**Caswell County Planning Board Meeting**

**June 23, 2020**

Members Present: Russell Johnston, *Chairman,* Ray Shaffner, Keith Blalock, Ron Richmond and Matthew Hoagland, *County Planner.*

Members Absent: Michael Poteat, *Vice-Chairman,* Don Swann, Steve Harris, and Jason Daniel.

***\*Due to technical issues there was not enough members present to from a quorum, there were NO ACTIONS taking at this meeting. All items on the June 23, 2020 Planning Board Meeting’s Agenda, will be added to the July 28, 2020 Planning Board Meeting’s Agenda.\****

**Public Comments**

Caroline Laur, 12671 NC HWY 62, Burlington, NC. I would like to enter the following statement for the public comments for the June 2020 Planning Board Meeting. Chairman Johnston requested to redact a portion of Caroline Laur’s public comment for February 2020 Planning Board Meeting; that Caroline Laur was not correct. The comment about Commissioner Carter was from the Planning Board Minutes for March 27, 2020. “Caswell County Planning Department Planning Board Meeting. March 27, 2018, under New Business. Ms. Denison gave an overview of a proposed hot mix concrete and asphalt plant located on Wrenn Road, Prospect Hill. A few years ago they came in, now they are ready to move forward with it. They have met with the Building Inspector and Environmental Health to apply and receive all the required permits. Mr. Poteat asked Mr. Carter how the County Commissioners feel about this business coming to the County. Mr. Carter replied they are not aware of it. Ms. Denison said it is not something that has to be brought to the Commissioners. Mr. Blalock asked what was the name of the company. Ms. Denison replied NC Sunrock.” I request that my statement in the February 2020 Planning Board that Chairman Johnston asked to be redacted, remain because the March 27, 2020 minutes substantiate my statements.

Ed and Sharon Williams, 396 John Russell Road, Prospect Hill, NC 27314. Please continue to educate the citizens of Caswell County about zoning. There are so many misconceptions. In the words of Patrick Daniel Moynihan: “People are all entitled to their own opinions, but not to their own facts.” That is where the Planning Board comes in to assure that the facts are presented. Zoning works hand in hand with progress and preservation but most importantly, it can keep out polluting industries.

Dawn Leith Dougherty, 2685 Ridgeville Road, Prospect Hill, NC 27314. My husband Ed and I moved to Caswell County in November 2017 to live in a 130 year old dream home with small acreage to enjoy life in a beautiful pastoral setting with lush farm land, trees, and peace and quiet. We had about a year to enjoy life until the realization we quite possibly made the biggest mistake of our lives moving to a county with no zoning and a gigantic quarry and asphalt plant sited across the street from here. We are absolutely devastated. Part of what my personal plan here was, to grow my apothecary herbal business, grow organic herbs in my large garden for use in my business, grow a lot of our own food, and to have bees and possibly chickens. I am a holistic healer, a Reiki Master-Teacher, and I also had planned to build this business in my home, teaching students, as well as having clients come here for Reiki sessions. None of these things can happen for me now, once this quarry goes in. NONE. County Planners, please know that no matter what you choose to do, which decision you make, zoning or no zoning, many people will probably be upset about it. Please consider making the decision to zone at least part of this county. You have the power to do this now. Preserving the Past, Embracing the Future means preserving the agriculture and farming way of life, hunting, fishing, recreation, quiet residential beauty and tranquility here. Please go down in Caswell County history as being the people on the right side of the future here, for the children and grandchildren of all who live here, as well as the future residents and light industry and business that may want to come here and create sustainable growth. Polluting industries have targeted this county now, and will continue to do so without zoning. There is nobody in this county who will not be affected in the future by the asphalt plants, quarries, toxic dumps, and other noisy, noxious polluters, if zoning does not happen here. People’s land will be worthless, except to the plant next door or the dump down the street. People will get sick from toxic air and water. You have the power to go ahead and do this for Caswell County’s future, please don’t let this slip by again. If this county had been zoned already, this nightmare wouldn’t be happening right now and I would be sitting in my home learning about bee keeping and planting new herb boxes and working on expanding my healing business. Instead, we are here pleading with you to do the right thing for the future of this beautiful place in the world. The needs of the many outweigh the needs of the few. Everyone here should be terrified of the thought of this county being a welcoming place for companies that want to come in and destroy and pollute for profit, at the expense of our land, air, water, and wildlife. Do the right thing for the greater good and future health of everyone here and zone Caswell County now. Thank you.

