**Caswell County Planning Board Meeting**

**May 26, 2020**

**Members Present:**

 *Chairman,* Russell Johnston, Ray Shaffner, Keith Blalock, Ron Richmond, and Jason Daniel. Also present: Matthew Hoagland, *Planner,* and Ashley Kirby Powell, *Administrative Assistant.*

**Members Absent:**

*Vice-Chairman,* Michael Poteat, Commissioner William Carter, Don Swann, and Steve Harris.

**Called to Order**

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

**Approval of the Agenda**

Mr. Blalock motioned to approve the agenda, seconded by Mr. Daniel. The motion carried unanimously.

**Public Comments**

The following public comments were read to the board by Planner Matthew Hoagland:

Dear Mr. Hoagland,

I am one hundred percent in favor of zoning. As you know and I know zoning is the key for success for Caswell county. Zoning lays the foundation of protection for all land owners and the potential for our future growth. Seize the moment and vote yes to zoning. This monumental moment is in our hands and a bright future for all.

Thank you for your time

Jami Haigler

249 Blaylock Drive, Prospect Hill NC 27314

I am in agreement with the zoning proposal for Prospect Hill. This the perfect opportunity to prepare the county for future growth. As you enter Caswell county from Orange County do really want an asphalt and rock quarry sprawl to be our welcoming committee? Vote yes to zoning for the sake of our children and future generations to come.

Barry Haigler

249 Blaylock Drive, Prospect Hill NC 27314

Hi, Please support the quarry and all investment and business growth in Caswell County. I don’t think the government should listen to a few people only trying to protect (what they think) is their property values and who aren’t thinking of the economic needs of the other people in the county.

John Carpenter

1575 Main St, Yanceyville, NC 27379

I have attended two meetings when you and the county manager presented your vision for preserving Caswell County’s way of life with a zoning plan that would protect our rural and agricultural lifestyle while allowing for the growth of small businesses.  With limited zoning like the residents of Prospect Hill are proposing, we can keep out polluting industries that threaten not only that lifestyle but our lives.  A quarry will rob the aquifer and threaten our wells. It will destroy wildlife and with blasting will endanger the very air we breathe.  Huge trucks will create dangerous traffic on two-lane roads that were not designed for anything but farm equipment and residential vehicles. Sunrock offers us nothing to offset what we will lose.  If the pandemic has taught us anything, it is to be prepared well ahead of what is coming.  Until we take the threat seriously and put into action the protocol that will protect us—the zoning proposal before you—polluting industries will spread.  The disease is indeed worse than the cure.

Thank you.

Sharon Williams

396 John Russell Road, Prospect Hill

My husband and I are 20 yr residents of northern Caswell.  We had concerns about the lack of zoning regs. before we settled here. But we thought the county govt. would protect our water, air, and investment. After all, we reasoned, this is an agricultural area...Now, our worst fears are realized.  A polluting industry has zeroed in on our southern Caswell neighbors. This encroachment on the lives of residents and the environment by polluters is outrageous. Sunrock considers our county a sacrifice zone.  Please fight this, tooth and nail.

Karen and Ken Schneider

289 Ralph Daniel Rd., Pelham 27311

Please register my voice as one who is fully in favor zoning. We do not need large, polluting heavy industry or business in Caswell County. This county is chiefly given to agricultural use. I, like many of my neighbors, support farming as the dominant source of income in this rural county.

We must introduce zoning to protect livestock and crop production from poisonous, polluting industry. Our rural way of life is valuable to us as citizens and agriculture is a valid profit producing vocation.

We all need to eat and our county is in that valuable business. In the long run, a clean environment and food production is more sustainable than an asphalt plant or other polluting industry.

Vote yes on zoning.

Karen and Robert Anderson

1827 Wilson Rd., Hurdle Mills, NC 27541

I do not live in Caswell County, but I am just south of the county line and feel I need to speak on behalf of my community. I urge your board to adopt strategic zoning to protect the residents of the southeastern corner of Caswell from ruinous polluting industries. A branch of the South Hyco creek meanders through my 18 acres, and I often reflect on how I feel responsible for that leg of its journey. Imagine if everyone who owned property containing these vast watersheds in our ecosystem took such great care to ensure that downstream was just as healthy. This is my hope. I live in rural northern Orange County for a reason. I do not live in Chapel Hill for a reason. The zoning in Chapel Hill is different form the zoning here in the country for very good reason. But, I have always maintained that I feel protected and not inconvenienced or infringed upon with our rural/agricultural zoning in my area. I live free to do as I please, but I do take care of my environment as a steward of my land. If the people of Caswell could experience zoning that protects them and their water and air, while also preserving their agricultural way of life, keeping out polluting neighbors and toxic industry, they would know that in careful and thoughtful zoning, they win!

