**Caswell County Planning Board Meeting**

**January 22, 2019**

Members Present:

Russell Johnston *Chairman*, Ray Shaffner, Keith Blalock, Michael Poteat *Vice-Chairman*, and Steve Harris. Also present: Matthew Hoagland, Planner and Ashley Kirby Powell.

Members Absent:

Commissioner William Carter, Ron Richmond, Jason Daniel, and Don Swann.

Mr. Johnston called the meeting to order at 1:00p.m.

Approval of the Agenda

Mr. Shaffner asked to amend the agenda, adding election of the Chairman and Vice-Chairman for the Planning Board.

Mr. Shaffner motioned to amend the agenda, seconded by Mr. Harris. The motion carried unanimously.

Election of Chair and Vice-Chairman

Mr. Blalock nominated Mr. Johnston as Chairman, seconded by Mr. Harris. The motion carried unanimously.

Mr. Harris nominated Mr. Poteat as Vice-Chairman, seconded by Mr. Blalock. The motion carried unanimously.

Public Comments

There were no public comments.

Approval of Minutes

Mr. Shaffner motioned to approve the November 27, 2018 minutes, seconded by Mr. Harris. The motion carried unanimously.

New Business

*Consideration of manufactured homes skirting changes*

Mr. Hoagland stated that at the November 27, 2019 board meeting, the board expressed an interest in looking at some of the skirting for manufactured home requirements that will affect homes that are individually placed requiring brick and block skirting. He introduced Mark Jones Chief Building Inspector. He will be able to weigh in on the state laws and standards; also present John East of Oakwood Homes.

Mr. Blaclock questioned Mr. Jones and Mr. East what was their opinion on skirting. Today also present at the meeting was Thomas Hoskins, who brought in a sample of the new material that he is using to skirt mobile homes.

Mr. Hoskins stated that the new material was made of aluminum.

Mr. Johnston questioned Mr. Jones on what materials he would be comfortable with. Mr. Jones replied that he approved of the masonry board, blocking brick. His main concern was rodent and termite prevention, and that masonry board was the best option. Mr. Johnston questioned if these materials would be in conformity with the state codes. Mr. Jones replied, they are, because the regulations for manufactured homes calls for durable materials. Mr. Johnston stated, so it does not have to be brick or concrete blocking and asked, do other surrounding counties approve of those materials. Mr. Jones replied, they do some counties still approve of the vinyl. Mr. Johnston questioned Mr. Jones opinion on the aluminum that was presented to the board. Mr. Jones stated his only concern was the installation. Mr. Hoskins explained the installation. Mr. Jones questioned was it treated wood they used to install it. Mr. Hoskins replied yes. Mr. Jones questioned about venting the skirting and is there a crawl space door. Mr. Hoskins replied yes, and every 10ft.

Mr. Johnston questioned Mr. Jones and Mr. Hoagland if they have run into any issues with the general public complaining about the cost of the brick skirting. Mr. Jones stated he has run into that issue. Typically there are a lot of older mobile homes that come into the county and the cost of the brick is more than the home. Mr. Hoagland agreed, he and Mr. East have spoken about the cost of different materials to help make it cost efficient.

Mr. East presented to the board the cost of different types of skirting and they are listed as follows:

* Vinyl skirting- $1,300
* Hardi board-$3,500
* Brick-$8,500

A single wide mobile home roughly cost $45,000.

Mr. Johnston questioned Mr. East if he thought it would be a good compromise if the county chose to change the ordinance. Mr. East replied all the materials are good products and depending on how they are installed is the key issue.

Mr. Hoagland questioned the reason why the Caswell County Commissioners wanted the brick was it to help with property values. Mr. Johnston replied the Caswell County Commissioners were receptive to the hardi board but, it was not presented correctly and they did not take the time to learn about it. The brick was more for aesthetics.

Mr. Blaclock stated that he approved of the materials that Mr. Hoskins has presented to the board and that if they follow through with the process there should be some standards with the installation process. Mr. Jones replied, the Manufactured Home Code states that it would be installed by manufactured instructions. Mr. Hoagland stated Article 9.21.3.2.1 and suggested the board needs to make sure these standards apply to the North Carolina Code of Manufactured Homes. Mr. Johnston agreed it only mentions the Residential Code. Mr. Jones stated that he and Mr. Hoagland could look into referencing those codes and bring it back to the next board meeting.

