**Caswell County Planning Board Meeting**

**September 26, 2023**

**Caswell County Planning Department Conference Room**

Members Present: Ron Richmond, Steven Harris, Sam Butler, Scott Oakley, Jason Daniel, Antonio Foster, Lynn Lunsford

Ex-Officio Members Present: Planning Director Matthew Hoagland, Central Permitting Director Donnie Powell

**Call to Order**

Chairman Richmond called the meeting to order at 1:00 p.m.

**Oaths of Office**

Carla Smith, (Clerk to the Board of Commissioners) was asked to administer Oaths of Office to two new members Sam Butler and Lynn Lunsford. The Oaths were administered and signed documents were witnessed for notarization by Mrs. Smith.

**Approval of Agenda**

Mr. Richmond asked if any members had any proposed amendments to the agenda but there were none.

**Approval of Meeting Minutes**

Mr. Richmond asked if everyone had a chance to read the August 22, 2023, meeting minutes. Mr. Harris made a motion to approve with a second by Mr. Oakley. The motion passed unanimously.

**Public Comments**

There were no public comments.

**New Business**

1. **Public Hearing: Cell Tower (6629 NC Hwy 86N, Yanceyville)**

Mr. Richmond stated the first item of new business was a Public Hearing: Cell tower (6629 NC Hwy 86N, Yanceyville) There were two people signed up to comment. Jessica King, who spoke in support of the new cell tower and how it would give her access to phone service because she has none currently. The next speaker was Ruby Hovater, who spoke in favor of the cell tower but argued that the tower was in Providence and not in Yanceyville as stated. Before moving on to the next tower Mr. Hoagland stated that each tower Public Hearing must be handled separately, and the first would need to have action taken before moving on. Mr. Hoagland then stated to be sure procedure was being followed correctly we needed to have a motion to enter into a public hearing. Mr Foster made a motion to enter into public hearing that was seconded by Mr. Oakley.

Mr. Hoagland then addressed some concerns about the addressing of the NC 86N tower and Mr. Foster asked if the Vertical Bridge representative could give monthly updates to the Planning Board, to which he agreed. Mr. Hoagland reminded Mr. Richmond that the board would need to close the Public Hearing before taking action. Mr. Daniel moved to close the public hearing and his motion was seconded by Mr. Harris which carried unanimously. Mr. Hoagland then read the following administrative statement.

**6629 NC Highway 86 North Tower Application Administrative Statement**

            Applicant Vertical Bridge, LLC is proposing to construct a 300-foot guyed style tower on a roughly 103-acre parcel of land on along NC Highway 86 North in the Providence community. The specific tower location would be in the middle of an agricultural plot of land on the western side of NC Highway 86 North. The site is approximately 9/10ths of a mile south of the intersection of Highway 86 and Park Springs Road, and 8/10ths of a mile north of the intersection of Highway 86 and Purely Church Road.

            You may recognize that a tower was approved for this property and specific location in July of last year. However, U.D.O. Section 9.28.1.1. requires that “Any person that proposes to construct a new wireless support structure or substantially modify a wireless support structure within the planning and land use jurisdiction of the county must…submit a completed application…to the planning authority.”

            In addition to the engineered drawings before you today, the applicant also furnished a Colocation Agreement Letter, a copy of the Redacted Lease agreement, an FCC License List, an RSPS Coverage Map (before and after), a Fall Zone Letter, a RF Safety Analysis Report, a report finding No Hazard to Air Navigation, and a copy of their NCDOT Driveway Permit. I’ll be glad to display any of those documents on the screen for you today.

The applicants also requested that they be exempted from the vegetative screening requirements of the ordinance given the remote location of the tower. I visited the site on Thursday, September 14, 2023 and found that the vegetative buffer requirements would serve no useful purpose. I issued a letter to the applicants on September 20th exempting them from these vegetative requirements per my authority in Section 9.26.3.3 of the Unified Development Ordinance and can provide a copy of that letter if you’d like to review it today.

            I also want to note that a public hearing notice ran twice in the Caswell Messenger newspaper (September 13th and 20th), and a sign was posted at the property at the site of the proposed new easement from Highway 86. Notification letters were also mailed to the owners of the property under review as well as all adjoining and adjacent property owners. These actions satisfy the public notice requirements of Subsection 9.28.2.2. of our ordinance.

            At the conclusion of this public hearing, the Planning Board shall take one of the following actions: 1) Approve the application as submitted; 2) Approve the application with conditions or modifications; 3) Refer the application for additional information or neighborhood input; or 4) Deny the application in writing.

             Joining us today is Matt Grugan, Project Director of Development with Vertical Bridge who should be able to answer any technical questions you may have. But I will be glad to answer any questions you may have before hearing from the applicant.

Mr. Harris made a motion to approve the application as submitted and Mr. Oakley seconded that motion. The vote to approve was unanimous.

1. **Public Hearing: Cell Tower (6163 Cherry Grove Rd, Elon)**

Mr. Richmond stated the second item of business was a Public Hearing: Cell Tower (6163 Cherry Grove Rd., Elon, NC. Mr. Harris made a motion to enter into a Public Hearing and Mr. Daniel seconded the motion which passed. Mr. Richmond first invited Ms. Almeria Steele to speak. She voiced opposition to the tower for various health reasons, aesthetics and also asked that the board hold off approving the application until they had more information. She questioned some unknowns about power and gas lines that are located near the tower.

The next person to speak about the tower was Janice Franklin who also voiced opposition to the tower for various reasons including health, aesthetics, proximity to other nearby towers and farmland preservation. The third person to speak asked to be added to the list was Jean Cornejo. She spoke in opposition to the tower and felt it was unnecessary and was very concerned about health problems that could arise, especially for children. The three speakers made passionate pleas in opposition to the tower. The representatives for the Cell towers addressed some of the concerns and spoke to the studies that showed there was a need for the tower to fill a data gap in the area in question. After more back and forth discussion, Mr. Daniel moved to close the public hearing which was seconded by Mr. Harris. That motion passed unanimously. Mr. Hoagland then read the following administrative statement from the Planning Office.

