) days following issuance of the Certificate of Occupancy of the permanent home.

Should any of the terms, conditions or restrictions imposed on the zoning permit be violated, the Zoning Administrator shall rescind and revoke such permits after notifying by letter all parties concerned and granting them full opportunity of a hearing. When such a zoning permit is revoked, the manufactured home for which it was issued must be removed from the property within thirty (30) days after the revocation is final. (Adopted 5/5/97)

NOTE 7A – TEMPORARY EMERGENCY USE OF CAMPER/RECREATIONAL VEHICLE (Added 8/2/2010; Revised 5/3/21)

Temporary emergency use of a camper/recreational vehicle is allowed for a period of six months in the event of a fire, flood or other natural disaster which has made the principal dwelling uninhabitable. The temporary use must be located on the same lot and a zoning permit is required. The zoning permit may be renewed for one additional six month period.

The Zoning Administrator may allow the temporary use of a camper/recreational vehicle for dwelling purposes during the construction or installation of a new permanent residential unit due to the previous residential unit being made uninhabitable by a natural disaster provided that:

1. A building permit has been issued for construction of the permanent home.
2. Approval is for a maximum period of one year. Applicant shall only be allowed one reapplication for the same lot after the initial six month application period.
3. The camper/recreational vehicle cannot be used for residential purposes on the same lot once the certificate of occupancy is issued or the time allowed by the zoning permit has expired.

NOTE 8 – PRIVATE AIRSTRIP/HELIPORT

(Added May 7, 2001)

Private airstrip/heliport without commercial activity. No zoning permit required.

NOTE 9 – RADIO, TELEPHONE AND TV TRANSMITTING TOWER

Towers located in B1, B2 or GI Districts require a Special Use Permit if located adjacent to a residential use.

Setbacks for Radio, Telephone and TV Transmitting Towers will be equal to the height of the tower unless the fall-zone is certified to be less than the height of the tower.

Lattice towers, or self-supporting towers, with a triangular base tapered to the top and engineered with break-points may be setback a distance $\frac{1}{2}$ their height.

At a minimum, towers in all Districts are subject to the standards of the Table of Dimensional Requirements (Table 75; page 64).

There are no height limitations for towers except as specified by the Federal Aviation Administration (FAA) in the vicinity of the Person County Airport.

NOTE 10 – DELETED 10/5/20

There were no individuals appearing before the Board to speak in favor of the public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial).

The following individuals spoke in opposition to the public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial).

Zika Wolfe of 106 Thunder Rd., Rougemont, stated that she has lived in Person County for 25 years and has a small house on 10 acres of land less than a mile from the proposed Moriah Energy Center site. She stated that she has lived in many places to include, Kansas, Boston, New York, Denver, and Puerto Rico. She stated that when she moved to NC, she resided in Orange County and Chatham County before making what she thought would be her final move to Person County. She stated that moving around a lot taught her that what she really wanted was the peace and quiet of rural living, and Person County fit that need. She stated that she drives 20 minute for a supermarket, but that is a small price to pay for no nearby industrial parks or police sirens wailing night and day. She stated that she wakes up daily and gives thanks for the seclusion, quite wildlife, and well water. She stated this proposed project has turned her dream into a nightmare. She pleaded to the Board to please vote no to this rezoning and leave the rural life intact.

Mary Bennett of 86 Elderberry Ln., Rougemont, wanted clarification from the Board on whether or not they did a risk-benefit analysis upon entering into discussions with Dominion Energy. She stated that she trusts that at that time, the Board determined that the benefits outweighed the risks. She stated that the potential risks are greater than what they may have first known. She mentioned the Huntersville, NC plant, and the well waters that were contaminated. She stated that this incident was due to human error, and there is no way to protect from human error, malfunction of equipment, and natural disasters.

Andrea Childers of 270 Blackberry Ln., Rougemont, stated that she has lived in Person County for 31 years. She stated that she would like to resubmit a copy of questions from Person County residents and wished to provide them for reference as she indicated they are crucial factors for the Board's consideration prior to approval. She stated on November 15, 2021, four of the five Commissioners signed the Joint Comprehensive Land Use Plan. She indicated on page 6 of the plan, it states a number of residents who call Person County home, commute into Raleigh-Durham for work.

Childers advised that the statement on page 6 is referring to her husband and herself. She stated that for her husband, the long commute was far outweighed by being able to have a big garden and to sit in his tree stand before work. She stated that when she and her husband were looking for a place in the country to live, there is no way they would have considered the area if there was an LNG storage facility nearby. She stated the first principal of The Comprehensive Land Use Plan that four of the Commissioners signed states, "Celebrating Our Rural Character and Life Style". She proceeded to state that she recognizes that this is not a legally binding document; however, the Commissioners did spend taxpayer's money to develop it. She stated that by the Commissioners signing the Comprehensive Land Use Plan, they pledged they would uphold and respect the statements of the plan. She stated that the Moriah Energy Center is clearly a contradiction to the six characteristics listed under rural and that if the Commissioners vote to rezone for this project, they would be going back on that pledge. Childers stated if you break this pledge with Moriah, which community is next? Bushy Fork? Olive Hill? Allensville? Providence? She advised the Commissioners that they would be sending a message to all of their constituents that they are not safe in their own homes any longer. She stated that only Dominion stands to profit from this facility. She stated that the facility is bad for Moriah, its people, wildlife, the environment, the economy, and Person County.

Karolyn Mangeot of 112 Elderberry Ln., Rougemont, stated that she has spoken to people who were at the Planning Board meeting and were not heard, so they did not come out to the Board of Commissioners meeting tonight as they felt they would not be heard at this meeting as well. She stated that she has spoken with Dominion Energy representatives many times and they are nice and kind people. She stated that Dominion Energy is speaking to you only out of the need for their job, and the people of Person County are speaking to you because they love this county and live here. She stated Dominion Energy does not live here; please consider that when making a decision. She stated that she spoke with someone last week that has ties to the Economic Development Commission and they advised her that the land would be taken by eminent domain. She stated that that remark and the Planning Board would not listen to the people, makes it sound like our government is going against its own people.

Alan Booker of 76 Cobble Brook Dr., Rougemont, asked if the Board had looked over the 108 questions presented to them at a previous meeting and wanted answers to the questions, which were compiled by residents of Person County. Booker asked what the advantages of this project are. He stated that the people are here tonight because the Board is not responding to their constituents.

Mary Kay Doyle of 100 Elderberry Ln., Rougemont, thanked the Board for the opportunity to speak and advised she is grateful for the Board's service. She stated 30% of the country is currently under an unprecedented extreme drought, and according to groundwater levels from the U.S. Geological Survey's Water Information System and Groundwater Monitoring Network, overuse is draining and damaging our country's aquifers. She stated that 25% of aquifers have declined significantly over the past 40 years because more water is being pumped out than nature can replenish, and in the past decade, 40% hit all-time lows, with last year being the worst. She stated that aquifers fail when they are rapidly depleted, which damages them permanently. She stated that the land settles as water is pumped out, leaving less space for new water to refill the aquifers, and deeper aquifers beneath impermeable clay and rock can take thousands of years to recharge. She stated, yet the Board is considering allowing Dominion Energy to remove 360,000 gallons of water from our aquifers and another 360,000 gallons if they put in a second Liquefied Natural Gas (LNG) tank. She stated that this could prematurely shorten the lifespan of our aquifers and 720,000 gallons of water. She stated in the event of a fire, water would not extinguish an LNG fire; it is for containment until everything burns off into the atmosphere.

Deborah Moore of 80 Galpin Ct., Timberlake, stated that everyone that has spoken thus far has had valid points. She stated that she and her husband moved here from rural Indiana in 2016, she wanted to be in a rural area where no industrial complex would be, she does not want this facility next to where she lives, our natural resources needed to be preserved, and she hopes the Board makes the right decision.

Lois Brown of 1010 Thunder Rd., Rougemont, stated that she is 84 years old and lives by herself in a log house on 10 acres of beautiful wooded land. She stated that since she was a little girl, she wanted to live in the woods, and it took her almost 70 years to accomplish this. She stated that she loves it, it is private, and the air and water are clean. She stated at the end of October she received a letter in the mail advising her that her property was within 500 feet of the proposed Moriah Energy Center. She stated that her world came crashing down. She stated that she was terrified. She feared that her water supply and property would be contaminated. She stated that if this facility is built here, it would destroy and endanger our lives.

Charles Howerton of 9 Galpin Ct., Timberlake, stated that he is a lifelong resident of Person County. He stated that, by degree, he is a biologist, by profession, he is a scientist, and by fortune, he is a farmer. He stated by profession and clinical research, he is consistently charged with patient welfare. He stated that he constantly weighs the risks versus the benefits, and that he is legally mandated to share any adverse effects with the patients so that they can make an informed decision to participate. He stated that he wanted to charge each one of the Board members and Dominion Energy with the same task as he does with his patients, know the risks and potential effects before making any decision. He stated that the cons by far outweigh the pros.

Howerton stated that the largest positive outcome is monetary incentive of \$800,000 per year for this proposed project. He stated, do not prostitute the people of Person County to Dominion Energy. He stated, please listen to the constituents and oppose this rezoning.

