**Caswell County Planning Board Meeting**

**August 25, 2020**

**Members Present:**

 *Chairman,* Russell Johnston, Steve Harris, Ron Richmond, Don Swann, Keith Blalock, and Commissioner B. Carter. Also present: Matthew Hoagland, *Planner,* and Ashley Kirby Powell, *Administrative Assistant.*

**Members Absent:**

*Vice-Chairman,* Michael Poteat, Jason Daniel, and Ray Shaffner.

**Called to Order**

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

**Approval of the Agenda**

Mr. Swann motioned to approve the agenda, seconded by Mr. Harris. The motion carried unanimously.

**Public Comments**

“Yesterday, the Division of Air Quality (DAQ) for the North Carolina Department of Environmental Quality (DEQ) denied the two air quality permit applications for the hot mix asphalt plants, concrete batch plants, and quarry in our county because predicted pollutants would greatly exceed the National Ambient Air Quality Standards set by EPA.

At the Anderson site, DEQ predicted that sulfur dioxide would be released onto neighboring properties at 403% of the rate of what is considered healthy.  That's four times greater than the threshold for human health.

DAQ previously issued draft air permits for both sites that would have allowed up to 100 tons of sulfur dioxide to be released per year from each site.  Together with the 3rd site, that is up to 300 tons per year of sulfur dioxide being pumped into our county onto neighboring properties.  According to the EPA, sulfur dioxide can affect both health and the environment. Short-term exposures can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of sulfur dioxide. High concentrations of sulfur dioxide in the air generally also lead to the formation of other sulfur oxides. At high concentrations, gaseous sulfur oxides can harm trees and plants by damaging foliage and decreasing growth.   Sulfur oxides can harm our agriculture in Caswell County from crops to forestry to grass fed livestock.

A heavy industrial ordinance with the right classifications and setbacks will allow for the proper placement and growth of industrial land uses in Caswell County and will also protect our health and our agriculture.

With only 4 months left before our current moratorium expires, action is needed now by the planning board to draft and present a heavy industrial ordinance to the county commissioners in time for their consideration and approval.

Thank you,

Phil Barfield

**Approval of July Minutes**

Mr. Harris made a motion to approve July 28, 2020 minutes, Mr. Richmond seconded. The motion carried unanimously.

**New Business**

***Heavy Industrial Ordinance Review***

Mr. Hoagland stated that both Rockingham and Person county regulate Heavy Industrial use through zoning. Rockingham County has two categories whereas Person has a general industrial district, and they both have some supplemental regulations that are very similar to what the Board has seen in the Alamance County Ordinance.

Chairman Johnston stated that we have looked at several different ordinances from neighboring counties. He asked, is this something we want to discuss any further or do we want to dive into the specifics? Then he questioned Mr. Harris if he had any suggestions on setbacks and streams what would be reasonable for Caswell County. Mr. Harris replied more is better; you can limit what goes on in that area. Chairman Johnston questioned what the setbacks on SMZ’s are. Mr. Harris replied, 50ft.

Chairman Johnston questioned Mr. Hoagland if Alamance County’s Ordinance required a 150ft setback. Mr. Hoagland replied he wasn’t sure but that that figure sounded accurate. Chairman Johnston questioned the Board if the setbacks should be 50ft or 150ft. Mr. Blalock questioned is this for any land development. Chairman Johnston replied heavy industrial only.

Mr. Harris questioned what the current operations are as Sun Rock went to get these permits. Chairman Johnston replied they are regulated by the State, Air and Quality Division. Mr. Hoagland replied the North Burlington location had greater setbacks and stream buffers than the one in Prospect Hill because it is in the Jordan Lake Watershed. Other than that, any general development inside a watershed even if its residential that is along a perennial waterway in Caswell County has to have a 30ft undisturbed buffer and a 50ft vegetative setback. Mr. Richmond stated it is safe to say there are 100ft-150ft setbacks depending on the location of the site. Mr. Hoagland replied correct, the county enforces the States standards since we do not have any stricter ordinances. Chairman Johnston questioned the Board of setting the County’s setbacks at 100ft. Mr. Harris suggested 150ft. Mr. Richmond stated no more than 150ft. Both Mr. Swann and Mr. Blalock agreed. Chairman Johnston stated looking at Person County’s landscaping requirements buffers shall include a minimum of evergreen shrubs and a combination of deciduous evergreen trees every 500ft. The buffer shall include one evergreen or deciduous tree, it should have a height and spread of at least 30ft in ten years. Then he questioned the Board if they needed have the Ordinance that detailed. Mr. Hoagland stated that some of the County’s existing ordinances require landscaping as well, for example. Chairman Johnston stated, that is something that we can look as far as comparisons and bring back at the next meeting? Mr. Hoagland replied, “yes.” Chairman Johnston stated, looking at Rockingham County’s Ordinance, it does not deal with setbacks from property lines especially in the mining area. Mr. Richmond stated that Rockingham County’s Ordinance has listed hours of operation of 7am to 8pm. Chairman Johnston questioned the Board if that sounded like a reasonable time. Mr. Harris replied, 8pm is too late. Mr. Blalock questioned, would they operate 6 days a week. Chairman Johnston replied, Alamance County’s Ordinance allows them to operate 6 days a week. He then suggested that they bring back the issue to the next meeting, and look at the various setbacks that already exist for Caswell County as a comparison for what might be good for an industrial ordinance. Mr. Harris agreed.