Mr. Shaffner stated referencing back to the Caswell County Board of Commissioners when this was originally done when homes are permanently underpinned they become real property and temporary underpinned becomes personal property; that was an issue with the Commissioners and the Tax Department, the hardi board or aluminum be considered temporary skirting or permanent.

Mr. Johnston stated there is a lot of uncertainty in that statue because once the wheels and the tongue are removed then it becomes real estate, we need to get some clarification from the Tax Office.

Mr. Poteat stated referencing back to the Caswell County Board of Commissioners they have never lived in a mobile home, or connected to anyone who has lived in one. They frown upon mobile homes in the county and they are making it hard on someone setting up a mobile home in this county; The Planning Board thinks more about the people in the county. The material that Mr. Hoskins presented to the board today is just as good as the hardi board, and Mr. Poteat suggested that the Planning Board presents this to the Caswell County Commissioners.

Mr. Blalock stated that he understood why the Commissioners voted against it due to the lack of information and wanting to keep junk mobile homes out of the county. There should be some stipulations on installation of the skirting for mobile homes.

Mr. Johnston question the board if they wanted to table this until we get more information as to how the manufactured home code applies to Article 9.21.3.1. Then he suggested that Mr. Jones and Mr. Hoagland look into how this effects the Code of Manufactured Homes. Mr. Hoagland replied, it should be stated tying down a home turns it into real property in the Manufactured Home Code listed under Skirting Installation requirements. Mr. Johnston replied we could amend it stating Caswell County would meet the NC Code. Mr. Jones replied with it saying the residential code are you talking about building something on top of a block foundation being a structural component. This is not a structural component in any way it has to go with the NC Code of Manufactured Home Regulations. Mr. Hoagland questioned if we adopt the states standard for skirting would we be allowing vinyl. Mr. Jones replied we would but, we could specify no vinyl. Mr. Hoagland replied we need to look at the Manufactured Home language, and specify non-vinyl unless it is a mobile home park or temporary placement.

The board agreed to bring it back to next meeting.

*Review of proposed changes to the UDO Section 9, Part 3*

Mr. Hoagland presented the board with a draft copy of the proposed changes to Article 9.

***9.23.11.*** Streamline and expedite the permitting procedures to effect compliance with the Federal Communications Act~~, 47 USC 332 as amended, section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC 1455(a),~~ **regulations,** and in accordance with the rules promulgated by the Federal Communications Commission.

***9.25.1. Antenna Attachments.*** Antenna attachments onto existing Support Structure or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development criteria of Section 9.26. **and subject to fees as specified in Section 1.13.**

***9.25.2.2. Pre-Existing Wireless Communication Facility.*** Wireless Communications Facilities for which a permit has been issued prior to the effective date of this Ordinance shall be considered as nonconforming and shall not be required to meet the requirements of this Ordinance. **However, effective July 1, 2019, they shall be made to conform to future collocation and annual fee requirements.**

***9.25.2.3. Amateur Radio and Wireless Internet Exclusion.*** This section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator. **And other than the setback standards, it shall not govern** **instillations related to wireless broadband internet.**

***9.25.2.9. Fees.*** All applicants with a County-approved Tower Antenna Use Application will pay to the County an annual Use Fee at ~~the~~ **a** rate ~~of $500 per 100 feet of tower or any part thereof.~~ **specified in section 1.13.** The Use Fee shall be paid to the County at initial approval and at each anniversary thereafter.  The Use Fee payment shall be accompanied by a signed statement by an officer of the company ~~identifying the calculation of the payment~~ **and shall include and annual inspection by the UDO Administrator or their designee.**

Mr. Hoagland stated 153A-349.52 Construction of a new wireless support structures or substantial modifications of wireless support structures. *A county may fix and charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application to site new wireless support structures or to substantially modify wireless support structures or wireless facilities that is based on the cost of the services provided and does not exceed what is usual and customary for such services.* This was adopted one month after the UDO was finalized; then presented the board with a proposed fee schedule for the wireless towers.