Bob Brauer of 1 Bobwhite Rd., Roxboro, stated that he is speaking as Chairman of the Person County Environmental Issues Advisory Committee in opposition to this proposed Moriah Energy Center. He stated that the nominal greenhouse gas emissions from the MEC (Moriah Energy Center) are expected to be nearly 66,000 tons annually. He stated that is equivalent to 13,000 passenger vehicles. He stated that this is the wrong choice when we are trying to remove carbon from our atmosphere. He stated that the expected particulate matter emissions amount to nearly 4 tons annually, including 10-micron particles and smaller, that can get into the human lungs, and 2.5-micron particles and smaller, that can get in to the human blood stream. He stated that older adults and children are the most vulnerable to this particular pollution. He stated that health issues include asthma and decreased lung function. He stated that annually the MEC would release 95 tons of carbon monoxide, 5 tons of nitrous oxide, 52 tons of volatile organic compounds, and 4 tons of hazardous air pollutions, which are known to cause human health impacts. He stated all the properties surrounding the proposed MEC depend on wells for their clean drinking water. He stated that any ground water contamination would be devastating.

Richard Mangeot of 112 Elderberry Ln., Rougemont, stated that we do not know enough about this operation to welcome it into our county. He stated when first asked about waste products from freezing and thawing natural gas, Dominion explained that there were none, as anything that was separated from the natural gas before freezing was put back in the pipeline and the process; mostly compressors were powered by electricity. He stated that in Huntersville, NC, a major pollution event occurred where the filter material absorbed some impurities to include mercury; it was buried on site and got into the water table. He stated that Dominion, in their presentation, mentioned that a small amount of toxic material would accumulate and be properly handled. He advised that the Courier Times published an article last week that included data in Dominion's air permit application to the State of NC. The application asked for permission to release 65,579 tons of Carbon Dioxide and several small amounts of dangerous Volatile Organic Compounds, Nitrous Oxide, and various carcinogens each year during normal operations. He stated that he calculated the Carbon Dioxide pollution is the equivalent of 12,000-13,000 automobiles. He stated that the profile might fit burning about 24 tons of natural gas or 12-14 million gallons. He stated that Dominion Energy never said anything about a process at the plant that would consume this level of energy.

Merrilee Narensky of 1 Summer Place Farm Rd., Timberlake, stated that she and her family moved from northern Durham County to Person County nearly twenty years ago. She stated that Planning Boards and Boards of Commissioners greatly impact the lives, livelihood, and lifestyles of residents and neighbors of their counties.

Narensky stated that it is her understanding there is usually a plan with goals that benefit the county, in terms of sustainably, environmentally, and economically. She stated the plan is designed so that residents can feel secure with the progression of those goals. She stated drastically diverting from the goals, such as rezoning from rural conservation to general heavy industrial, creates anxiety, insecurity, and most of all, distrust. She stated vision is most important, and that the Planning Board and the Board of Commissioners are lacking in a sustainable vision for southern Person County.

Jim Dykes of 548 Potluck Farm Rd., Rougemont, stated that he is a Duke educated physician who practiced family medicine for two decades in Durham. He stated that he now farms in Person County. He stated that he owns two parcels of land that neighbor the proposed Dominion Liquid Natural Gas Storage Facility, that total 168 acres of mature forest and farmland. He stated, though he used to practice family medicine, he was drawn to farming at this stage of life, in part, because of his belief in preventive medicine. He stated the health of the soil is vital to the health of human beings and all other living things. He stated so are clean water, clean air, and a stable climate. He stated that he practices organic sustainable agriculture because it acknowledges that healthy soil is fundamental to producing healthy crops or livestock. He stated that on the two farms he owns across the street (Helena-Moriah Road), livestock are raised that feed local families. He stated that hogs, goats, cows, and poultry are raised there, they and all depend upon fertile soil and pasture, clean water, and daily care. He stated that his life is now devoted to the care of these creatures, even though he used to do hospital rounds, he now does morning farming rounds. He stated that Grass Grazed Farm, at 6910 Helena-Moriah Road, is a 60 acre farm he owns, but leases to an African American Marine veteran, who raises meat hogs and pasture raised chickens for Triangle markets. He stated that Derrick and Paige Jackson and their five children have embraced the challenges of raising healthy meat for local markets. Their farm is directly across the road and downhill from the proposed liquid natural gas storage facility. He stated that he fears their farm's welfare might be adversely impacted by the proposed LNG storage facility. He stated The Hundred Acre Wood Farm & Sanctuary (Person County Tax Parcel 4488) is a 108-acre farm just south of Grass Grazed Farm. He stated that it is home to Irish Dexter cattle, Boer, goats, pigs, chickens, ducks, and lone mother goose. He stated that a young couple (Jeff and Ociane) who use sustainable, regenerative, and organic farming practices is farming it. The Hundred Acre Wood is also home to almost 90 acres of mature forest. He stated that it is his hope to put the farm and forests into a permanent land Conservancy in the coming year. He stated that his solar powered home is on Potluck Community Farm, which is just south of the Hundred Acre Wood, and neighbors the Elderberry Co-housing community. He stated it is obvious why so many of us are here tonight expressing our concerns about Dominion Energy's proposed project. He stated it would require the rezoning of farmland that has been historically zoned as "rural conservation/residential". He stated it is vital to the health of Person County to protect its rural residents, farmers and farmland from polluting industries. He stated he believes re-zoning the agricultural land on Helena-Moriah Rd. for industrial use is a terrible mistake. He stated he is not alone, as many others in the room felt the same.

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Dykes stated as a physician, farmer, father, and environmentalist, he is against the construction of a 25,000,000-gallon liquid natural gas storage facility proposed by Dominion Energy. Further, zoning farmland from "rural conservation/residential" to "industrial", opens up the way for future industrialization. He stated he does not believe we need or can afford any industry that fuels the degradation of our environment by promoting the use of fossil fuels. He stated the plant itself would produce more carbon dioxide every year than 14,800 gas guzzling automobiles. He stated, and of course, natural gas, when burned, releases methane, which further feeds global warming. He stated that he is worried about the impact of the Moriah Energy Center on the quality of the groundwater as well as the air, as it has been documented in other areas that local groundwater has been negatively impacted by liquid natural gas storage facilities, such as the one proposed for our community. He stated this represents an environmental danger to our community that should be prevented by our elected officials. He stated as a property owner, he is also concerned that the land value of the 168 acres of farmland he owns adjoining Helena-Mariah Road, might be adversely impacted by the proposed LNG project.

Susan Jacques of 546 Lockamy Rd., Timberlake, stated that she and her husband owned and operated two successful small businesses in Durham for 25 years. She stated that she served on the board of directors for Downtown Durham, Inc. for several years, after its inception in 1993. Jacques stated that people move to Person County because of the beautiful rural land, the good downhome people, and the lower cost of living. She stated that people are moving to the edges of Durham and Wake County and to the bordering counties for these same reasons. She stated that is what larger companies also want, and they know that cannot attract good workers to their new facility if those things are not in place. She stated that she has watched small town areas like Holly Springs and Sanford invest in infrastructure to attract larger companies and in amenities like community parks and walking trails and recreation. She stated that is what stimulates economic development and growth in a county. She stated that bringing a LNG Storage facility is the opposite of stimulating economic development and growth in Person County. She stated the truth is that she and her husband would not have bought the 45 acres they own and would not have moved to Person County if the LNG facility had existed back then. She stated that southern Person County is the prime land in the county, ripe for development, attracting people who want to experience beautiful rural landscape, the good downhome people, and the lower cost of living, as well as because it is close to the jobs. She stated that the Moriah Energy Center is the equivalent of shooting ourselves in the foot as it is creating a barrier to future healthy and impactful economic development in Person County.

Don Narensky of 1 Summer Place Farm Rd., Timberlake, stated the Board of Commissioners are elected by the citizens of Person County, and as such is charged with promoting and protecting the interests and rights of their constituents.