Mimi Logothetis
9501 NC Highway 86 N
Cedar Grove, NC 27231

To whom it may concern: Thank you for reading. My husband and I are residents of SC looking for lake property in the Durham/Raleigh area, to be close to family. We were so impressed by the natural beauty of Lake Roxboro and the Prospect Hill area, that we were planning to buy there. We are so disappointed to hear about Sunrock quarry/asphalt disrupting that ecosystem. In Raleigh Durham, there are not many undisturbed places left. Please don't let Sunrock ruin that. We will delay our plans to live in Caswell County pending the decision of this planning committee.  Thank you,

Barbara & Craig Yearley

Zoning is key to any community. We express the wishes of our community thru common sense regulations about what kinds of businesses can be located where.

It is simple. That Caswell County has gone this long without zoning is not something of which to be proud. Rather it borders on negligence...protection of our people - ALL people - needs

to be uppermost in how the county regulates use of land.

I strongly support zoning.

Pam Schwingl

1200 Hurdle Mills Road

Cedar Grove, NC 27231

To the Caswell County Planning Board:

I support actions that you will take to protect our health, strengthen our county's ability to conserve agricultural, recreational, and natural areas, and to preserve our property values.

Thank you,

Phil Barfield

910 Melvin Wrenn Road, Yanceyville, NC

Our Names are Edward and Dawn Leith-Dougherty. We reside at 2685 Ridgeville Road, Prospect Hill in Caswell County, NC. We are writing in support of the proposed Zoning plan for Southeastern Caswell County and request that the board move forward with the approval and implementation of the plan as proposed. The current lack of zoning has left our community vulnerable to major polluting industries that have targeted us. Cheap land and lack of protections that zoning affords have left us as prey. These polluting industries not only threaten our Property Values, and therefore our financial security, they threaten our health, our water supply and, through their toxic emissions, the air that we breath.
The immediate implementation of a sensible zoning plan is our best defense against this threat. Through zoning we seek to preserve our way of life here in SE Caswell County for Agricultural, residential and small business use and to keep large polluting industries from destroying it.
Respectfully,
Edward and Dawn Leith-Dougherty.

I am a property owner in Caswell county and my family has land that abuts the proposed area of the quarry and asphalt plant.   We currently live in Person County but have plans to build a house in Caswell.  We oppose building the quarry.  We feel it would negatively affect the water tables and air quality. We are in favor of some sort of zoning that would prevent polluting industries from coming into the county.

Sincerely,

Susan Hester

610 Newton Pleasant Loop Rd, Hurdle Mills

Bruce Pleasant

1268 Painter Road

Prospect Hill, NC 27314

May 26, 2020

to the Caswell County Planning Board:

My name is Bruce Pleasant, and I live at 1268 Painter Road in Prospect

Hill. I have worked in economic development for 17 years, assisting businesses

and rural communities across North Carolina create sustainable jobs and

provide needed facilities to improve the lives of its citizens.

I strongly urge you to concur with the zoning application for Southeastern

Caswell County, otherwise known as the Prospect Hill community. I

believe our community is a gateway for Caswell’s future, and allowing

heavy industry such as mining operations, asphalt plants and similar

industry will prevent other development that will sustain and encourage

thoughtful growth of the community.

Prospect Hill’s citizens have chosen to seize the opportunities to preserve the essence of the community and not destroy the beauty of its natural

landscape, while protecting its long, rich agricultural heritage. The

citizens who want to encourage development that will not have a

detrimental impact on the environment overwhelmingly support zoning to

restrict heavy industry, because they are interested in preserving what

makes this area attractive, particularly given its proximity to the Research

Triangle Park, Durham, Chapel Hill and other urban areas. I believe this

foresight is smart and the correct path for our community and Caswell

County.

I believe if you ask those that are not in favor of any zoning about their

concerns, most will indicate it is out of mistrust that any government

protections will not further restrict property owner rights in the future. As

a property owner of acreage that could potentially be suitable for business

development, I am sympathetic to those concerns. However, I fervently

believe that zoning protects the rights of property owners and those that

live in our community and could not be more supportive of the proposed

zoning ordinance for Southeastern Caswell County.

It is the job of government to work for its citizens, provided that the

actions are protected by our constitution. It is my plea that the planning

board do its job and approve the zoning application. This will put our

community one step closer to having the right kind of development that

will make it a great place to live for generations to come.