Leslie Zimmerman, 732 Solomon Road, Leasburg, NC. Stated from the current issue of Hyco Lake Magazine, Volume 2, 2020. Words of Wisdom. Hyco Lake becomes a Region-Welcome to the quad. As written by Norwood Walker. “Change is inevitable and it is coming in a big way to Person and Caswell counties with the advent of Hyco Lake. Awareness of the types of change to expect and how to plan for them is an extremely important factor. Without careful planning, random and unregulated development under the pressure of money, people, leisure time and mobility can permanently mar the landscape. With planning, these same pressures can be turned into forces for good in the area.” “Those words appeared over 60 years ago in a pamphlet prepared for the Person-Caswell Lake Authority by the Division of Community Planning, North Carolina Department of Conservation and Development. It was created by Suzanne Chichester, Planner-in-charge in the early stages of making Hyco Lake a reality. Those words turned into the Hyco Zoning that makes Northeast Caswell the center of what is one of the most diverse and attractive areas anywhere. Hindsight is 20/20. In the year of 2020 we all have the opportunity to make the right decision about Southeast Caswell and not pass the buck. You must plan for our future because as we know, without careful planning, random and unregulated development under the pressure of money, people, leisure time and mobility can permanently mar the landscape. With planning, this same pressure can be turned into forces for good in the area. If you do not act, the county’s gateway from the south will not be protected. It will be marred by heavy industrial pollution, with its noise, dust, stench, truck traffic and wastewater. Just like 60 years ago around Hyco, we need to live up to the sign greeting visitors to Caswell County “Preserving the Past and Embracing the Future.” The future is in your hands.

Lynn Pendergraft. It is hard not to feel that our fight against the quarry and the asphalt plants have been halted due the Covid-19 virus. We need zoning and we need our county officials to fight for us. Please do what is necessary to get Southern Caswell County zoned as soon as possible. Being a resident of Wrenn Road, we would love to see this nightmare go away.

Denise Burnette, Prospect Hill, NC. I am writing to express my strong support for zoning in Caswell County that will protect our way of life from polluting industries. As a resident of Prospect Hill, I’m not only concerned about the proposed quarry and asphalt plants in my own community, but also about the potential for all of Caswell County to become a destination for such industries in the future. My family and I purchased land in Caswell County over six years ago, and I moved here four years ago. The main reason we moved here was because of the beauty of the land and preservation of the county. It breaks my heart when I hear these families who have lived here for generations talk about how these industries have moved into their backyards and are taking away the life they have come to know here. No one is safe from having this happen to them. There is so much open land here in Caswell County; this could happen in anyone’s backyard. I ask that you please help to educate people about the possibility of such industries, and the possibility of zoning to protect us from these mass polluters, so that the people of Caswell County will have a fighting chance to preserve the quality of life they have created here before it is too late. Thank you for considering my request at your upcoming Planning Board meeting. I appreciate all you do for us here in Caswell County.

Pat Warren, 36 Main Street, Prospect Hill. As the Planning Board your duties among others are:

* To prepare and from time to time amend and review a comprehensive and coordinated plan for physical development of the area.
* To establish principles and policies for guiding action in the development of the area.
* To keep the Board of Commissioners and the general public informed and advised as to these matters.

As you know, your duties are extremely important to the future and health of Caswell County and its citizens. One of these duties now under consideration is zoning. I have personally spoken with over 60 people in the Prospect Hill area encouraging them to support zoning with the vast majority supporting it and some having specific questions. Not one spoke against zoning. These specific questions can only be answered by our Planning Director Matthew Hoagland. The citizens of Caswell County have a dire need to know what zoning entails for Caswell County. There were several educational meetings scheduled throughout the year but they were cancelled due to Covid-19. We cannot let that continue to stop the process. The County Commissioners have asked for a zoning referendum for November of this year and although it has not yet passed the General Assembly, the citizens of Caswell County must be prepared educationally in order to vote with facts in mind. We are in a critical time crunch with the possible referendum in November and the Moratorium expiring in January. I am asking for the Planning Board to direct and support Planning Director, Matthew Hoagland to develop and implement a plan to educate the Caswell County citizens about zoning. We cannot allow polluting industries to wreak havoc on our beautiful county. It is in your hands.