Narensky stated once the veil of secrecy was lifted on Dominion's re-zoning request, any observation of how this Board and the Planning Commission have conducted themselves leads to the inevitable conclusion that the Board has actually been doing the bidding of Dominion Energy, a corporation that desperately needs this project to be approved, and quickly, so that their pending sale to Enbridge can bail them out of a \$4B debt and impending bankruptcy. He stated Dominion's website has a timeline that states they began development and planning of this project with county officials in July 2022; and this was verified recently by the board's chairman, who was quoted recently in the paper as having "closed-door" sessions with the County EDC, which also had been in discussions with Dominion over several months. He stated that the chairman was also quoted as saying "there are a lot of moving parts" which he believed seemed to be quickly falling into place for a 12/4 vote, "as soon as we get the planning recommendation. He stated that Dominion advised they would start buying construction equipment as soon as October 2023 for construction beginning January 2024. He stated this is well before any vote could have been taken. He stated what company would begin buying equipment for a project that has not been approved yet, unless they had been assured that approval is, in fact, a done deal. He stated the chairman of the Board was further quoted as stating he had been brought down to Cary by Dominion to see a facility there. He stated that several citizens have told this Board that they reviewed videos of the Commissioner's meetings over these past 18 months, and there was never a hint of all this activity mentioned. He stated that anyone who attended the Planning Commission meeting observed how Chairman Walker adamantly told the public there that he didn't want to hear anything from them about the risks and dangers of an LNG facility because this was just a re-zoning application to "heavy industrial," and his Board didn't know and couldn't consider what type of facility "may be put on the re-zoned site," even though the MEC drawing by Dominion was on the TV screen behind him. He stated when a dissenting Board member began questioning Dominion representatives, and they began to look foolish for their lack of knowledge about their own project, Chairman Walker quickly cut her off and went directly to a vote, with virtually no discussion by other Board members. He stated this Board has not done the due diligence necessary for such a grave decision; as since the news of this project broke it has been the citizens and constituents who have brought forth, to the Board, and in the paper, so many facts and relevant scientific studies to show that there is actually little economic benefit for the County, especially when placed against the risk and dangers the facility poses. He stated that the citizens have uncovered Dominion's admission about the 150 tons of extremely toxic emissions spewed out yearly, the depletion of the area water aquifers, the absence of training of local volunteer fire departments to contain fires, leaks and explosions, the dangers of the extensive dynamiting that will be necessary, the damage to county roads, and the endangered species that must be protected, or the County will face Federal financial penalties and even criminal liability. He stated if this Board has known all these facts all along, shame on them for not disclosing all these risks and dangers to the public. He stated and, conversely, if the Board only knows now, because their constituents have found out for them, shame on them for not doing the required due diligence before scheduling any final vote.

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Narensky stated that County officials have apparently negotiated with Dominion for 18 months, why not hear from other voices and impartial experts for a few more months, especially the citizens most impacted. He stated that the Board visited Cary, why not come out and walk this beautiful land, get your feet wet in the many creeks and watershed areas which Dominion's impact statement told you do not exist. He stated that you might even see that cute little Neuse River salamander that you will be required to protect. He stated there is a remedy, a way to restore the public's trust and educate the Board sufficiently by tabling this vote on re-zoning for at least three months for all due diligence to be accomplished and allow for more local citizen input. He stated by tabling this vote for a period of months, and then voting on this request when appropriately educated, you may not please Dominion Energy and their stockholders, but you would demonstrate to the people here, and to the citizens of this County, many of whom probably voted you on this Board, that you indeed represent them, first and foremost, and that you have taken their interests and rights to heart.

Heidi Grable of 10607 Wilkins Rd., Rougemont, thanked the Commissioners for their service and advised she is a real estate agent in Durham and a resident of northern Durham County. She stated that she represents her 38 other family members who share the joy and beautiful land that adjoins the Flat River. She stated that she also represents a lot of friends and clients in Person County. She stated that this proposed plant would sit on top of many families' land and farms. She stated that the rezoning would greatly impact the value of homes in the area. She urged the Board to consider opposing this request, and asked who would benefit from this.

Theresa Ahrens of 108 Elderberry Ln., Rougemont, stated that she hopes the Board takes this request for rezoning seriously, like the people in the audience here this evening. She stated that on November 5, 2023 she sent all Board members an email, asking once simple question, "What will be your legacy?" She stated her hope was that the Board would look in to their hearts and choose an option other than Moriah Energy Center. She stated that she fears the Board has already made up their minds and they are deciding their legacy tonight, with the audience as witnesses. She stated that the people, their neighbors, here in Person County have found their voice and will not be silent. She stated that the people would take whatever the Board chooses for their Person County, and make it their Person County. She stated that they would come together to make a better Person County, better for everyone, a Person County that they are proud to call home. She stated they would do this because the Board's actions brought them together, and together they can do anything. She stated make no mistake, they believe the Board can be a part based on what decision and legacy they choose tonight.

Bella King of 294 Wild Turkey Dr., Semora, stated that she is a tenth-generation citizen of Person County. She stated the farm that has been in her family for five generations is in the land that you want to rezone. She understands that the Board has already made up their mind. She stated that it would be a complete injustice for her not to speak on this matter, on behalf of her father and grandparents.

King stated that the citizens of Person County need to stand up for themselves. She stated to consider the future of your children, grandchildren and her future, as they are the next generation, and this is not the future that she wants. She stated that she has lived here her whole life and is a true Personian. She stated that she and her whole family are against this. She stated a vote in support is a death sentence for all surrounding the property and the future of Person County.

Meg Koc of 118 Elderberry Ln., Rougemont, expressed thanks to the Board for allowing her to speak. She stated that she is asking the Board to vote no to the rezoning. She stated that we are sitting on a gold mine, referring to the farms in the area. She stated that she feels that property values will decline if rezoning is approved.

Bernhard Lampert of 5970 Mt. Harmony Church Rd., Rougemont, stated that he lives next to the proposed site for Dominion Energy. He stated that he moved to Person County in 2000, he is faced with an environmental threat next door, his property would not be worth anything after this facility moves in, we need economic development, and this is not economic development, the MEC does not provide any long-term benefits for Person County, Dominion is an unstable company, and Person County needs sustainable businesses with infrastructure that would be beneficial to Person County.

Colette Leirer of 344 River Gorge Run, Rougemont, stated that she and her husband moved to Person County 27 years ago and reside on 12 acres that border Deep Creek. She stated that she has two children who were born and raised here, and she is also here to speak on behalf of her subdivision, Deep Creek. She stated that two years ago, she reported to NC Wildlife Commission, otters in Deep Creek. She stated they were the first ever in Person County and that mussels and frogs are also in Deep Creek. She stated if the Board votes to rezone this property, they would not be serving the citizens of Person County.

Diane Lesman of 106 Elderberry Ln., Rougemont, thanked the Board for serving in a hard job. She advised that world leaders gathered last week in Dubai, United Arab Emirates for the World Climate Action Summit. She stated the biggest takeaway was the need to end our dependence on fossil fuels as soon as possible. She stated that methane is the worst global pollutant, and the clock on worldwide environmental disaster is not ticking, it is pounding, and here in Person County we are asked to look backwards. She stated that if the Board votes in favor of this rezoning, Dominion has projected \$93,000,000 in economic development which is possibly fiction. She stated this LNG plant would support the robust economic growth underway in the Durham, Raleigh and nearby communities. She stated that their economic growth is the dog that wags this LNG tail. She stated do not expect us to believe the promise that the Dominion LNG tail will wag the economic growth dog here, which is not the way it works. She stated two years of 24/7 construction is a huge burden for the county.

Lesman stated concerns referencing transportation of construction materials, provisions for emergency vehicles, school buses, and residents, which roads would be used. She stated that light and noise pollution will be incessant and damage to the soil and all living things on the 485 acres would be irreversible. She stated that this proposed LNG plant fulfills the business plans for Dominion Energy and Enbridge, and stated that there is little or no benefit to Person County.

Tim Wahl of 1625 Rougemont Rd., Rougemont, stated that he moved here from Mecklenburg County. He stated that he is in the insurance business and that the insurance premiums would increase for neighboring residents of the proposed site if this project moves forward.

Rhonda Currier of 106 Shannon Ct., Timberlake, stated that this has caused a lot of concern for her and how it will impact the neighbors of the proposed facility. She stated concerns on the effect it would have on children in the area and the school, Helena, a few miles down the road. She stated that actions speak volumes, as indicated by the people here and speaking tonight. She stated that this is a big decision and the Board is here to serve the people.

James Huey of 5517 Durham-Chapel Hill Blvd., Durham, stated that he is an attorney in Durham with the Southern Coalition for Social Justice. He thanked the Board for allowing the opportunity to provide comments on behalf of the neighbors opposed to the Moriah Energy Center, including Charles and Elissa Huffstetler, Donald and Theresa Ahrens, Paul and Andrea Childers, Kristopher Clayton, Amanda Hamill, Bernhard Lampert, and Alan Booker. He stated that Dominion Energy's request to rezone this parcel of land from RC, R to GI for construction of the Moriah Energy Center to store liquefied natural gas must be denied based on the Board's obligation to ensure its zoning scheme is consistent with its Comprehensive Land Use Plan and is reasonable in light of the site characteristics and character of the surrounding area, harm to the neighboring community, stark about face between the current actual and permissible uses of subject tracts and adjoining areas versus under the proposed amendment, and absence of changed conditions or any factors indicating that the proposed rezoning is in the public interest of residents of Person County. He stated that in addition to these deficiencies, the rezoning was not properly noticed under N.C. General Statute 160-D-602(a), as several residents, only received empty envelopes from the County, and presumably intended to contain information about this proposed rezoning. He stated that members of the community are concerned that there may have been discussions regarding this proposal that took place in violation of North Carolina's open meetings law requirements. N.C. General Statute 143-318.9. He stated that public records requests are pending regarding these matters, and rezoning would be inappropriate until the concerns presented by these issues have been redressed. He stated that in view of these considerations, he respectfully and strongly urges the Board to deny the petition to rezone until all questions and concerns are addressed. He stated a few concerns as follows.

