**Caswell County Planning Department**

**Planning Board Meeting**

October 22, 2019

Members Present:

 Michael Poteat *Vice-Chairman*, Keith Blalock, Ray Shaffner, Steven Harris. Also present: Matthew Hoagland, County Planner and Ashley Kirby Powell, Administrative Assistant.

Members Absent:

Russell Johnston, *Chairman,* Don Swann, Jason Daniel, Commissioner William Carter, and Ron Richmond.

Vice-Chairman Poteat called the meeting to order at 1:00pm.

Approval of the Agenda

Mr. Blalock moved to approve the agenda, seconded by Mr. Harris. The motion carried unanimously.

Public Comments

John Claggett, 108 Jaye Lane of Providence, NC. stated that the last time he came before the Planning Board, he came to talk about occupancy standards, meaning standards for any facilities throughout the county. This would help assist first responders get into these facilities. Electronic Gaming and facilities could be incorporated into that; his motive was for all businesses not just to target one enterprise.

Rodger Tiger, 472 Carver Road, Prospect Hill, NC. stated he has lived in Prospect Hill for 30 years and his home is in within 2 miles of the proposed rock quarry. His concerns is how will this affect his well. In Sun Rocks materials, they have proposed sediment control plan for a 25-year storm event. Within the past 3 years North Carolina has had 50 years’ worth of storm events. This will not have any economic benefits for the County, it will only bring 15 jobs.

Mark Wrenn, 2372 Ridgeville Road, Prospect Hill, NC. stated after reading an article that was published in the Caswell Messenger back sometime in February, and after attending the Caswell County Board of Commissioners meeting, there was some miss information. In the article posted it stated, “Mr. Hoagland stated that one main point is the size ratio, they are not supposed to build upon more than 6% of the 500 acres. They will need a special approval to do that. They will need to submit a major site plan which would be approved by the Planning Board.” He is here today to get some clarity. He asked Mr. Hoagland to clarify and Mr. Hoagland asked the board if he could address the issue. Mr. Hoagland replied that this was an error on his part, with regards to the major site plan being required for that type of development. He was under the assumption at the time that all major site plans would go through review by the Planning Board. But that is not the case, only major site plans that are subject to Article 9 regulations in the U.D.O. have to go before the board. However, there are certain watersheds in the County where more than 6% development is not allowed which is what led to the confusion. In the South Hyco Creek watershed where the proposed rock quarry would be located, no more than 12% of non-residential development is typically allowed. That calculation is of the impervious surface area, in other words a paved driveway or rooftop which does not allow rain water to penetrate into the ground. An applicant may apply with a Special Non-Residential Intensity Allocation permit to develop up to 70% in the South Hyco Creek watershed if they plan to build more than the density limit. Mr. Hoagland apologized for the earlier confusion. Mr. Wrenn replied, this proposed sight is in the Hyco Creek watershed, so what is the max built upon? Mr. Hoagland replied non-residential is 12% and he is currently awaiting feedback from the NC Department of Environmental Quality if a rock quarry would count as pervious or impervious.

Leslie Zimmerman, 732 Solomon Road, Leasburg, NC. Stated that at the October 21, 2019 Caswell County Commissioners meeting many people voiced their opinions on the proposed rock quarry and we are here today to share their objections with the Planning Board with hopes that the Planning Board can do what they can do to prevent this quarry. Over a 100 Caswell County Residents have written to the DEQ asking them to deny the mining permit, the Caswell County Board of Commissioners hands are tied, the Planning Boards are not. It states in the Planning Boards mission that the responsibility of the Planning Board is to administer and interpret ordinances.

It shall be the duty of the Planning Board, in general:

To prepare and from time to time amend and review a comprehensive and coordinated plan for the physical development of the area.

To establish principles and policies for guiding action in the development of the area.

To prepare and recommend to the Board of Commissioners ordinances promoting orderly development of the county’s land use.

To determine whether specific proposed development conforms to the principles and requirements of the Land Use Plan for the growth and improvement of the area.

To keep the Board of Commissioners and the general public informed and advised as to these matters.

To perform any other duties which may lawfully be assigned to it.