Dave and Mary Hester, 1730 Wilson Road, Hurdle Mills, NC. Yes, this is a Caswell address despite the Hurdle Mills designation. “Good fences make good neighbors.” (Mending Wall by Robert Frost) I have never owned land in an area that was complexly free from regulations around how I could occupy and develop land. That was certainly true of the historic home that my wife and I owned in Portsmouth, VA. Portsmouth was not only a city of strong zoning laws but also a city that empowered Committee’s on Architectural Review to ensure that changes to existing structures remain in keeping with the historic look of our neighborhood. Currently, the land and home that we own in Caswell County is regulated by covenants because we live on Roxboro Lake, part of the water supply for the City of Roxboro. I am a strong proponent of reasonable zoning laws for two main reasons. Zoning laws help preserve land and home values. Zoning laws help promote economic growth. My wife and I have invested a significant amount of money in our home and on the lakeside lot in which it sits. We would not have been willing to

make that investment without regulations in place that reduce the potential that our investment could be erased overnight. For example, if one of my neighbors chose to turn his hobby of ATV riding and trap shooting into a business that operated 7 days a week, the value of my investment would plummet. Who would want to purchase a home with the intent of a peaceful lake living if that peace was interrupted constantly by the sounds of engines and shotguns? Admittedly, there are some who consider those sounds to be peaceful, but I would wager that the noise is only peaceful in moderation. Though it may seem counterintuitive, zoning laws do not stifle economic growth, but rather they encourage it. The reason why is that zoning laws reduce uncertainty and drive out fear; needs that W. Edwards Demmings identified more than 50 years ago as being essential to the growth of a business. As with a homeowner, a business will be reticent to invest in a proposal that could be quickly undone. While I certainly hope that Sunrock does not prevail in locating their quarry so close to a watershed, I do wish that they had been able to choose an area that they could develop with certainty, because the developers do not have the protection of zoning laws that would grant them commercial use on commercially zoned property. Businesses need the certainty and protections that reasonable zoning laws provide if they are going to risk theirs and their investors’ money. I’m sincerely hope that you will consider the benefits of reasonable zoning laws.

Peter Christopher. There exists a situation where most Caswell residents do not understand zoning. Most view it as a takeover and a change from what is perceived as a desired country way of life. The understanding of how zoning does preserve life is a necessity. I think you will find the mistrust that exists might dissipate. The county must take more time to educate the public. Thank you for your efforts.

Bruce Pleasant, 1268 Painter Road, Prospect Hill, NC 27314. It is my sincerest plea that the Planning Board will not delay in advancing that zoning application for Southeastern Caswell County to the County Commission and that the Board will authorize and direct the Planning Director to simultaneously educate the public, particularly landowners, on the merits and consequences of zoning. Over the past year, residents of Southeastern Caswell have worked tirelessly to protect and preserve the natural resources and basic amenities of the area for the future generations. Concerns over property owner rights and the legal right to businesses to exploit the resources of this county with little to no redeeming benefits have prompted many residents to engage. Time is of the essence to ensure that we foster an environment that will be conducive to responsible growth and development for Caswell County. I urge you to accept the responsibility which has been entrusted to you and act on zoning application. I realize that most of you are sacrificing your time from your job, business and family to serve on the Planning Board. Thank you for your public service.

Phil Barfield, 910 Melvin Wrenn Road, Yanceyville, NC. Please protect our health, strengthen our county’s ability to conserve agricultural, recreational, and natural areas, and preserve our property values. Continue to educate our citizens on how we can achieve this through your planning and actions.

Mimi Logothetis, 9501Nc Hwy 86N, Cedar Grove, NC. I am writing this morning to urge you and the board to consider closely a sensible zoning package for the Southeastern part of Caswell County, and County wide. I know that the ballot referendum on zoning was passed by the State House and is in consideration by the Senate, but I do have concerns as to whether enough education about zoning and what it means for people is being disseminated by the county. Covid-19 has caused cancellations of all community meetings, which until the shutdown, were well attended and lively. People need to be educated, to know and not be afraid of zoning as it can mean lasting protections from polluting industries. We need some other solutions as to how to get out some very basic information so people can make informed decisions. Mainly, I hope that those in charge of formulating any zoning plans are educated and on board as to how helpful for the future a solid zoning plan can be. We are counting on thoughtful and deliberate decisions for the success of the future of this community, both in terms of environmental protections of a rural way of life and any progress going forward. Thank you.