- 1) The proposed rezoning is inconsistent with the adopted Person County Comprehensive Land Use Plan.
- 2) The proposed rezoning is not consistent with the character of the surrounding area.
- 3) The proposed development is severely detrimental to the surrounding community, and will result in air, water, noise, and light pollution; safety concerns; endangered species impacts; and aquifer depletion.
- 4) Rezoning this serene area of forest to a liquefied natural gas facility is an unacceptable reversal of permissible uses, which violates fundamental zoning principles.
- 5) The proposed rezoning is not in the public interest.

Vonda Frantz of 98 Elderberry Ln., Rougemont, thanked the Board for hearing the views of their constituents. Frantz stated that she wanted to provide the Board with twelve reasons not to bring a LNG storage facility to Person County.

- 1) This is the time to reduce, not proliferate, fossil fuel infrastructure.
- 2) Natural gas is methane. Methane is in many ways even worse than coal as a climate warming material.
- 3) The benefits to Person County are negligible and will provide few specialized jobs that may not be offered to Person County residents.
- 4) Natural gas is only available in a small portion of the county and will mostly serve southeastern Person County and would be 8 days' worth of gas. According to Dominion, it may only be used 3-4 days.
- 5) Tax revenue from the site will provide about 1% of the County budget.
- 6) The County's roads may be damaged without State funds available for repair.
- 7) Many risks accompany this facility and our volunteer fire departments are not equipped for possible explosions and fires at the site.
- 8) There is a risk of ground water and well pollution, and the polluted area would experience a decrease in economic value, therefore reducing tax revenue to the County.

She stated that another list would be things that could be done for the benefit of Person County. She stated instead of building a Duke Power natural gas plant, money could be invested in putting solar power on every house in Person County. She stated that would be clean energy, living into 2050 instead of 1950.

Cathy Buckley of 101 Independence Pl., Raleigh, stated that she is with the NC Alliance to Protect Our People and the Places We Live. She stated that she would pick up where previous speaker, Vonda Frantz, left off at on her list.

- 9) There are rare and protected species in streams that drain from the site and would be jeopardized by sedimentation and water pollution.
- 10) It does not align with the Comprehensive Plan.
- 11) This is not a facility that will bring economic development to the County.
- 12) There are many requirements that could be made of the applicant that could mitigate some of these impacts.

Lib Hutchby of 109 Standish Dr., Chapel Hill, stated that she is affiliated with Women's International League of Peace and Freedom, FrackFree NC, and NC Environmental Justice Network, and has taken a pledge as a Water Protector. She recited the Earth Steward and Water Protector Pledge. She stated the people of Person County understand hard work and bless their food and that these same people understand that pipeline leaks can ruin soil and contaminate water. She stated that clean soil and water are required to grow healthy food that they and their children can eat. She stated that the constituents are depending on them as a Board to vote no to rezoning for LNG in Person County.

Michael Savino of 345 Potluck Farm Rd., Rougemont, stated that the Board asked for respect, but how are you supposed to give respect with all this going on in secret. He stated he had a vision for Person County, that we grew three-fourths of our food and really committed to that and knew that our food supply was secure no matter what happened. He stated with the unknowns with this site that is a hard vision to come true. He challenged the Board to give the people six months to come up with a plan.

Kathryn Spann of 11915 Roxboro Rd., Rougemont, stated that zoning law is based on the principal that people deserve predictability as they invest in land. She stated that normally is the biggest investment we make in our lives. She stated that when we buy a house, we want to feel secure that the neighborhood would not radically change. She stated that zoning changes legally require a statement of consistency with existing zoning for just that reason. She stated that changes should be gradual. She stated that another basic principal of zoning is to cluster together uses that need the same kind of infrastructure. She stated that this petition request is spot zoning and requests that the Board vote in opposition to this rezoning request.

James Mims of 266 Stoney Mountain Rd., Rougemont, stated that he just moved here after retiring from the Air Force. He stated that he moved her for the peace and quiet. He stated that he has concerns about contamination, and stated, leaks are going to occur and will contaminate wells. He urged to Board to please vote no to this rezoning request.

Holly Ann Rogers of 405 Younger Rd., Roxboro, stated twelve permanent jobs, and a minimal difference in the tax base over the next twenty years is not worth trading the health, safety, and economic stability of Person County citizens. She stated that the citizens are who the Board represents and pledged to serve.

Caroline Hansley of 105 W. Hargett St., Suite 2-D, Raleigh, stated that she is representing the Sierra Club and respectfully requests the Board to postpone the approval process for Dominion Energy's proposed LNG storage facility. She stated there are a lot of unanswered questions and clarification needed concerning safety regarding water, air, soil, noise, and light pollution. She stated identification of procedures is needed for accidents and incidents, and future industrial zoning issues in our area must be clarified. She stated they are over 500 Sierra Club members in Person County who want answers and the Board to vote no to MEC.

Katey Zimmerman of 130 Van Norden St., Washington, thanked the Board for allowing her to speak. She stated that she is here in her role as a Pamlico-Tar Riverkeeper speaking on behalf of the nonprofit Sound Rivers. She stated that there are more than 2,800 members in southeastern NC. She stated as a nonprofit dedicated to protecting the Neuse and Tar-Pamlico watersheds, Sound Rivers is concerned with the impacts a project of this scale would have on downstream and what threat and dangers it may have to the species who inhabit the Flat River Aquatic Reservoir. She stated that this proposed project could have sedimentation pollution that could endanger these species. She asked the Board to please require Dominion to develop a Habitat Conservation Plan for the several endangered and threatened species that have been documented and known to occupy Deep Creek and Flat River downstream. She asked the Board to also require Dominion to commit to strong sediment and erosion control and stormwater measures above the baseline as a condition of this rezoning approval. She asked the Board to please delay this vote until Dominion can provide the necessary assurances to prevent harmful impact to local waterways, groundwater sources, and endangered species that are of great value to Person County.

Cutch Winstead per Rasmussen of 232 Adams Farm Rd., Roxboro, provided a handout to the Board referencing a Texas LNG fire from compressed methane bursting from a pipe and indicated that this facility is similar to the proposed MEC.

Anderson Clayton of 1416 Stone Dr., Roxboro, thanked the Board for allowing her and everyone else to express their public opinion. She stated that she is the Democratic Party Chair. She indicated that three members of the Board are up for re-election. She stated that everyone in the room is bearing witness to what they are deciding to do for the future of our County. She stated that they would have to pay for it at some point in time, by losing money to Dominion Energy, or losing their seats next year. She stated that the people in this room would continue to speak. She stated that this issue is not partisan, it is political, and about money, and padding the pockets in this county.

Clayton stated the Board has a decision to make, do they like where they are sitting, and do they want to be sitting there next year.

A **motion** was made by Commissioner Palmer and **carried 5-0** to close the duly advertised public hearing for Rezoning/Map Amendment Application RZ-02-23 a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

CONSIDERATION TO GRANT OR DENY REQUEST

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve Rezoning/Map Amendment Application RZ-02-23 is a request by the Applicant, Public Service Company of North Carolina, Inc./Dominion Energy North Carolina (DENC) to amend the zoning designation on ±485.68-acres of the Moriah Energy Center site, located at 6401 Helena-Moriah Rd., from RC (Rural Conservation) and R (Residential) to GI (General Industrial)

INFORMAL COMMENTS:

There were no comments from the public.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

Chairman Powell stated the need to adjust the Consent Agenda to include the November 20, 2023 minutes as amended and to add an additional item to the Consent Agenda- Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff. A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Consent Agenda as Adjusted to include the November 20, 2023 minutes as amended and to add additional item to the Consent Agenda- Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff.

- A. Approval of Minutes of November 6, 2023,
- B. Approval of Minutes of November 20, 2023 as amended,
- C. Budget Amendment #13,
- D. Budget Amendment #14,
- E. FY25 Budget Calendar,
- F. Consideration of Approval of Late Tax Exemption Applications, and
- G. Approval of Bonds of the Finance Director, the Register of Deeds, the Tax Administrator, and the Sheriff

December 4, 2023

NEW BUSINESS:

AWARD CONTRACT TO BENEFITS CONSULTANT

Presented by Human Resources Director Sonya Carver. Carver advised the Board that Human Resources received five proposals for Employee Benefits and Broker Services. Carver stated the Management Team reviewed and evaluated all five proposals, which included, Mark III, Pierce Group, Gallagher, Allegacy, and USI. Carver advised the Board that Mark III, Pierce Group, and Gallagher were the top three recommended by the Management Team. Carver stated that it was the recommendation of the Management Team to continue the contract with Mark III, as they are a strong partner for Person County and have been supportive. Carver stated she is seeking the Boards' approval to continue to contract with Mark III as the county's employee benefits broker..

Employee Benefits Consulting & Broker Services

Request for Proposal Recommendation

Mark III

Highlights:

- o The proposal process was conducted to ensure we are providing the best, competitive benefits package to our employees.
- o Human Resources received 5 proposals.
 - o Mark III
 - o Pierce Group
 - o Gallagher
 - o Allegacy
 - o USI
- o The Management Team reviewed and evaluated the proposals.
 - o Members of the Management Team are the County Manager, Assistant County Manager, Chief Information Officer, Chief Finance Officer, Tax Administrator, General Services Director and Human Resources Director.

Evaluation Results:

- o Mark III, Pierce Group and Gallagher was recommended by the Management Team as the top 3 brokers.