Thank you for your attention to this very serious matter and for your

service to our county.

Sincerely,

Bruce Pleasant

May 26, 2020

Gay Pleasant

1268 Painter Road, Prospect Hill

I am writing to ask for your approval of the Southeastern Caswell zoning

application.

Over the past eight months, residents of the Prospect Hill area have had

an unwelcome “crash course” in land use regulation and zoning laws.

The main thing we’ve discovered is that Caswell county’s lack of even

modest zoning regulations makes us “ripe for the picking” to polluting

industries from more populated areas - industries that will gladly take

our natural resources to the detriment of our county and its citizens,

leaving a mess behind, and with little to no benefit to our communities at

the end of the day.

Now, more than ever, our homes ARE our castles, our land, water and air

are more precious to us, and must be protected.

Great time, effort and expense have been put into crafting the localized

zoning plan before you today. It will give our county commissioners,

planning board members, and residents a small amount of self

determination as the inevitable growth from more populous counties

creeps toward us.

We want good growth, growth that leads to more tax revenue for the

county while protecting our natural resources.

Thank you for your consideration in this matter.

Sincerely,

Gay Pleasant

To: Caswell Country Planning Board

From: Scott Oakley, 1425 Baynes Road, Burlington NC

In the February 25, 2020 meeting minutes on page 3, under New Business there was discussion about an amendment to the UDO. It states “Chairman Johnston questioned about a petition. Mr. Hoagland replied, at the County Commissioners meeting there was a petition submitted 54 or more citizens of Caswell County are encouraging that the county amends the UDO and adopt this new type of ordinance”. At this point discussion continued between Chairman Johnson and Mr. Hoagland about protected areas and setbacks.

The following is a table of what I have found in researching high impact ordinances in various North Carolina counties. I call on the Planning Board to review these and do additional research and proceed with a UDO amendment to protect Caswell County with the most restrictive setbacks possible. I recommend an approach similar to Ashe Co where they an either/or approach which covers the area of operation to the protected site and area of operation to the property line of the protected site.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **County** |  | **Land Use Setback** | **Classification** | **Setback Definition from Protected site** |
| Ashe |  | 2000 ft1000 ft | Class 1 (Asphalt, Mining) | 2000 ft (area of operation to the protected site)1000 ft (area of operation to property line of protected site |
| Avery |  | 700 ft | Class 5 (Asphalt, Mining) | (Land) Area of operation and nearest property line(Stream) area of operation and top of bank of stream |
| Alamance |  | 2000 ft | Class IV (Asphalt, Mining) | center of the designated “area of operations” to the nearest improvement of the protected facility. |
| Jackson |  | 1320 ft1320 ft  | Asphalt plantMining | The location of the closest point of the property line of a lot on which an asphalt plant, both portable and permanent The location of the closest point of property line of the lot on which a mine or quarry |
| Macon |  | 1000 ft1500 ft | AsphaltMining | Closest point of a building, structure or outdoor storage of a high-impact use and property line of protected site |

As an example, 2000 ft land use setback would prevent the proposed Asphalt plant from being placed at it’s proposed location in Anderson.

The January 6, 2020 moratorium DOES APPLY to this proposed facility. Please take action to amend the Caswell County UDO before it is too late.

5/26/2020

To the members of the Planning Board,

We are Pat Warren of 36 Main Street, Prospect Hill and Leslie Zimmerman of 732 Solomon Rd,

Leasburg.

The district zoning proposal forwarded to you from the Board of County Commissioners is a

document developed with much feedback from residents in the proposed district area. We

mailed invitations to all the property owners in the district (over 700) to learn about the plan and

gave everyone opportunities for input. Nearly all residents who responded were in favor of

adopting a plan like this to protect our way of life and the agricultural and residential use of the

land.

One point we all agree on is the importance of preserving agriculture. You will see three ways

agriculture is protected in the proposal. Attached to this email is a summary of those

protections.

Although the plan has been proposed, the process you are starting will allow even more public

input. We look forward to seeing improvements to the proposal. In fact, upon further review, we

have some changes we would like you to consider to the plan as proposed.

First, the language used to describe the zones in this document - Rural Conservation and

Highway Business - are descriptors. But, if others want to choose different names that match

the zoning plans for the county that staff has been working please do. What is important is what

is allowed and not allowed in those areas, not necessarily what they are called.