**Current Fee Schedule**

Application Fee: $1,500

Annual Fee: $500 per 100 feet

**Proposed Fee Schedule**

Application Fee: $2,500

Annual Inspection Fee: $200

Collocation Application: $250

***9.26.2.1.1.*** Towers must be set back a distance equal to 125% of the height of the tower from any structure, property line, public highway, road, or public gathering place. The setback distance shall be measured from the center of the tower base and radiate out 360 degrees. A professional engineering certification shall be required, which states that the structure's construction will cause the tower to crumble inward thereby mitigating any risk to adjacent structures. **Setbacks may be reduced to no less than 50% of the tower’s height if a certified fall zone letter can be produced and authorized by a professional engineer.**

***9.26.2.1.2.*** ~~Any towers over 100 feet in height may not be located within a five mile radius of any other tower described in this Ordinance.~~ **Any towers over 100 feet in height may not be located within a one (1) mile radius of any other tower described in this Ordinance.**

***9.26.5.2.*** Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority ~~installed in a manner to minimize impacts on adjacent residences~~.

***~~9.26.5.3.~~*** ~~Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lenses used to reduce ground lighting when the site is within 100' of a residential dwelling.~~

***9.26.9. Structural Integrity.*** Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association’s (EIA/TIA) ~~222 Revision F~~~~Standard entitled~~ **most recent** "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays as required by subsection 9.26.10.

***9.26.11. Collocation Agreement.*** All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users and at commercially reasonable rates. ~~The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged to other providers.~~ The Collocation Agreement shall be considered a condition of issuance of a Tower Antenna Application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy outlined in Section 9.29, (Shared Facilities and Collocation Policy) of this Ordinance. **Collocation on an existing Wireless Communications Facility shall be subject to administrative review and be accompanied by a fee as specified by Section 1.13.**

***9.28.1. Application Submission.***

All Tower Antenna Applications (TAA), regardless of Wireless Communication Facility type, shall include all of the requirements contained in this section. The following situations do not require submission of an application: (1) collocated devices on approved towers; (2) an eligible facilities criteria in subsection 9.27.2 or 9.27.3 below. All other proposed Wireless Communication Facilities shall be subject to the permit process.

***9.27.2.*** Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, historic district or other designated Overlay District will be subject to review by the appropriate District Commission and the Planning Board. Review by a District Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Board Review Process.

***9.27.3.*** Wireless Communications Facilities as a part of a Coordinated Development Approval. Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, site plan, or other coordinated development approval shall be reviewed and approved through those processes.

***9.27.4.*** Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.

**Section 9.28 Approval Process.**

***9.28.1. Application Submission.***

All Tower Antenna Applications (TAA), regardless of Wireless Communication Facility type, shall include all of the requirements contained in this section. The following situations do not require submission of an application: (1) collocated devices on approved towers; (2) an eligible facilities request; (3) the height of the tower is not increased by more than 10%; (4) the addition will not extend more than 20 feet from the tower; ~~(5) it will add no more than one equipment shelter or four equipment cabinets~~; and ~~(6)~~ **(5)** it will not involve excavation outside the tower site or existing utility and access easements.

***9.28.1.2.3.*** The County may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within ~~the~~ ~~applicants search ring~~ **two miles of the proposed site**. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The County may require information necessary to determine whether collocation on existing wireless support structures is reasonably feasible **such as propagation maps, structural analysis, letters from surrounding tower arrays, and further proof of why they can’t collocate**.

***9.28.1.5. Additional Technical Assistance.*** In the course of its consideration of an application, the County may deem it necessary in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the County in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the County for the technical review and recommendation shall be reimbursed by the applicant prior to the final County hearing on the TAA. **Further, the county shall disclose the engineer in writing to the applicant and seek to enlist the services of an engineer who will be mutually agreeable to all parties involved.**

**Section 9.29 Shared Facilities and Collocation Policy.**

All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. ~~A TAA shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive convict and financial burden alone are not deemed to be adequate reasons against collocation.~~

Mr. Johnston questioned Mr. Hoagland, what is his opinion on minimizing distance between cell towers in the county. Mr. Hoagland questioned the board for clarification on that because in the printed copy of the UDO it states 5 miles but, online it states 1 mile. Mr. Shaffner stated that he thought it was 3 miles. Mr. Johnston replied he thought it was 3 miles but, the board did mention 1 mile at some point. And questioned Mr. Hoagland if he thought 1 mile would achieve the goal he was going for. Mr. Hoagland replied, yes.