**6175 Cherry Grove Road Tower Application Administrative Statement**

            Applicant Southern Towers BTS is proposing to construct a 300-foot guyed style tower on a roughly 66-acre parcel of land along Cherry Grove Road in the Stoney Creek Township. The specific tower location would be in the middle of an agricultural field at 6163 Cherry Grove Road, Elon. The property is immediately south of the intersection with Turner Road.

            In addition to the engineered drawings before you today, the applicant also furnished a Colocation Agreement and Emergency Service Use Letter, a copy of the Redacted Lease Agreement, an FCC License List, a Fall Zone Letter, and a Certificate of Elevation. I’ll be glad to display any of those documents on the screen for you today.

The applicants also requested that they be exempted from the vegetative screening requirements of the ordinance given the remote location of the tower. I visited the site on Monday, August 28, 2023, and found that the vegetative buffer requirements would serve no useful purpose. I issued a letter to the applicants on August 30th exempting them from these vegetative requirements per my authority in Section 9.26.3.3 of the Unified Development Ordinance and can provide a copy of that letter if you’d like to review it today.

            I also want to note that a public hearing notice ran twice in the Caswell Messenger newspaper (September 13th and 20th), and a sign was posted at the property between the current entrance and the intersection with Turner Road. Notification letters were also mailed to the owners of the property under review as well as all adjoining and adjacent property owners. These actions satisfy the public notice requirements of Subsection 9.28.2.2. of our ordinance.

            At the conclusion of this public hearing, the Planning Board shall take one of the following actions: 1) Approve the application as submitted; 2) Approve the application with conditions or modifications; 3) Refer the application for additional information or neighborhood input; or 4) Deny the application in writing.

             Joining us today are Tami Lewallen and Donnie Pell from Airosmith Development as well as John McCauliffe and Ryan Bradley via Zoom, representing Southern Towers. Collectively, they should be able to answer any technical questions you may have. I am happy to answer any questions I can before hearing from the applicant.

Following the statement, a motion was made by Mr. Daniel and seconded by Mr. Harris to approve the application as submitted. This motion passed unanimously.

After approval of the Cell Tower application, members of the public who spoke in opposition to the tower expressed their frustration that they felt unheard in the process. Mr. Richmond stated that the board would take a 5-minute recess. Once the recess was over Mr. Richmond called the meeting back to order at 2:16pm.

**C. Outdoor Advertising/Billboard Ordinance**

The next item of business is the Outdoor Advertising/Billboard Ordinance and Mr. Hoagland read a statement regarding the matter.

**Outdoor Advertising/Billboard Administrative Statement**

The draft Outdoor Advertising/Billboard Ordinance before you originated from the county commissioner’s directive during their July 17, 2023, meeting. This ordinance was then presented to the commissioners during their September 5th meeting.

Among other things, the draft ordinance before you does the following:

* It creates different definitions for Digital Billboards vs. Non-Digital Billboards.
* It would only allow billboards on actively used commercial or industrial properties.
* It would not allow any billboards on Scenic Byways, other state-maintained roads, or private roads.
* It imposes historic and natural aesthetic design and height standards on non-digital billboards and would only allow them along interstates or state highways.
* It would only allow digital billboards along designated interstates (Future I-785).
* It would create a development review process, and an annual renewal permit, inspection, and fees would be established. Proposed fees would be $500 for an initial permit and $100 for annual inspection and renewal.
* The ordinance will ultimately be formatted to fit into Article 9 of the Unified Development Ordinance.

At this stage in the process the Planning Board may amend this draft in any manner that you would like. You may even recommend to the commissioners that they do not adopt such an ordinance at all.

Ultimately, before this ordinance can go into effect, the Planning Board must review and make recommendations and submit a consistency statement to the commissioners. Finally, it would go back before the commissioners for a public hearing and final consideration.

Again, I want to stress that this ordinance is simply in the draft stage at this point and I will be happy to answer whatever questions I can about this draft ordinance and billboard regulations generally.

Discussion about billboard regulations and setbacks ensued and the group decided on making some changes to the ordinance and bringing it back to the board. The changes were as follows:

1. No moving parts to Billboards
2. No parts of the advertisement should extend out past the actual frame of the billboard.
3. Billboard should be 1000’ from schools.
4. Billboard should be 1000’ from intersections.

Motion made by Mr. Oakley and seconded by Mr. Harris, to make discussed changes to the billboard ordinance and bring back to next meeting. Motion passed.

**Planning Department Updates**

**D) Hyco Lake Recreational Business Setback Regulations**

Mr. Hoagland stated that he was going to move down in his update to item D because a gentleman had been waiting there for over two hours. Chase Poindexter wants to build a storage facility on a property in the Hyco Lake Zoned area, but the Recreational Business setbacks are so restrictive it would be impossible to do so. Mr. Hoagland said there were a couple options for the developer. He could apply to the board of adjustment for a variance, or the setbacks could be changed in the Zoning Ordinance.

**A) Broadband**

No report on broadband

1. **Cell Towers**

Nothing new since the board just approved two new cell towers.

1. **Comprehensive Plan Review**

Mr. Hoagland reminded the board that they are tasked with an annual review of the comprehensive plan.

Mr. Hoagland told the Board that this was his last meeting and he was taking a position in Alamance County and the Board members all wished him well.

**Adjournment**

Mr. Harris made a motion to adjourn, seconded by Mr. Oakley. The vote was unanimous.