Second, we have noticed that the stream buffers were set at only 50 feet, which we now believe

should be much greater. The streams running through this area are a part of the aquifer that

supports agriculture and our groundwater. Some of them feed a drinking water reservoir and

need more protection. We defer to staff as to the best buffer.

Thank you for your upcoming work on this important project. Southeast Caswell deserves, and

needs, protection from those who would spoil it.

**Three Ways Agricultural Uses Would Be Clearly Permitted by**

**Proposed Changes to County Zoning Ordinances**

**in Prospect Hill/SE Caswell**

The goal of zoning regulations is to protect and preserve your rights as property

owners from large polluting industries that would interfere with your quiet

enjoyment and use of your land. In our area, that means to live peacefully and

use the land for agriculture. Therefore, the ordinance provides extra

protection for these uses.

**#1. ANY AGRICULTURAL USE ON RESIDENTIAL PROPERTIES WILL BE PERMITTED**

**under the County Zoning ordinance as an accessory use.** The proposed

regulations would assign “residential” zoning to most properties in the area.

On a property where the principal use is residential, any agricultural use will be

considered a legal accessory use and permitted by right. *This exemption will be*

*stated explicitly in the proposed ordinance.*

**#2. In addition, AGRICULTURAL USE BY BONA FIDE FARMS IS EXEMPT FROM**

**BEING REGULATED by county zoning ordinances under state law.** A bona fide

farm must hold at least one of the following documents, eligibility, registration

or certification: a farm sales certificate, eligibility for present use value

property taxation, a Schedule F for federal income taxes, a forest management

plan, or a USDA farm identification number. *This exemption will be stated*

*explicitly in the proposed ordinance.*

**#3. Finally, ANY OTHER AGRICULTURAL USE WILL BE PERMITTED under the**

**County Zoning ordinance.** This makes the county ordinance even more

permissive for agricultural uses than state rules, including situations where the

operator may not reside on the property, or may not have documentation

required to qualify as a bona fide farm, etc. *This exemption will be stated*

*explicitly in the proposed ordinance.*

To: Matthew Hoagland, County Planner and the Caswell County Planning Board.
We submit the following for public comments to the Caswell County Planning Board. To be read at the Tuesday, May 26, 2020 planning board meeting:

Our Names are Edward and Dawn Leith-Dougherty. We reside at 2685 Ridgeville Road, Prospect Hill in Caswell County, NC.
We are writing in support of the proposed Zoning plan for Southeastern Caswell County and request that the board move forward with the approval and implementation of the plan as proposed.
The current lack of zoning has left our community vulnerable to major polluting industries that have targeted us. Cheap land and lack of protections that zoning affords have left us as prey. These polluting industries not only threaten our Property Values, and therefore our financial security, they threaten our health, our water supply and, through their toxic emissions, the air that we breath.
The immediate implementation of a sensible zoning plan is our best defense against this threat. Through zoning we seek to preserve our way of life here in SE Caswell County for Agricultural, residential and small business use and to keep large polluting industries from destroying it.
Respectfully,
Edward and Dawn Leith-Dougherty.

**Approval of February Minutes**

Mr. Harris made a motion to approve February 25, 2020 minutes, Mr. Daniel seconded. The motion carried unanimously.

*Chairman Johnston noted that Caroline Laur’s Public Comment “The minutes reflect that Commissioner W. Carter was present at the meeting and after reading the minutes, the Planning Board advised him not to tell the Board of Commissioners” at the February 25, 2020 was contrary.*

**New Business**

South East Zoning Proposal

Mr. Hoagland stated that the South East Zoning Proposal was brought to the Board by the Caswell County Board of Commissioners to get input from the Planning Board. Primarily, the county commissioners are asking that the Planning Board make a determination of consistency for the proposal as compared to the current draft zoning proposal as well as the Hyco Lake Zoning Area.