This Board hears and decides:

Petitions to Amend County/Zoning Ordinances

Petitions to Amend Zoning District maps

Special and Conditional Use Applications

Plats and/or Subdivision

Citizens' Concerns and Input

We are asking that the Planning Board appoint a separate Water Shed Review Board, adopting stricter watershed regulations to govern those regulations. Also change the procedure within the UDO, a special non-intensity allocation permits review process or add an inter provision to the UDO making rock quarry’s part of Article 9 regulations. The most important thing is that you share true facts to the Community. The quarry has not been approved and they do not hold a permit. It is not a done deal. On November 4, 2019 at 7: 00p.m there will be a hearing with the DEQ held at the Historic Courthouse in Yanceyville, NC. Mrs. Zimmerman thanked the Board for their consideration.

Pat Warren, 36 Main Street, Prospect Hill, NC. went over a size comparison of the proposed rock quarry to current rock quarries in North Carolina. Mrs. Warren the Board when they go home at night and everything is quiet and peaceful, to imagine if someone told you they were going to build a rock quarry across the road from you; the noise, dust, and traffic. This is also going to affect the value of our property, if you are not ok with this, you need to support those that are facing this.

Gaye Pleasant, 1268 Painter Road, Prospect Hill, NC. stated she is here to address the asphalt plant on Wrenn Road. As a neighbor and a citizen we feel blindsided by this. It is a terrible event for our beautiful property. After looking at Planning Board minutes from last year when that asphalt plant was approved it stated in the minutes, “Mr. Shaffner asked Ms. Denison if she had received any feedback from any nearby landowners. She replied yes, in the past but not recently.” We were never notified of that, the only way we found out was by driving by the site and noticing equipment and construction. We were told that the State was using it as a temporary asphalt plant. This company has a record of saying one thing and doing another. Once these companies get in they are going to do as they please. The Planning Board needs to put up a roadblock to keep these things from happening.

Mike Clayton 12357 NC 86 S, Prospect Hill, NC. stated that Sun Rock the asphalt plant paved HWY 86 and it did not meet the state standards. Therefore the state had to hire another company to repave the road. Mr. Clayton also stated his concerns about how the quarry would affect the creek and streams that are near the proposed quarry that run into Roxboro Lake. Caswell County is beautiful and we need to keep it that way.

Jennifer Wynn HWY 86, Prospect Hill, NC. stated that she is an RN, grad student, Dr. of Nursing Practice Program, and is currently on medical leave due to cancer. Quarry’s are known to cause dust that is so small that you cannot see it and has been proven to increase the risk of cancer. Cancer is not the only health risk that is affiliated with quarry’s.

* Heart Attacks
* Strokes
* Respiratory Issues
* Asthma flare ups
* Leukemia
* Fertility Problems
* Miscarriages
* Low Birth Rate

There will be increased ER visits and we are a community that has been deemed medically underserved by the state since 1979. This quarry is only going to continue to lower our life expectancy. We currently have a quarry in Pelham, NC and she proceeded to present the board with a graph from that Dan River Regional Health Equity Report from 2017, which showed higher cancer mortality rates near the Pelham quarry. If the quarry comes to Caswell County the Planning Board better be prepared to bring in more medical staff that will be required to support this quarry.

Virgina Talley, 309 John Oakley Road, Prospect Hill, NC. stated that her son’s property is located on Wrenn Road and his wife works 3rd shift and sleeps during the day. If the quarry comes they will be moving.

Steven Hester, 1647 Wilson Road, Prospect Hill, NC. stated, after doing some research he found that the Franklin County Planning Board opposed the development of SunRock in their county. There are a lot of people here and these are the people that you serve. We choose to live here in Caswell County and we are against the quarry. You the Caswell County Planning Board can take a stand just like the Franklin County Planning Board did.

Cindy Kirby, 117 Kirby McNair Porter Road, Prospect Hill, NC. stated that last year her and her husband came before the board with their proposed subdivision. We are currently bringing in new residents to the county, this could be a good tax base for the county. The quarry is only going to be hiring 15 employees, this is not going to help with the tax base in a positive way. There are two creeks that run through or near the proposed site area that run directly into Roxboro Lake. Once the water is contaminated our development is going to sink. We are asking for your help and we hope that you all will stand with us on November 4th.

Ed Dougherty, 2685 Ridgeville Road, Prospect Hill, NC. stated that he lives in a 130 year old home and is worried about how the blasting will affect his homes foundation; How’s the blasting going to affect their well. At the Caswell County Board of Commissioners meeting it was stated, they are only going to blast twice a week, that is over 100 times a year. The amount of explosives that will be used is about the same used in the Oklahoma City bombing. There will be several health risks that will be caused by the quarry, the dust will also affect homes heating and air units, loss of the landscape and open pits. How will this affect the streams and Roxboro Lake, please consider all of these issues.