Kim Steffan, 3598 Corbett Ridge Road, Mebane, NC 27302. I would like to ask the Planning Board and the commissioners to do two things:

1. Consider that the best way to make the most citizens of Caswell County happy is to allow areas of the county that want zoning, and have those areas that will not have zoning. There is no reason county zoning has to be all or nothing. In fact it is already not all or nothing. We have zoning in Yanceyville, Milton, and an unincorporated area around Hyco Lake. There is no reason other unincorporated areas can’t have zoning by township or precinct, not countywide.
2. I’d like the Board and the Commissioners to be active in public education on zoning, providing Zoom meetings, information in the newspapers, and PSAs or interviews on the radio stations. There are a lot of misconceptions about zoning generally that come from big, tightly zoned cities and towns with a different approach to zoning than we would have in Caswell, where we simply need to protect our quiet, agricultural, and rural way of life. Many people do not have a reason to know there are different kinds of zoning and different approaches to zoning. As a result, they don’t have a way to know that appropriate zoning will help them keep the way of life that they love. You and the Commissioners are the authoritative source to provide that education and it is your public duty to do so. Thank you for your consideration.

Scott Oakley, 1425 Baynes Road, Burlington, NC. Caswell County is among a list of many other rural counties in North Carolina that do not have county wide zoning to protect the communities from polluting industries. Examples of such counties are Alamance, Alleghany, Ashe, Avery, Jackson, Macon, Rutherford, Watauga and Wilkes. However, these counties have put High Impact Land Use type ordinances in place which do offer protection from polluting and high impact industries. My research indicated Caswell County ranks last and stands alone in its lack of any real protections from high impact industries in terms of what is contained in the Caswell County Unified Development Ordinance (UDO). Included with this public comment is a spreadsheet which contains the following information relevant to the nine counties listed above:

1. A listing for each County summarizing what Land Setbacks are in place for asphalt plants and mining.
2. A summary of how each County classifies asphalt plants and mining operations.
3. A copy of the ordinance for each County.

I request that a copy be provided to each Planning Board member to review as they evaluate changes and amendments to the Caswell County UDO. My request to the Planning Board today is to urgently proceed with an amendment to the UDO which will put Land Use Setbacks in place which are the most restrictive possible. The current Caswell County UDO is totally void of clearly defined land use setbacks which serve to protect communities from high impact industries such as asphalt plants and quarries. From the list of nine counties above, my research would indicate that Ashe County appears to have the most restrictive Land Use Setbacks. Asphalt plants and quarries in Ashe County are classified as High Impact Land Uses and have the following location distance restrictions:

1. A high impact land use shall not be located near to a protected site than 2,000 feet, measured from the area of operation to the protected site.
2. The area of operation shall also of operation shall be setback 1,000 feet from the property line of the high impact land use,

This double approach provides critical added protection to the landowners adjacent to a High Polluting Industry. Ashe County also does a good job of defining protected sites as a location in Ashe County used by its citizens for activities that are expected to be conducted without interruption by loud noise, noxious odors, smoke or fumes, disturbing vibrations, or pollution of air and water. Designated sites deserve to be protected by regulated distances and by buffers from any high impact land use, based on the classification of that use. The following are protected sites: educational centers, daycares, assisted living centers, nursing homes, medical centers, places of worship, dwelling units, public outdoor facilities, and historic sites. We need something similar in the Caswell County UDO. The Caswell County UDO does not even mention protected sites. The Rutherford County ordinance should also be reviewed for its content on Land Use Setbacks for quarries. My request to the Planning Board today is to prioritize your efforts to amend the UDO to address the many current inadequacies. The Caswell County UDO must clearly define protected sites, take the Ashe County double approach listed above and incorporate unique quarry distance such as Rutherford County I call on you to do this by expanding on what Ashe and Rutherford County has done. Classify asphalt plants and other related industries as high impact land uses. Add land use setbacks which have the greatest location distance restrictions legally possible. I recommend the following as the absolute minimum:

1. A high impact land use shall not be located near to a protected site than 2,500 feet, measured from the area of operation to the protected site.
2. The area of operation shall also be setback 1,500 feet from the property line of the high impact land use.
3. Specific to mining/quarries. No excavation or quarry wall shall be located within one mile to the property line of any existing protected site.

Caswell County should quickly move itself from being ranked last among these 10 Counties in protecting its communities to being ranked first and a model for the State; make Caswell County the model for North Carolina.

Pam Lynch, Prospect Hill, NC. I do not feel it is right to subject the rest of the land owners in this district to zoning due to the interest of a realtor who does not live in this community. Many believe this will stop the rock quarry but that is not true and they should be made aware that it does not but, will make it where they will have to ask permission to start any business from their property. This is very unfair. Many who will be affected are not aware of what this means for them. Those affected should be informed of what will be required once this is in place and what it does not stop is the quarry that is already in place. I did not know I was in the Prospect Hill district until now. I thought I lived in the Hightower’s Township and wouldn’t be affected. How many more are unaware?