	Mark III	Pierce Group	Gallagher
Average Evaluation Score	25/27	24/27	22/27
Annual Cost	\$25,000 annually. Retains commission on voluntary products to pay for COBRA administration, FSA administration and other programs for the County.	\$11,000 annually. Commission for voluntary products was not discussed in RFP.	\$80,000 annually. Annual fee may be offset by commissions on voluntary products.

Recommendation:

- To continue our partnership (contract) with Mark III.
- o Mark III continues to be a strong partner for Person County Government. The staff provides knowledgeable expertise and provides support to the Human Resources staff on a regular basis. We are highly satisfied with their customer service.
- o Wellness Programs – Diabetic Management and Medical Weight Loss Management has made a positive impact on the participating employees and has been requested by employees to continue the programs into the next fiscal year. There have been discussions of another program we are considering for the upcoming fiscal year in regards to mental health.
- o We have a large number of employees that prefer AFLAC products.
- o Mark III was highly supportive and guided us through the high claims year(s) with budgeting recommendations and negotiating power with insurance vendors.

A **motion** was made by Commissioner Palmer and **carried 5-0** to continue to contract with Mark III for Employee Benefits Consulting and Broker Services.

December 4, 2023

APPOINTMENT OF COUNTY ATTORNEY

County Manager Katherine Cathey stated that County Attorney Ellis Hankins was appointed County Attorney in March of 2021 and announced his retirement effective December 31, 2023. Cathey advised at the October 2, 2023, Board of Commissioners meeting, the Board decided to continue to contract with The Brough Law Firm for legal services and appoint one of their attorneys, T.C. Morphis, Jr., as the next county attorney. Cathey advised the Board that an updated Memorandum of Understanding (MOU) with The Brough Law Firm, PLLC is before them for approval. Cathey stated Section 4 has been updated to acknowledge that T.C. Morphis, Jr. would principally perform legal services and that the other provisions of the MOU remain the same. Cathey stated she is seeking the Board to appoint T.C. Morphis, Jr. as county attorney, approve the MOU with The Brough Law Firm, PLLC, effective January 1, 2024, and authorize the County Manager to execute the agreement.

A **motion** was made by Commissioner Palmer and **carried 5-0** to approve T.C. Morphis, Jr. as the next County Attorney effective January 1, 2024.

Chairman Powell presented County Attorney Hankins with a plaque from the Board in appreciation of his service to Person County. Hankins stated it has been a pleasure and a privilege to work with the Person County Board of Commissioners and staff. All of the members of the Board expressed sincere thanks and appreciation to Hankins for his outstanding service provided to Person County.

Chairman Powell administered the oath to Attorney T.C. Morphis, Jr. with The Brough Law Firm, as he will be the new attorney for Person County effective January 1, 2024.



PERSON COUNTY

BOARD OF COUNTY COMMISSIONERS
Person County Office Building, Room 212
304 South Morgan Street
Roxboro, North Carolina 27573-5245
(336) 597-1720
FAX (336) 599-1609

OATH OF OFFICE PERSON COUNTY ATTORNEY

I, T.C. Morphis, Jr., do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as Person County Attorney, so help me God.



T.C. Morphis, Jr.

T.C. Morphis, Jr.
Person County Attorney

Subscribed and sworn to before me
This 4th day of December 2023.

(SEAL)

Gordon Daniel

Chairman
Person County Board of Commissioners

December 4, 2023

NORTH CAROLINA
PERSON COUNTY

MEMORANDUM OF UNDERSTANDING

1. Parties. The parties to this Memorandum of Understanding (the "Memorandum") are Person County (the "County") and The Brough Law Firm, PLLC ("Law Firm").

2. Purpose. This Memorandum sets forth the understanding between the parties concerning the nature and terms of the relationship under which the Law Firm serves as the County Attorney.

3. Scope of Service. In consideration of the compensation set forth below, the Law Firm shall perform for the County all of the legal services required by the County as set forth herein. Such services shall include, without limitation, consultation with and legal advice to the Board of Commissioners and County staff; attendance at the Board of Commissioners' regular monthly meetings, and special meetings upon request; attendance at meetings of other County boards upon request; drafting and/or review of ordinances and other documents; representation of the County in litigation as necessary and appropriate; and coordination with outside counsel assigned to handle claims by insurance carriers. The Law Firm will accommodate the County's requests with respect to regular hours to be available in the County offices and related matters. Not included within the scope of covered services are services customarily performed by outside bond counsel and real estate title work requiring a formal opinion of title.

4. Services Performed Principally by T.C. Morphis, Jr. The parties acknowledge and agree that the services covered under this Memorandum shall generally be performed by T.C. Morphis. However, the full resources of the Law Firm are available to the County and other members of the firm may assist the County when requested to do so by the County or when Mr. Morphis is unavailable. In addition, the Law Firm may subcontract with other firms or individuals to have certain services performed for the County, such as title searches, in consultation with the County, but the Law Firm shall remain responsible to the County for the quality and timeliness of these services. Payment for these subcontracted services shall be made by the Law Firm and shall be charged to the County on the Law Firm's monthly invoice.

5. Compensation. The County shall pay to the Law Firm for legal services rendered beginning on the effective date of this Memorandum of Understanding on a monthly basis according to the services performed during each month. Monthly invoices shall indicate the number of hours worked, and fees shall be calculated according to the following discounted local government client rates.

T.C. Morphis, Jr.	\$200.00
Other Senior Attorneys	\$200.00
Associate Attorneys	\$185.00
Legal Assistants	\$115.00

The Board of Commissioners has requested that the Law Firm attend all meetings of the Board of

December 4, 2023

Commissioners, including regular, special and emergency meetings, unless otherwise directed.¹ It may choose to be charged a flat per-meeting fee of \$750.00, which would include the attorney's travel time and attendance at the meeting, or to be charged hourly. The County selects the following option:

- The Law Firm shall attend all regular, special and emergency meetings of the Board of Commissioners and shall charge a flat per-meeting fee of \$750.00; or
- The Law Firm shall attend all regular, special and emergency meetings of the Board of Commissioners, unless otherwise directed, and charge its usual hourly rate (travel time will not be charged).

The Law Firm also will attend meetings of the Planning Board, Board of Adjustment or other boards if requested, and shall charge its usual hourly rate for each of these meetings. The County may, at any time, elect to switch to a \$750.00 per meeting flat fee for the Law Firm to attend those meetings of other county boards.

Ordinary office expenses shall continue to be charged in accordance with the attached Compensation for Services schedule.

6. Amendment, Duration, Termination. This Memorandum shall govern the relationship between the parties for the period beginning on the effective date of this Memorandum and continuing unless and until terminated upon ten (10) days written notice by either party. Payment shall be made for services rendered through the date of termination. Mutually acceptable changes to this Memorandum, with respect to rates, scope of services or other matters, shall be made by duly approved and executed written amendments.

[This area has been left blank intentionally. Signatures are on the next page.]

¹ The County Attorney ordinarily does not attend planning retreats and budget work sessions, but the Attorney will attend these meetings upon request, at the applicable per-hour rate.

This Memorandum of Understanding is executed by the parties this 4th day of December, 2023.

PERSON COUNTY

THE BROUGH LAW FIRM, PLLC

BY: Katherine M. Cathey BY: T.C. Morphis, Jr.
Katherine Cathey, County Manager Morphis, Jr.

ATTEST:

Michele Solomon
Michele Solomon, Clerk to the Board of Commissioners



This instrument has been preaudited in the manner required by the NC Local Government Budget and Fiscal Control Act.

Amy Wehrenberg
Amy Wehrenberg, Finance Director

CHAIRMAN’S REPORT:

Chairman Powell expressed thanks to the Person County Sheriff’s Department for their presence tonight. Powell advised this meeting is the last official meeting of 2023 before the Holidays. Powell wished all a Merry Christmas, to be safe, and have an enjoyable holiday. Powell encouraged all to shop local and advised of the many different shops located here in Person County.

MANAGER’S REPORT:

County Manager Katherine Cathey expressed gratitude to County Attorney Hankins. Cathey advised of the December 7 Strategic Planning Retreat at 9 a.m. in the Commissioner’s Boardroom 215 of the Person County Office Building.

COMMISSIONER REPORT/COMMENTS:

Vice Chairman Sims expressed thanks to the Person County Sheriff’s Office for helping with crowd control. Sims stated he appreciated everyone in attendance for coming to the meeting and expressing concerns.

Commissioner Palmer thanked County Attorney Hankins and stated he is looking forward to working with T.C. Morphis, Jr. Palmer expressed thanks to the people in attendance who came out to express concerns.

Commissioner Thomas provided best wishes to County Attorney Hankins on his upcoming retirement. Thomas thanked the Person County Sheriff’s Office for keeping everyone safe.

Commissioner Puryear thanked County Attorney Hankins for his service to Person County and provided best wishes to him in his retirement. Puryear also gave thanks to the Person County Sheriff’s Office for assisting tonight.

CLOSED SESSION #1

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #1 at 9:25 p.m. per General Statute 143-318.11(a)(4) for the purpose of discussion of matters relating to the location or expansion of industries or other businesses in the county (economic development) with the following individuals permitted to attend: County Manager Katherine Cathey, Clerk to the Board Michele Solomon, County Attorney Ellis Hankins, County Attorney T.C. Morphis, Jr., and Economic Development Director Brandy Lynch.