Mark Wynn, NC HWY 86, Prospect Hill, NC. stated that he is a disabled veteran and he moved from Camp Lejeune because Prospect Hill is a great family based community. Look at the fact sheets, the quarry could have chosen anywhere but here. There are 8,000 people in Caswell County that are on oxygen, is the quarry going to affect them? I am not anti-quarry, I am anti disruption of a family based community and I pray you will make the right choice.

Earl Wrenn, 927 Egypt Road, Prospect Hill, NC. suggested that everyone go to the NC Department of Mining and look at the application that SunRock submitted. Have you looked at the geological study, one is 251 pages long, or is it going to bed one of those things you pass and read it later? SunRock paid a company to complete a survey. He presented the board with the findings. The geological comments in the survey states, the purpose of this study is to evaluate geological parameters for potential hydraulic effects that could result from quarry operations. All the residents in Prospect Hill have well water and this survey states that it could cause decreased water supply to our wells or even dry our wells up. Some of the test wells they dug failed and this was in the wettest season we’ve ever had. Can you imagine if they would have tested it during the summer when we went months without rain? This quarry will not just affect us but our kids and grandchildren. Thank you for listening to me and help us if you can.

George Daniel, Attorney at Law, Yanceyville, NC stated that he has lived in Caswell County his whole life and never questioned that this is where he wanted to be. People love it here in Caswell County because of its beauty. Many years ago we lived off the land and tobacco was one of our main crops and how is this going to affect our land? People that he has worked with have always commented on how pretty Caswell County is and how we don’t have much but we work with what we have and how appreciative we are. When North Carolina was looking for a medical depository waste site, I got appointed to the Environmental Review Committee, to do all I could to keep it from coming to Caswell County. Then later on in Virginia they were trying to put a uranium mine 50 miles from us and all the citizens of that county ought to keep it from coming and they succeeded. Now it’s our turn to stand up and fight. We take pride in Caswell County. We have held this county together. I am concerned why there are no representatives here from Roxboro because this will affect Roxboro Lake. It is up to us to stand tall and we need to be united. Just because we don’t have zoning doesn’t mean the people’s voices doesn’t need to be heard.

Recess

At 1:55p.m. the Board took a brief recess. Vice-Chairman, Mr. Poteat called the meeting back to order at 2:11p.m.

Approval of Minutes

Mr. Blalock made a motion to approve the August 27, 2019 Planning Board minutes, seconded by Mr. Harris. The motion carried unanimously.

Planning Department Follow Up

1. *UDO Article 9, Section III*

Mr. Hoagland stated that earlier this year the Planning Board did adopt some changes to the wireless communication portion of the UDO. That went before the Caswell County Board of Commissioners and they voted to bring it back to the Planning Board for continued revision. The North Carolina Wireless Commission is going to review it as well, they were scheduled to meet in September but due to hurricane Dorian they had to reschedule it and they meet quarterly. The Wireless Commission understands we are reaching out in a spirit of cooperation and want their advice on how to make our ordinance as effective as possible. Then he proceeded to inform the Board that if they wanted to make any revisions to the wireless portion of the UDO that could done at any regularly scheduled meeting.

Mr. Shaffner questioned what was the feedback that he received from the Commissioners. Mr. Hoagland replied there are some legal issues we want to make sure we get 100% correct. For example, AT&T has a federally granted right of way for service since they’re responsible for building out the emergency services network. Also, if we make it easier for wireless internet to be built out than cell towers then we may be in violation of the 1996 Telecommunications Act. So our goal is to make it easier for towers to be built in a way that provides coverage for the entire county yet we don’t want to do it in a way that gives us dozens of blinking lights on the horizon or conflicts with any existing laws.

1. *Electronic Gaming Facility Regulations*

Mr. Hoagland stated at the August Planning Board Meeting the Board instructed him to inquire with the County Attorney to see what the county can do to possibly regulate gaming facilities. The feedback he received from the County Attorney was that the Planning Board and the county at large could undertake regulations in two ways. We can add a new section the to Article 9 regulations, or the Planning Board could make a general recommendation of county wide zoning to the Caswell County Board of Commissioners. Then he presented the Board with an enforcement letter from the Sheriff’s Office and recognized that the Sheriff is in attendance today to answer any questions that the Board may have.

Sheriff Durden stated that he thought it would be in the county’s best interest if the Board would look into it because the problem would eventually come back; He suggested putting a revision in the UDO. We were successful in shutting them down but, they always find a loop hole and we need to be on top of this to keep them from coming back.