Mr. Johnston questioned Mr. Hoagland if Rural Broadband would agree with these changes. Mr. Hoagland replied he has not shared this info with then yet, because their plans are attaching to existing poles. After multiple property owners have come in wanting cell towers on their land it is possible that some of those property owners may want wireless broadband towers on their land. If there are possible property owners that do want a wireless tower on their land they should not be required to pay a fee. Mt. Johnston replied they would be exempt from this ordinance. Mr. Hoagland replied yes, other than setbacks. Mr. Johnston questioned if there is an ordinance in the UDO that would apply to them. Mr. Hoagland replied no. Mr. Johnston questioned if they would follow the FCC standards. Mr. Hoagland replied yes, if we did not make any changes to 9.25.2.3 it would apply to them.

Mr. Poteat questioned how many acres of land it would require to put a cell on it. Mr. Hoagland replied he was not sure, and it depended on the height of the tower.

Mr. Johnston questioned if property owners could build their own mono poles. Mr. Hoagland replied yes, or a third party can.

Mr. Harris questioned what was the down side of having this many cell towers. Mr. Hoagland replied an eye sore and the blinking lights.

Mr. Hoagland stated if the board approved the drafts to Article 9 Part 3 it would be presented to the County Manager then taken to the Caswell County Board of Commissioners.

Mr. Harris made a motion to approve the revisions to Article 9 Part 3, seconded by Mr. Poteat. Motion carried unanimously.

Mr. Johnston questioned Mr. Hoagland if he had received any applications from the public to put cell towers on their land. Mr. Hoagland replied yes quite a few.

Approval of Connect Caswell 2020 Support Letter

Mr. Johnston questioned the deadline for the grant for Connect Caswell 2020. Mr. Hoagland replied February 1, 2019 and went over a brief over view of the process of Connect Caswell 2020. As of today he has received over 1,500 surveys and there will be more to come. The surveys are going out today through the local school system. He has asked other boards to write support letters and has received letters from multiple boards; then he presented the Planning Board with the draft support letter for Connect Caswell 2020.

Mr. Harris questioned has he reached out to local fire departments. Mr. Hoagland replied that he has just received a letter of support from the Yanceyville Fire Department and Caswell County EMS; he is planning on reaching out to other fire departments.

Mr. Johnston questioned the amount of the grant and as it stands we have two broadband companies willing to invest in Caswell County, with all the surveys and letters of support this will show the state fthe demand here in Caswell County for broadband. Mr. Hoagland replied yes, no single winner is allowed to receive more than two million, there will be five winners.

The board approved the support letter.

Planning Department Updates

Mr. Hoagland stated that he has received 30-40 applications for cell towers to be on personal property, there is a link to those applications on the Caswell County website under the Planning Department. There are two cell towers currently being built at Hughes Mill Road and Rudd Ridge Road, for these two towers the landscaping requirements were waved due to the fact that they are located in pastures. Also we will be receiving an application for two cell tower which will be located on Stoney Creek School Road and Cherry Grove Road.

Mr. Johnston questioned if there had been any updates on the cell tower construction in Prospect Hill. Mr. Hoagland replied no.

Mr. Harris questioned the location of applications that have been received for the cell towers that will be on personal property. Mr. Hoagland replied county wide, there may be a possibility for land owners to also apply for mono poles to be built on their land and instead of paying a monthly rent to the land owner they could receive free internet for life. Mr. Johnston questioned is it possible to cross state lines. Mr. Hoagland replied yes.

Mr. Johnston questioned if Mr. Hoagland had received any updates on the NC DOT projects and why were some projects postponed. Mr. Hoagland replied he has not received any updates and the turning lane on 86 North is still on schedule along with the intersection at 86 North and Old Hwy 86.

Adjournment

Mr. Johnston made a motion at 2:15p.m. to adjourn the meeting, seconded by Mr. Harris. The motion carried unanimously.

*The minutes above was recorded by Ashley Kirby Powell, Administrative Assistant*