Chairman Powell called the Closed Session #1 to order at 9:31 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 9:59 p.m.

CLOSED SESSION #2

A **motion** was made by Commissioner Sims and **carried 5-0** to enter into Closed Session #2 at 10:00 p.m. per General Statute 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract with the following individuals permitted to attend: County Manager Katherine Cathey, Clerk to the Board Michele Solomon, County Attorney Ellis Hankins, and County Attorney T.C. Morphis, Jr.

Chairman Powell called the Closed Session #2 to order at 10:00 p.m.

A **motion** was made by Commissioner Puryear and **carried 5-0** to return to open session at 10:07 p.m.

ADJOURNMENT:

A **motion** was made by Commissioner Sims and **carried 5-0** to adjourn the meeting at 10:07 p.m.

Michele Solomon
Clerk to the Board

Gordon Powell
Chairman

EXHIBIT H

An Ordinance Approving Rezoning Map Amendment Application RZ-02-23

WHEREAS, on October 12, 2023 Person County received a Rezoning/Map Amendment Application from Public Service Company of North Carolina, Incorporated (d/b/a Dominion Energy North Carolina) to rezone +/- 485.68 acres of land known as the Moriah Energy Center site, located at 6401 Helena-Moriah Rd. in Person County from Rural Conservation (“RC”) and Residential (“R”) to General Industrial (“GI”) (hereafter “RZ-02-23”);

WHEREAS, on November 9, 2023 the Person County Planning Board voted 5-1 to recommend approval of RZ-02-23;

WHEREAS, on December 4, 2023, after conducting a properly noticed public hearing, the Person County Board of Commissioners voted unanimously to approve RZ-02-23 and the Statement of Consistency associated with the amendment recommended by the Person County Planning staff;

WHEREAS, N.C. Gen. Stat. § 160D-601(c) requires that a, “A development regulation adopted pursuant to [i.e. Chapter 160D] shall be adopted by ordinance”; and

WHEREAS, out of an abundance of caution the Board of Commissioners seeks to ensure that its actions comply with all legal requirements;

NOW THEREFORE, be it ordained by the Person County Board of Commissioners the following:

Section 1. Rezoning Application RZ-02-23 is hereby approved.

Section 2. The Board of Commissioners finds that RZ-02-23 is reasonable and in the public interest and consistent with the *Person County & City of Roxboro Joint Comprehensive Land Use Plan*, specifically, Guiding Principles 2.1, 2.4, and 2.7, to facilitate sustainable economic growth.

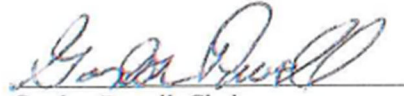
Section 3. This action relates back to and has an effective date of December 4, 2023.

Section 4. Any ordinance or resolution inconsistent with this ordinance is hereby repealed.

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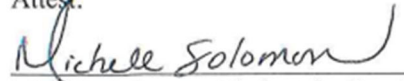
December 7, 2023

Adopted this 7th day of December, 2023.



Gordon Powell, Chairman
Person County Board of Commissioners

Attest:



Michele Solomon, Clerk to the Board



A **motion** was made by Commissioner Palmer and **carried 4-0** to approve an Ordinance Approving Rezoning Map Amendment Application RZ-02-23.

December 7, 2023

EXHIBIT I



4

IMPLEMENTATION

4.1 IMPLEMENTATION OVERVIEW

This section provides guidance for implementing the Plan’s vision established by the four Guiding Principles. In all, 27 objectives were prepared to support the Guiding Principles. Below and on the pages that follow, each objective, including a description of the key strategies and concepts to implement each objective, is listed with the Guiding Principle that they support. As the Plan moves forward into implementation, the County and City will coordinate together to ensure the Plan achieves its vision to celebrate its rural character and lifestyle, facilitate sustainable economic growth, and build a strong and vibrant community, while strengthening governmental coordination.

GUIDING PRINCIPLE 1

CELEBRATING OUR RURAL CHARACTER AND LIFESTYLE

1. Implement growth management policies that direct development to growth areas, helping preserve prime agricultural and sensitive natural areas.

The preservation of the County’s prime agricultural lands and scenic natural areas is critical to maintaining the integrity of the rural landscape and character of the community. By focusing new growth on the core of the County (within the City and the designated Growth Area) the community will achieve both the preservation of these critical assets and help to facilitate a stronger future for the City. This will also help to achieve more efficient service delivery, including schools, utilities, and emergency services, while strengthening the viability of the City’s commercial areas. Tools to facilitate this include the use of watershed density averaging, which allows for the transfer of density from rural agricultural areas within the County’s water supply watershed areas to areas closer to the urban core, as well as general land use and utility policies that limit the density of development in the rural portions of the County.

2. Develop tools and identify funding to support partner organization efforts to preserve farmland and forests.

The viability of agricultural enterprises and the preservation of rural forestland is dependent in large part on the financial viability of maintaining them in their current use. There are currently a wide range of programs and entities whose focus is on the preservation of these assets, and the County is encouraged to identify ways that it can help to support their efforts, through land use policies, education, and, if available, financial support. Many of these programs focus their efforts on the purchase of agricultural easements and associated programs that seek to purchase or receive donations of development rights. In support of Objective 1, the use of a requirement for conservation subdivisions in the rural areas could make more land available for easement acquisition, as could the use of the watershed density averaging provision. Ongoing educational efforts through the Agricultural Extension and Soil & Water Conservation District could be integrated with the development services functions of the County and City to help provide information to property owners and prospective developers. If possible, the County could also assist with financial support to these organizations, with annual appropriations to enhance the viability of offers to purchase conservation easements.

3. Adopt context sensitive development standards (such as “conservation subdivisions”) in prime agricultural / sensitive natural areas.

The use of conventional development standards in the rural areas of the County leads to missed opportunities to conserve vital natural lands and prime agricultural areas. The use of conservation subdivision design requirements, where density is allocated to a smaller portion of a site at the same (or greater) density as would be permitted in a “conventional” subdivision allows for both the beneficial development of land, along with the preservation of desired elements of the rural landscape. A property owner with a large farm could, for instance retain farming rights to a preserved section of their agricultural property, which would go into an agricultural easement, while a developer would purchase and build on the remainder of the tract. This can also help to facilitate the preservation of the rural character of an area by clustering new development in areas buffered from the adjoining roads and leaving larger expanses of contiguous open space on a development site.

4. Support the diversification of agricultural related activity to strengthen the financial position and viability of farming.

In order to remain viable, many agricultural producers look to leverage the inherent assets of their farming operations to generate additional income. Encouraging the development of farm-based commercial ventures can help with the community’s overall goal of preserving the rural character and lifestyle of Person County by enhancing the financial viability of agricultural enterprises. While agricultural use is exempt from zoning regulation by counties, there are varying interpretations as to the degree to which related uses, such as agritourism and similar enterprises, fall under a County’s zoning authority. Therefore, the County should examine its policies to identify any unreasonable barriers to the establishment of complimentary uses, like outdoor recreation, event venues, and similar uses that can help to strengthen the financial position of rural property owners.

5. Provide enhanced services for rural communities.

To maintain the viability of the County's rural agricultural areas, residents who own and reside on the large tracts that make up the backbone of the community's agricultural land resources need to have the amenities available to them that the rest of the community has. One of the prime examples of this is access to broadband internet services, whether provided by wireline or wireless technology. Farmers (as well as businesses that support agriculture) are increasingly dependent on internet connectivity to run efficient and successful agricultural operations; using connected computer technology for managing their fields and livestock, running diagnostics on modern agricultural equipment, and reaching global markets. Many farmers and their families also depend on outside sources of income to maintain the viability of their agricultural properties. Thus, having reliable high-speed broadband services is critical, as has been made evident with the recent experiences surrounding the COVID-19 pandemic that limited travel and forced many people to work from home.

GUIDING PRINCIPLE 2

FACILITATING SUSTAINABLE ECONOMIC GROWTH

1. Designate sufficient developable land and sites to support economic growth.

Successful economic development recruitment is dependent on having the correct stock of available sites in a community to support the industries and employers that are being targeted. Cooperative efforts between the City, County, and local, regional and state level economic development entities are needed to help to ensure that the best available sites for recruiters to maintain in their portfolios are kept available, to the extent possible for economic development purposes. In some cases, this may need to include the proactive rezoning of land for industrial use to lessen the likelihood that it is converted to something other than its highest and best use. While the local governments can influence development through their land use regulatory powers, the property owners are the ultimate "planners" of their land, and so outreach and education are necessary to help ensure that the most viable sites in the community are retained until a successful prospect can be found to develop them.

2. Identify opportunities for the adaptive reuse of legacy manufacturing / industrial sites.

In addition to the development of "greenfield" sites, the City and County have a number of legacy industrial sites that can serve to help recruit new employers to the community. Joint efforts with local economic

developers and property owners should take place to identify the most viable opportunities for adaptive reuse (including environmental remediation where necessary), so that economic recruiters can maintain a portfolio of existing buildings that can support quick relocations and startups. By repurposing legacy sites, the community also receives the added benefit of the elimination of blighting influences and the utilization (and potential rehabilitation) of existing utility and transportation infrastructure as sites in the core of the community come back into beneficial use.

