**Caswell County Planning Board Meeting**

**September 21, 2020**

**Members Present:**

*Chairman,* Russell Johnston, Ray Shaffner, Keith Blalock, Ron Richmond, *Vice-Chairman,* Michael Poteat, Commissioner W. Carter, Don Swann, and Steve Harris . Also present: Matthew Hoagland, *Planner,* and Ashley Kirby Powell, *Administrative Assistant.*

**Members Absent:**

Jason Daniel and Keith Blalock.

**Called to Order**

Mr. Johnston called the September 21, 2020 Planning Board Meeting to order at 1:00 p.m.

**Approval of the Agenda**

Mr. Harris made a motion to amend the agenda to add considering changes to the Hyco Lake Zoning District, seconded by Mr. Swann. The motion carried unanimously.

**Hyco Lake Zoning Amendments**

Mr. Miller, County Manager, presented the Board with the proposed changes. Mr. Hoagland further explained that the changes to Article 5 would be to add “Solid Waste Convenience Centers” to the Hyco Lake Use Table and the Article 6 change would be to add supplemental regulations governing those convenience centers.

After a brief discussion, Mr. Harris made a motion to approve the Hyco Lake Zoning District, adding Solid Waste Convenient Sites, seconded by Mr. Swann. The motion carried unanimously. Mr. Johnston directed Mr. Hoagland to go ahead and forward the motion and recommendation on to the County Commissioners for their official action.

**Public Comments**

Mr. Hoagland read the following public comment:

Concerning having owner’s certificates placed on all plats and notarizing the signatures: Most surrounding counties do require an owner's certificate on minor and major subdivisions but most do not require that the signatures be notarized. Exempt plats are not required to be notarized.

Thanks, Eddie

Robert E. Boswell Surveying, PLLC

**Approval of August Minutes**

Commissioner W. Carter made a motion to approve August 25, 2020 meeting minutes, seconded by Mr. Harris. The motion carried unanimously.

**Old Business**

***Electronic Gaming Facility Regulations***

Chairman Johnston questioned; Mr. Hoagland, has there been any updates in legislation regarding this matter. Mr. Hoagland replied; No, they are still prohibited. As the Sheriff’s recommendation, he suggested that the county put an ordinance in place because they would find a loop hole somewhere down the road. Chairman Johnston questioned what was the pleasure of the Board. The Board suggested bringing it back at the next Board meeting.

***Heavy Industrial Ordinance***

Mr. Hoagland stated; At the first Commissioners meeting in September, the Board was considering a repeal of the County’s Environmental Ordinance. The Board of Commissioners made a motion to form a committee which is responsible for drafting a Heavy Industrial Ordinance to present at the next Board of Commissioners meeting. The new Heavy Industrial Ordinance will replace the County’s existing Environmental Ordinance. The County Manager has suggested, at one of the Committee meetings, that the Planning Board will review the draft first then it would be presented to the Board of Commissioners for a final decision.

**New Business**

***Variance Petition***

Mr. Hoagland stated that today we have Jeff and Cindy Kirby. They are asking for another three year extension on their 50ft setback variance.

Mr. Kirby stated that in July 2018 he and Mrs. Kirby were granted a 50ft setback variance on three of their lots. We have closed on two of those lots and in the process of closing on lot number nine, which is contingent upon the extension of this variance. The current buyer does not want to start construction right now due to the cost increase of materials at this time. Chairman Johnston questioned; Would the setback be allowed for a drive way. Mr. Kirby replied that the 50ft setbacks that are in place are for the front line and there is a 25ft setback from the backline. Mr. Hoagland stated the 50ft setback would be for the vegetated buffer.

Chairman Johnston made a motion for the Planning Board to sit as the Watershed Review Board, which was seconded by Mr. Harris. The motion carried unanimously.

After some discussion, Mr. Harris made a motion to approve the variance petition applications for another three years, seconded by Mr. Richmond. The motion carried unanimously.

Chairman Johnston made a motion for the Board to go back into regular session, seconded by Mr. Harris. The motion carried unanimously.

***UDO Article 9 Possible Amendments***

Mr. Hoagland presented the Board with the proposed changes. He noted that the draft changes to the existing ordinance are highlighted in blue while the text highlighted in yellow are related to 160D and not the item being discussed today.

***9.20.20. Maintenance - Responsibilities of Occupants.***

***9.20.20.1*** Each park occupant shall comply with all applicable requirements of the Caswell County Manufactured Home Siting Regulations (Article 9, Part II).