***Electronic Gaming Facility Regulations***

Chairman Johnston stated to put this item on next month’s agenda.

**New Business**

***UDO Article 8 160D Compliance***

Mr. Hoagland presented the Board with the draft changes meant to comply with NCGS 160D.

***UDO Article 9 160D Compliance***

Mr. Hoagland presented the Board with the draft changes meant to comply with NCGS160D.

***UDO Article 9 Possible Amendments***

Chairman Johnston suggested to the Board that while working on the Articles of the UDO, that there are some small changes that may need to be made which Mr. Hoagland has mentioned come up often while dealing with planning department issues. Mr. Hoagland stated that he had some questions for the board on various issues he needed some clarity on. For example, if a mobile home becomes abandoned in a mobile home park, there is no clear guidance on who is the responsible party for fixing or removing it. Also, a couple of years ago there was an amendment made to the UDO allowing masonry type skirting to a mobile home but there has been some confusion on what is considered an existing lot, specifically if it doesn’t already have a primary residence. He stated he would also like some guidance with the Reactional Vehicle Ordinance. It only allows the permit for an individual RV to be on a lot for 180 days, which cannot be renewed within a year. However, many folks want to have their RV on a lot for maybe a few months at a time and be able to come and go. Finally, in regards to exempt plats and minor subdivision plats he is requiring all new plats that are being recorded to have and owners’ certificate, because there doesn’t seem to be clear direction in the existing ordinance. State law doesn’t require it, but after receiving training, he was told the best policy is to require it if there’s a gray area in the language.

Chairman Johnston questioned, in regards to the owner’s certificate, if it requires the owner of the property to sign the map and it has to be notarized; and have you been requiring these with an exempt plat? Mr. Hoagland replied yes. Chairman Johnston questioned, does the State require it. Mr. Hoagland replied no, but they allow counties to require it if they want. Chairman Johnston stated, all this does is show that the owner gave the surveyor permission. Mr. Harris questioned how much this costs the land owner by requiring this. Mr. Hoagland replied, it cost more in time than money. Mr. Harris stated that if other counties are not requiring this for exempt plats why should Caswell County. Mr. Hoagland stated that this was a matter of interpretation and the UDO and may not even need to be amended. Mr. Hoagland said, for example, if the Board directed me today not to require it for exempt plats then I would observe that directive. Chairman Johnston questioned the Board if this is something they wanted to address today or bring back at the next meeting. Mr. Blalock suggested bringing it back to the next meeting after having some time to review this matter. Mr. Hoagland questioned the Board if they had any suggestions on Recreational Vehicle or the other issues mentioned earlier. Mr. Richmond questioned, how does our Ordinance compare to other counties. Mr. Hoagland replied he was not sure, he had not studied this issue in other counties. Mr. Richmond questioned, after the 180 days can they purchase another permit. Mr. Hoagland replied, they only can purchase a permit once per calendar year. Mr. Richmond questioned, the RV has to be moved off the parcel at the end of the 180 days. Mr. Hoagland replied, correct. Mr. Harris stated that the Board needed to draft up changes, because he disagreed with the 180 day permit. If you own the land and pay taxes, you should be able to park and RV there anytime. Chairman Johnston suggested looking at other counties ordinances as well and bringing this back to the next meeting. Mr. Swann agreed that the language needed to be more lenient. Mr. Hoagland questioned if he needed to draft up any changes for the board to review at the next meeting. Chairman Johnston stated let’s look over these issues and bring them back at next meeting.

**Planning Department Updates**

1. Doug Barker submitted documents for the proposed tower and the documents were approved by the Chairman, the conditions the Planning Board set during the public hearing have been met.
2. Annual review of the Comprehensive Plan set for the October 2020 Planning Board Meeting.
3. DAQ Denied Permit for Proposed Carolina SunRock, Public Hearing Canceled.

**Adjournment**

At 2:33p.m. Mr. Harris made a motion to adjourn the August 2020 Planning Board Meeting, the motion carried unanimously.

*Ashley Kirby Powell recorded the minutes above.*