**Old Business**

*Zoning Consistency Determination*

Chairman Johnston stated the at the previous meeting the Caswell County Board of Commissioners had requested that the Planning Board give a determination on consistency. Then Chairman questions Mr. Hoagland on the map for the Prospect Hill application because the map was unclear. Mr. Hoagland stated that he has some confusion with the map as well and will look into getting the original map to see if it was any clearer. Chairman Johnston stated that based upon the draft that the County had put together is that Prospect Hill will be zoned as a rural community. Mr. Johnston also asked, “were all property owners notified and if so what was the method on how they were notified? If there are property owners that do not want to be included in zoning could they be excluded?” Mr. Hoagland replied that to his knowledge many citizens where notified in the affected area but that since this is not an official application for zoning, so notification of all property owners was not required. If the county decides to move forward with this plan, state law requires certain notifications be done. In regard to some properties being zoned and some not, that is a possibility. Chairman Johnston questioned would there be public meetings and those affected will be notified via mail. Mr. Hoagland replied most likely, yes.

Mr. Blalock stated that he has spoken to serval citizens in the Prospect Hill community and they all are against zoning and their voices need to be heard.

Chairman Johnston questioned are there any updates on the zoning ballot in the legislature. Mr. Hoagland replied it has been approved by the NC House and now is in the Senate. Mr. Hoagland also mentioned that he understands that a lot of people are nervous about zoning. With that in mind, he and the county manager very deliberately put together a draft zoning plan that would be flexible and friendly to property owners. In essence, their zoning code would make it harder for quarries and asphalt plants to come in and set up in the same way they currently have.

Mr. Shaffner stated his concerns that zoning should be County wide, that way all the citizens of Caswell County are protected and treated equally.

*Heavy Industrial Ordinance Review*

Chairman Johnston questioned what did the Commissioners request that the Planning Board do far as the Heavy Industrial Ordinance and Alamance County’s Heavy Industrials Ordinance was suggested for reference. Mr. Hoagland stated that this was passed to the Planning Board for review, this stems from the moratorium the County enacted back in January and that by law the county has to take some type of action whether it be zoning, a new ordinance, or a similar action. The Caswell county Board of Commissioners did look at Alamance County’s Ordinance because it had recently been amended and they are a neighboring county. Chairman Johnston questioned how the enacted moratorium would affect vested rights. Mr. Hoagland replied, that would be something we need to talk to the County Manager or County Attorney about. Mr. Shaffner agreed to use Alamance County’s Ordinance and make some minor changes. Mr. Richmond agreed. Mr. Hoagland stated for the Board to keep in mind that Alamance County also does not have County wide zoning and that was one reason the commissioners considered it. Chairman Johnston asked that he make some modifications or have something for the Board to consider at the next meeting.

*Electronic Gaming Facility Regulations*

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

*Planning Board By-Laws*

Mr. Hoagland stated that, after discussing this issue with Chairman Johnston, he had found an old copy of bylaws that looked to have been adopted in 2015. He stated that new Board members will be required to take an oath of office as a requirement of 160D. Updating the bylaws would also give the Board a chance to set rules for things like public comments and citizens directly addressing staff. No action was taken on this item.

**New Business**

*UDO Article 3 160D Compliance*

Mr. Hoagland Presented the Board with the proposed changes to comply with NCGS 160D. After a brief discussion, the board had no objections to Mr. Hoagland’s proposed changes. This item will be continued to a later Board meeting.

*UDO Article 4 160D compliance*

Mr. Hoagland stated that he did not feel it was appropriate to review Article 4 changes today since the General Assembly had just passed new revisions to 160D, specifically dealing with permit choice and vested rights. He asked the board if it would be alright for him to make new revisions in light of the new legislation and bring it back at the next meeting. The board agreed.

**Planning Department Updates**

1. The same bill effecting permit choice and vested rights allows Local Governments to adopt their changes to 160D immediately. So the county has the option of adopting 160D changes as soon as possible, then going back and working on zoning issues.
2. Mr. Hoagland asked the Board if they would be comfortable having a Public Hearing at the next meeting for a Verizon Cell Tower Located in Pelham, NC. With technology being an issue, does the board think they could do a remote public hearing? After some discussion, the board agreed to have the public hearing at their July meeting.

**Adjournment**

Chairman Johnston adjourned the meeting at 2:49p.m.

*Ashley Kirby Powell, Administrative Assistant Recorded the minutes above.*