***9.20.20.2*** It shall be the responsibility of each manufactured home owner to keep their manufactured home in good repair and sanitary conditions. In instances when a manufactured home falls into a state of disrepair, is condemned by the county Building Inspector, or becomes a nuisance, it shall be the responsibility of the manufactured home owner to remedy the violation by repairing, removing, or replacing it. If the manufactured home owner has vacated the property, or is otherwise unable to remedy the violation, the responsibility shall fall to the manufactured home park owner.

***9.21.3.2.*** Skirting requirements shall not apply to manufactured homes used for seasonal farm workers or ~~for a direct family member when placed on existing lots~~ when placed on the existing lot alongside the residence of a direct family member. However, if a future subdivision causes the exempted manufactured home to exist on its own lot, it shall then be made to comply with permanent skirting requirements. For cases where individuals set up a manufactured home for temporary use while in the process of constructing a stick-built home, a masonry style foundation is not required given that the following conditions are applied:

***9.21.5. Manufactured Home Condition***

It shall be the responsibility of each manufactured home owner to keep their manufactured home in good repair and sanitary conditions. In instances when a manufactured home falls into a state of disrepair, is condemned by the county Building Inspector, or becomes a nuisance, it shall be the responsibility of the manufactured home owner to remedy the violation by repairing, removing, or replacing it.

***~~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 rate of $500 per 100 feet of tower or any part thereof. 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.~~

***9.26.2.1.1.*** Towers must be set back a distance equal to ~~125%~~ 50% 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.

***9.26.2.1.2.*** Any towers over 100 feet in height may not be located within a one half (1/2) mile radius of any other tower described in this Ordinance.

***~~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.~~

***9.42.1.1.*** Only be allowed on a parcel of land for ~~fewer than~~ up to 180 consecutive days. ~~and can only~~ A temporary placement permit must be permitted once every 365 days~~; only one permit may be issued~~ for a single parcel of land ~~every 365 days~~. If an RV remains occupied on a parcel of land for more than 180 consecutive days, or is situated to be used as a permanent residence, then the temporary placement permit shall be revoked and not issued again for a period of 365 days.

***9.45.3.*** A Certificate of Ownership and Dedication, as found in Section 9.62.6., shall not be required for survey plats meeting the definition of any of the exceptions above.

***9.56.5.2.*** It is a requirement of this Ordinance that the name and location of all historic properties, located within the proposed subdivision be clearly identified on both the preliminary and final plats. If any such historic property that is listed on the US Department of Interior's National Register of Historic Places; likewise any property that has been designated by local ordinances as "Historic Property" pursuant to NC General Statute Chapter ~~160A, Article 19, Part 3B~~ 160D, Article 9, Part 4, likewise any property that has been designated by local ordinance as a "Historic District", pursuant to N. C. General Statute Chapter ~~160A, Article 19, Part 3A~~ 160D-944; the Planning Board may provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved.

***9.56.5.2.1.*** The NC Department of Cultural Resources, Division of Archives and History; or

***9.56.5.2.2.*** Any local Historic ~~Properties~~ Preservation Commission appointed under the provisions of NC General Statute ~~160A‑399.2; or~~ 160D-941.

***~~9.56.5.2.3.~~*** ~~Any local Historic District Commission appointed under the provisions of NC General Statute 160A‑396.~~

The Board took no action on the draft changes Mr. Hoagland presented but stated that they would like to think it over and consider it again. Chairman Johnston also requested that the Board look at making possible changes to the fee schedule, to compare it to neighboring counties.

**Planning Department Updates**

Mr. Hoagland updated the Board of the following items:

1. Should the annual review of the Comprehensive Plan take place at the October meeting? The board agreed to have it on the agenda for October.
2. A local group of leaders including the county manager, several county commissioners, representatives from the Town of Yanceyville, the PCC president, the county’s economic development director and others recently went to Raleigh to meet with Senator Berger and Representative Meyer to discuss county internet. They successfully helped to press for House Bill 1105, which recently was passed and will make it possible for other internet providers to apply for the $1.5 million in grant funding that has been allocated for the county. Before now, the county has been stuck because Open Broadband, LLC hasn’t been able to match funding for the grant. But the hope is that this new legislation will allow other providers to apply for and win that money on behalf of the county.

**Adjournment**

Mr. Harris made a motion to adjourn the September 21, 2020 Planning Board meeting at 2:18 p.m., seconded by Mr. Swann. The motion carried unanimously.