3. Improve access to broadband internet services.

Access to strong and reliable broadband infrastructure is not only a rural issue. Businesses and industries of all types in urban areas rely on this infrastructure, and sometimes the lack of a reliable internet backbone can limit the types of jobs or production work that are possible in a community. The City and County should work with local economic development staff and business groups to identify both short and long-term needs and develop a plan to ensure that the right tools are available in the community to support business expansion and adapt to the changing needs of the business community as the pace of technological change accelerates.

4. Identify and recruit industry sectors that bring diversity to the economic / employment base.

A diverse economic and employment base is significantly more resilient to economic shocks than a base that is too heavily focused in one or several narrow sectors. As the community looks to its future recruiting efforts, care needs to be taken to look to recruitment and expansion targets that broaden the types of companies and employment sectors in the community, including the wage level, skill type and educational requirements for employees. Being in close proximity to Durham and the Research Triangle provides significant opportunities to recruit a more diverse set of enterprises to call Person County home. With a large number of residents already commuting throughout the region to work in a diverse array of jobs, the potential workforce for helping to diversify the local economy is already in Person County, and this pool of available local human resources should be drawn upon to help support economic diversification efforts.

5. Provide a reliable and efficient transportation network.

Economic sustainability is dependent on the ability of workers, raw materials, and finished products to move into and out of the community in an efficient manner. While the NCDOT is the primary party responsible for maintaining and improving major regional transportation routes, local governments are responsible for participating in the planning process to ensure that there is alignment between growth plans and the capacity of the transportation network to accommodate users. To that end, Person County and the City of Roxboro should work together, with NCDOT and regional transportation planning groups to develop plans and advocate for improvements to the network that support their growth plans.

6. Provide an attractive and diverse housing stock to attract workers at all levels.

Attracting new employment opportunities to the community is dependent, in part, on the ability to provide housing for workers so that they can reside in reasonable proximity to their place of employment. As economic development prospects scout sites for locating their businesses, they will frequently assess the availability of housing in the community that fits the needs of their executives and core workforce. While local governments are not the provider / developer of housing, they do influence the attractiveness of the housing market through a wide range of policy decisions. This includes ensuring that the ability of the market to provide a housing stock that fits the needs of people looking to relocate to the area through appropriate regulations that promote the development of a diverse range of products that fit the needs of everyone from entry level workers, to young families, to people looking to “move up” in the market. In addition to land use policy that facilitates housing choice, the City and County should ensure that the services that they provide and the manner in which the community presents itself to prospective residents aligns with their expectations, particularly as compared to peer communities in the region.

7. Provide utility infrastructure to support economic growth.

As the community plans for new growth and looks to attract new economic opportunities for residents, it will be important to ensure that utility infrastructure plans and capacity are aligned with both the scale and anticipated geographic distribution of growth. **To ensure this alignment, it is critical that the City and County develop long-range plans that are aligned with both the Future Land Use Map as well as the strategic economic development priorities of the community.** In addition to planning for new growth, it is important to ensure that major capital maintenance investments are built into utility system budgets to ensure that the systems remain in top condition. Policies for the extension of utilities should be clearly defined to ensure that economic development recruiters and business prospects understand the process and required degree of participation necessary for securing utility services for major development opportunities.

8. Support the reuse and repurposing of the County’s major energy infrastructure sites.

For many years, a significant portion of the local employment base has been centered on energy production, with major coal-fired power plants located on Hyco Lake and Mayo Lake. These assets not only provided employment opportunities for residents and contributed to the local tax base, but also provided a source of reliable and redundant energy supply for major industrial users in the community. It is anticipated that, as the energy industry continues its transition away from coal, these two major power production sites could be taken off-line in the foreseeable future. The City and County should work to advocate for the reuse of one or both of these sites to be redeveloped with a new energy generating plant to both take advantage of the required water resources that exist, as well as to provide a reliable local energy source to help support industrial development in the community.

GUIDING PRINCIPLE 3

BUILDING A STRONG & VIBRANT COMMUNITY

1. Implement growth management policies that direct intensive development to the City.

As the commercial, governmental, and cultural heart of Person County, the economic and social health of the City of Roxboro is a bellwether for the community as a whole. Land use and growth management policies that focuses urban growth in a manner that strengthens the City will help to ensure the long-term viability of the entire community. By directing more intensive growth to the City, the community as a whole will benefit as this helps to achieve other policy objectives aimed at preserving the character of the rural areas of the County. Absent a focused land use policy that encourages growth in the City and its designated growth areas, the cost of providing services will rise as the needs of unincorporated areas increase. Further, the viability of the City's commercial core will decrease as the population becomes more dispersed.

2. Encourage the reuse and revitalization of legacy commercial areas to reduce urban sprawl.

Commercial growth in Person County has traditionally been centered in Roxboro, first in its uptown core, and then moving to the US 501 corridor. Over time, commercial development has sprawled both north and south along US 501 in a very dispersed manner. As these commercial enterprises have sought to locate in closer proximity to newer residential developments, older legacy commercial areas have become less viable. The continued sprawl of commercial development will only exacerbate the decline of legacy commercial areas in the City, and, therefore land use policies, as expressed in the Future Land Use Map should be implemented to constrain commercial sprawl and encourage the redevelopment and reuse of older commercial areas in the City.

3. Provide high quality parks and recreational opportunities.

Person County was a pioneer in the provision of parks and recreation services at the County level, with the County government taking the responsibility for ensuring that both City and County residents have access to high-quality parks and recreational programs. This model has served the overall community well over the years, and the County is encouraged to maintain its commitment to this critical service that contributes to the quality of life of all residents. As the community anticipates new growth, it will be important to align the long-term capital needs of the parks system with growth plans to ensure a consistent level of service and adequate geographic distribution of park facilities throughout the County.

4. Invest in infrastructure improvements in older neighborhoods.

Over the years, many older neighborhoods, particularly in the City of Roxboro, have not received the degree of ongoing investment in maintenance and improvements to public infrastructure (water, sewer, sidewalks, streets, etc.) that are needed to ensure their competitiveness and attractiveness to new residents. Consequently, residents' quality of life in many of these older neighborhoods lags behind what is experienced in newer development in the community. Investments in upgrades to infrastructure in older neighborhoods will help to expand the scope of potential choices for workers and families moving to the region, and, hopefully, encourage private investment in response to visible public investments.

5. Eliminate blighting influences in the community (in both residential and commercial areas).

The presence of substandard and derelict homes and businesses creates a blighting influence in neighborhoods and along high-visibility commercial corridors that discourages private investment and creates negative impressions of a community. The City of Roxboro has had an active minimum housing enforcement program in recent years that has sought to remove blighted structures from neighborhoods, and the City is encouraged to maintain its investments in its enforcement program and grow it as funding is available. Expanding enforcement to nonresidential areas of the City, particularly along its main commercial corridors to encourage higher levels of maintenance and reinvestment in older commercial properties will help to improve the image of the City and enhance the overall quality of life in the community. In rural areas of the County, similar issues exist, primarily in the form of abandoned homes, manufactured housing, and visible junk. The County should work with property owners to encourage the removal of these structures and articles to help maintain the appealing character of rural Person County.

6. Support and facilitate ongoing revitalization efforts in Uptown Roxboro.

Uptown Roxboro is the heart of Person County, and ongoing City supported revitalization efforts have brought new investment into the historic commercial core of the City. Moving forward, continued City investment in the Uptown Main Street program and support for private rehabilitation efforts will help to create a vibrant Uptown commercial district. This will in turn attract new investment, create jobs, and help to preserve the rich architectural legacy of Uptown and the surrounding neighborhoods.

7. Improve pedestrian connections between neighborhoods, commercial areas, and community facilities / services.

The ability for residents to freely move throughout their community by means other than a motor vehicle is a critical component of maintaining a high quality of life and equitable access for everyone. Providing robust and safe pedestrian connections between a wide range of destinations will allow residents a greater range of choice in how they move about the City. This will also reduce dependence on automobiles for daily tasks, and give more freedom of movement to the youngest and oldest residents of the City. Investments in making connections from neighborhoods to areas of the City with high potential for pedestrian demand also requires

that strong pedestrian infrastructure be created along the City's major transportation corridors to allow movement not only from neighborhoods to major destinations, but through these areas as well. Investment in strong pedestrian corridors along Madison Boulevard and adjacent streets will help to connect the overall community and provide opportunities to build a pedestrian network throughout the City. Expanding beyond the City, there are a number of opportunities for longer connections to other areas of the County via greenway trails that could connect to a larger regional trail network. Moving forward, the City and County should work together to update the City's 2008 pedestrian plan and develop a joint long-range pedestrian and trails plan and begin funding investments in the pedestrian network.