*Vice-Chairman* Mr. Poteat questioned who controls the occupancy on those buildings. Sheriff Durden replied that would be a fire marshal question and we need to make sure they stay on top of this.

Mr. Hoagland stated that the county staff works at the discretion of the Planning Board, if the Board wants to take a look at similar ordinances and if the Sheriff has a recommendation; he would accept the direction of the Board.

Mr. Harris questioned Sheriff Durden what are other counties doing in regards to this in preparing for the next wave of machines that will be coming. Sheriff Durden replied that he’s not sure, we are currently just working on shutting down the ones that are currently open.

Mr. Hoagland stated that he believes the sheriff is encouraging us to think about loop holes for the future. If future electronic gaming facilities find loop holes in the law and pop back up, how would the county like to regulate them in that scenario.

Mr. Shaffner agreed with Mr. Hoagland that Sheriff Durden should help direct or guide the Planning Board with this matter that way the county can be prepared for when they come back. Sheriff Durden agreed and added, along with the help of the County Attorney.

Mr. Blalock questioned if it is a state law, and why where they still open here in the county. Sheriff Durden replied it is usually a legal process that takes time to go through the courts but now that the process is complete we can shut them down.

Mr. Hoagland stated there are lots of gray areas when it comes to this matter. From his understanding these operations can open sometimes because there’s a gray area in whether or not a gambling machine is a game of skill versus a game of change. Current laws don’t necessarily regulate the two types the same which leads to the issue getting tied up in courts and them being allowed to stay open. Sheriff Durden replied, if we make it harder for them hopefully they won't come back.

Mr. Harris made a motion to bring back up the electronic gaming facilities back at the next Planning Board meeting, seconded by Mr. Shaffner. The motion carried unanimously.

New Business

1. *Farmer Lake Watershed/Recreation Regulations*

Mr. Hoagland stated this is something that Chairman Johnston had approached him about prior to the August meeting. There have been some questions about the regulations on Farmer Lake and today we have the Farmer Lake Board Chairman, Mr. Russell Watlington to discuss the issue.

Mr. Watlington stated Farmer Lake has been the topic of discussion with the Caswell County Board of Commissioner and others lately. At the Farmer Lake Board meetings, they have made some decisions on regulations. There are a few Commissioners that are questioning regulations, like why isn’t swimming allowed and why aren’t private docks allowed. The lake was constructed in the 80’s but prior to that, opening rules and regulations had to be established by the Caswell County Board of Commissioners and by the NC Department of Health Services in order to approve the lake. There have been several amendments over the years. Farmer Lake is a class C watershed lake, which means that there is no swimming, recreational boating, or no jet skis. Mr. Watlington stated: If we allow docks there the county would have to give up the 50 ft they own. The county would also have to hire additional staff and there would be extreme liability issues. Commissioner S. Carter went to the state to see about getting Farmer Lake reclassified and he has found out that it is beyond our reach. Farmer Lake provides 300,000 gallons of drinking water a day to the Town of Yanceyville.

Mr. Harris questioned in order to maintain a class C status of this facility we know that the county has to meet the criteria that is listed. It being a water supply for the City of Yanceyville that has to be maintained correct. Mr. Watlington replied correct. Mr. Harris replied that we do not have any options. Mr. Watlington replied correct. Mr. Harris questioned in order for the Town of Yanceyville to maintain it as a water supply it has to remain a class C facility. Mr. Watlington replied correct. Mr. Blalock agreed that they did not need to make any changes to Farmer Lake.

Planning Department Updates

1. The Caswell County Board of Commissioners did approve the changes to the mobile home skirting regulations previously passed by the Planning Board.
2. The plan to have broadband internet deployed throughout the county is still on schedule. Open Broadband, LLC is working on tower agreements for all the monopoles on public school property and still plan to install equipment on water towers throughout the county. Their plan is to have their first customers online in 2020.
3. A Public Hearing for the quarry is scheduled for November 4th at 7:00pm. at the Historic Courthouse, the NC Department of Quality his hosting this meeting.
4. The state of NC has consolidated all applicable land use regulations into a new chapter, 160-D. The Planning Department will be working on ensuring our local regulations comply with and reference this new state law and this will probably be an ongoing issue we look at throughout all of 2020. By January 2021, all of these changes need to have been made and approved of locally.

Adjournment

Mr. Harris made a motion to adjourn the meeting at 2;59p.m., seconded by Mr. Blalock. The motion carried unanimously.

*Ashley Powell, Administrative Assistant recorded the minutes above.*