Chairman Johnston asked Mr. Hoagland to give an overview on spot zoning and what are the requirements, and would this be considered spot zoning. Mr. Hoagland replied, this is not really an issue of spot zoning. This originally was presented to his office, before it was presented to the County Commissioners. There is a new provision in State Law that does not allow for citizens to initiate zoning if it meets the criteria known as down zoning. Down zoning consist of making properties more restrictive basically without their consent. The issue that the applicants ran into was they would have had to get written approval from all land owners affected. Chairman Johnston questioned what are the requirements and protocols for the zooming proposal we have in front of us today relating to State General Statues. Mr. Hoagland replied the minimum requirements by State Statues are in the neighborhood of 400 acres and 10 continuous parcels. Chairman Johnston stated based upon the map presented it looks like a lot of acreage. Mr. Hoagland referred Chairman McVey’s comment from a previous Commissioners meeting “970 parcels, total of 25,938 acers and taxable property value of $79 million”. Chairman Johnston asked Mr. Hoagland to explain the boundaries. Mr. Hoagland referred to Commissioner S. Carters comment from a Commissioners meeting “it begins at the South East corner of the county heading west to Corbett Ridge Road, to HWY 86, to HWY 119, to Griers Church Road, to Ridgeville Road, to Roxboro Lake Road, to Caswell Person County line”. Chairman Johnston questioned is the Western boundary goes all the way to Corbett Ridge Road or does it stay along HWY 86. Mr. Hoagland replied Corbett Ridge Road all the way to the intersection of HWY 86 , then the boundary becomes HWY 86. Chairman Johnston asked Mr. Hoagland to give the Board some input on how the Hyco Lake Zoning came about. Mr. Hoagland replied the Hyco Lake are came in existence in the 1960’s, it was a requirement that was in tandem with the power plant facility that is located on Hyco Lake. That zoning district is broken down into 3 categories: 1. Resort residential 2. Commercial 3. Industrial. Chairman Johnston suggested that the Board review the Hyco Lake Ordinance in comparison to what was presented to them today.

Mr. Shaffner stated his concerns what if someone goes into the South East part of the County and tries to do the same thing.

Chairman Johnston questioned could Prospect Hill become an incorporated area like the Town of Yanceyville, and Milton. Mr. Hoagland replied yes, hypothetically, the citizens of Prospect Hill could petition the general assembly to incorporate and become a new town. Chairman Johnston stated after looking at the intent statement he had somethings that he needed more clarification on. Chairman Johnston questioned the max height requirement how that affect would cell towers. Mr. Hoagland replied there could be some conflict there. Chairman Johnston questioned where it mentioned air quality and noise reduction measures. How would it be regulated, would the Noise Ordinance play a part in it. Mr. Hoagland replied yes, the Sheriff department handles the Noise Ordinance, and that Ordinance allows Industrial type businesses to have higher levels of noise primarily during hours of operation. Then Mr. Hoagland stated the message from the Commissioners is probably not to go into depth with this; they are looking to see if it is consistent or not. Chairman Johnston replied we will review Hyco Lake Zoning, then asked Mr. Hoagland to put this item on the next meeting’s agenda.

UDO Article 1 160D/ 2 160D Compliance

Chairman Johnston recognized Mr. Hoagland for all his hard work he had invested in this project. Mr. Hoagland thanked Chairman Johnston.

Mr. Hoagland stated this was happening because of a new law enacted by the state legislature to consolidate all planning and zoning regulations into one code for both counties and cities. Most of the legal language is the same from 153A to 160D and that we are mainly changing reference numbers to match the new law. Mr. Hoagland said the board will go over the sections of the UDO one by one, then get a final vote on changes to the Board of Commissioners in time for the deadline of January 1, 2021. Then Mr. Hoagland presented the Board with the proposed changes throughout Article 1 and Article 2 of the UDO. The only correction to be made is to change “160D-912” to 160D-913” under Section 1.4.2.2. of Article 1.

Chairman Johnston stated while looking are article one he suggested looking at the fee schedule to make it more tax payer friendly.

Old Business

Chairman Johnston stated that at the previous meeting in February the Board had looked at the Heavy Industrial Ordinance and was comparing it to Alamance County’s Ordinance. This item was set to be on March’s agenda, and then he questioned Mr. Hoagland on were the Board stood with this. Mr. Hoagland replied the Commissioner requested a simple review, if the Planning Board would like to make a recommendation or have him draft up and Ordinance they could do so. Mr. Hoagland elaborated, the Alamance County Ordinance classifies certain types of industrial use into 3 categories: 1. Fuel storage 2. Chemical manufacturing 3. Mining and quarry activity, for example. The most important thing that was discussed at the previous meeting were setbacks. Chairman Johnston stated in addition to the setbacks there were buffers. There were some questions about hours of operations and steps on requesting for variances. Chairman Johnston then told Mr. Hoagland that he would like this item to be on the next meeting’s agenda along with the Electronic Gaming Facility Regulation.

**Planning Department Updates**

1. The City of Danville is in the process of an agreement with Caesars / Harrah’s casino, the potential casino will be located in the School Field District. The County Manager would like to encourage the Planning Board to consider this possible new development as the county considers future growth and zoning proposals.

**Adjournment**

Chairman Johnston made a motion to adjourn at 2:20 pm, the motion carried unanimously.