GUIDING PRINCIPLE 4

STRENGTHENING GOVERNMENTAL COORDINATION

1. Develop a coordinated approach to utility service extensions.

Haphazard growth can lead to inefficiencies in the provision of municipal water and wastewater utilities if service areas are not well-planned in advance of demand for service in new areas. With recent expansions of the City's utility system being mostly driven by growth in southern Person County, strains have emerged, creating a bottleneck in the system's capacity to move wastewater flows through the City and to its treatment plant. While a solution to this issue is being developed and implemented, the emergence of this issue has created opportunities to reassess how and where system growth occurs. Studies of the system have revealed opportunities for sustainable growth in the provision of utility services, and to achieve that, a greater degree of coordination is necessary to ensure that the City and County are working in harmony to facilitate utility dependent growth in areas where it can be served by existing or planned infrastructure.

2. Enhance collaboration and cooperation on the provision of fire and emergency services.

Nationwide, rural volunteer fire departments have seen declines in membership and capacity to maintain adequate coverage, while experiencing increasing demands for capital investments and greater training requirements for their volunteers. Person County is not immune from these trends, and the City of Roxboro has become a de facto rural fire service provider given its greater staffing capacity and ability to respond to major incidents on a 24/7 basis. Maintaining capacity in the rural departments is critical to ensure a distributed service network, but opportunities exist to formally expand the scope of the City's services and increase coordination on the provision of emergency response services throughout the County.

3. Continue to collaborate on joint City/County economic development initiatives.

The Person County Economic Development Commission serves as a vehicle for joint collaboration between the City and County on major economic development initiatives. Participation in this organization allows for coordinated efforts between the local government as the community pursues development targets and plans for workforce development, site readiness, and the development of incentives to attract new jobs. Moving forward, the City and County should continue in their long-term commitments to joint efforts to attract and retain high-quality, good paying, jobs and sustain the tax base through major development projects.

4. Provide mutual support for transportation improvement projects.

Collaborative planning for transportation improvements is necessary to ensure that projects of critical importance to the community are included in long-range NCDOT funding plans. Through collaborative planning efforts and mutual support between the City and County for each other's funding priorities, a unified vision for the community's transportation network can be developed. With local preference as a factor in NCDOT project funding, it is critical that projects receive support from both the City and County to ensure that projects receive the highest scores possible in the funding prioritization process.

5. Continue ongoing joint comprehensive planning efforts.

The success of the joint City/County effort to develop the Land Use Plan should continue beyond its adoption. An opportunity exists to sustain this effort through a joint plan implementation committee, which can be used as a vehicle to identify and develop other joint planning projects. The collaborative approach to the development of the future land use vision for the community as a whole serves as a prime example of the benefits that can be gained by working together on issues of mutual importance. As the plan moves into its implementation phase, the committee, or a version of it, should be sustained into the future and continue its work to merge the needs and desires of the community as a whole through a cohesive implementation effort.

6. Hold regular staff and elected official coordination meetings between the City and County.

It is critical that each local government maintain awareness of the priorities and projects of the other in order to ensure that opportunities aren't missed to collaborate on issues of mutual importance. To that end, it is recommended that a regular forum for the joint exchange of ideas and information be formally instituted to provide opportunities for both staff level and elected official coordination. Such meetings should occur on a frequent enough basis, perhaps quarterly, so that there are not any long gaps in information exchanges, and these events should be timed to align with budget schedules and other important events (such as following elections) to ensure that funding opportunities are identified early and newly elected members have the opportunity to develop relationships with their counterparts soon after coming into office.

7. Explore options for establishing enduring joint City/County advisory boards.

As this planning effort has shown, there is a great deal that can be achieved through joint City-County cooperation on issues of mutual importance. Moving forward, the City and County should explore opportunities for developing joint advisory boards that can assist with issue prioritization and decision-making across jurisdictional lines. While the EDC serves as a prime example of an existing joint City-County effort, there are a wide range of other aspects of local government that can be well-served by interlocal cooperation. These can include joint advisory boards on fire / emergency services, regional pedestrian and trails planning, historic and cultural resources, and a host of other issues that affect residents throughout the community without regard to whether they are in the City or County.

4.2 PLAN AMENDMENTS AND UPDATES

In order for the Plan to remain relevant, it will need to be evaluated and updated on a regular basis. During the day-to-day administrative activities carried out by the County and City staff, each may become aware of needed changes in the Plan as it relates to the practical application of the recommendations and policies. The County and City need to establish a process for the evaluation of amendments and incorporation of those changes into the Joint Comprehensive Land Use Plan. As suggested in Strategy 5 of Guiding Principle 4, the Steering Committee for this Plan, or a similar version of it, may be established to provide initial review and evaluation of potential amendments. This process will help the County and City to maintain coordination and cooperation on land use matters as the Plan is implemented.

Beyond daily review by staff, an ongoing and annual plan evaluation process can lead to more detailed small area / focus area planning studies to address more specific challenges that are not addressed in this Plan. Small area plans and studies provide the opportunity to more quickly respond to market-driven trends in between periodic updates to the Plan. The small area planning process can also help to inform the community's capital improvement planning needs. This Plan provides the overall framework for infrastructure investment, while small area or focus area planning efforts will allow for the examination of more specific projects and priorities that may impact potential development, capital improvement project needs, cost of public services, and other public utilities and infrastructure.

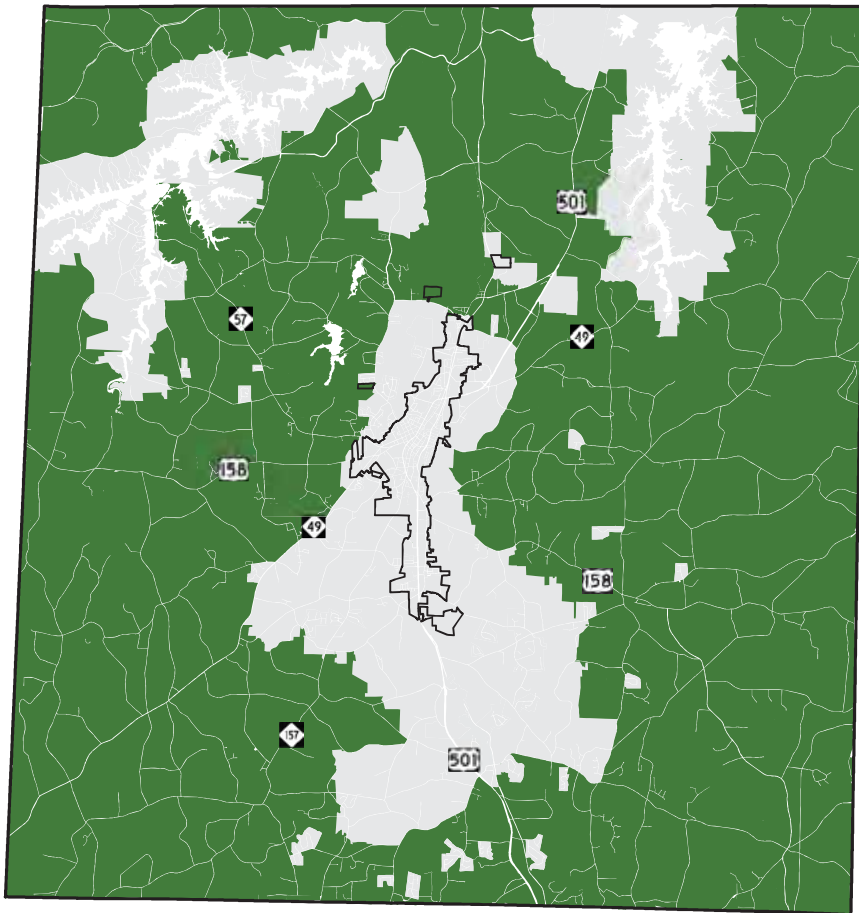
At a minimum, a full update to the Plan and Future Land Use Map should be considered every three to five years to help ensure its ongoing consistency with development patterns, needed infrastructure changes, transportation improvements, and other similar growth and development changes. The full update will also help ensure the County's and City's goals are being met in a comprehensive manner.

Finally, the Comprehensive Land Use Plan implementation should be coordinated with other community plans and initiatives that all work together for the betterment of Person County and the City of Roxboro. The Plan is one component of a broad range of strategic planning, community development, and economic development plans that influence the future of the City and County.

EXHIBIT J

RURAL

The Rural future land use category is intended to promote the protection of agricultural lands and natural resources while allowing low density residential development (minimum lot size of one acre). Cluster or conservation subdivisions, which permit higher density residential development while setting aside land for preservation should also be permitted in Rural areas. The Rural future land use category should permit neighborhood-scale commercial development at, and within 1,000 feet of, major intersections (examples include Timberlake, Olive Hill, Hurdle Mills, etc.). Development regulations should limit floor area of retail and similar uses in these rural commercial nodes. Agricultural and agricultural-support uses, along with other typical rural commercial enterprises should be permitted throughout these areas, without limitation.



DESIRED CHARACTERISTICS

Building Height:	1 - 2 Stories
Street Character:	Two-Lane Roads, Swales, NCDOT-Maintained
Residential Density:	Low, Farms and Conservation Design
Primary Uses:	Single Family and Agricultural
Secondary Uses:	Silos, Convenience Stores, Agricultural Business, Supporting Services
Location:	Predominantly unincorporated Person County (76% of total area)