**Caswell County Special Planning Board Meeting**

**November 12, 2020**

**Members Present:**

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

**Members Absent:**

 Commissioner W. Carter, and *Vice-Chairman,* Michael Poteat.

**Called to Order**

Chairman Johnston called the November 12, 2020 Special Planning Board Meeting to order at 1:00 p.m.

**Approval of the Agenda**

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

**Public Comments**

Virginia Chandler, Prospect Hill

I am writing in support of the proposed Caswell County High Impact Development Ordinance.  Specifically, I would like to emphasize the importance of this ordinance being passed and adopted prior to the expiration of the Moratorium that is currently in place.

I appreciate the thoughtfulness that is evident in the classification of regulated industries.  In particular, the inclusion of mining/quarrying and cement manufacturing facilities as class IV and the inclusion of asphalt plants as class III is noted.  I also appreciate that the exemptions for agricultural farming operation and residential land uses are clearly noted.

I am in agreement with having both land use spacing **and** operation setback regulations.  This will help to provide an appreciable buffer for protected facilities.  Given that Caswell County has a strong agricultural presence, I would ask that agricultural production facilities, such as milking facilities, egg producing facilities, meat producing facilities, apiaries, and produce storage/farm stands, etc. also be included in the list of protected facilities.  Having access to healthy, locally grown produce and animal products is one of the many benefits of living in this beautiful county.

Staggered planting and screening buffer guidelines are appropriate.  I would ask that the guidelines include a statement that plantings should be done with species that are native to the NC Piedmont ecosystem.

I applaud the provisions for well repair.  I encourage the board to adopt clear language that spells out how "probable result" will be determined and the steps that will ensure this section is enforceable.  The probable damage to the wells of local and regional residents due to the impact of quarry dewatering is of primary concern to me.

Lastly, I appreciate the clarity of the Intent to Construct Permit Process and the statement that "All high impact development requiring state permitting cannot begin prior to county permitting".

I have only been a Caswell County resident for four years.  The steady growth in surrounding counties is readily apparent.  Growth is both important and inevitable for Caswell County as well.  Adopting the HIDO is an important first step in ensuring that growth does not jeopardize the natural resources and natural beauty of Caswell County.

Frankie & Lynn Pendergraft

3131 Wrenn Road, Prospect Hill, NC

It was so disappointing that zoning did not pass. I still don’t think people truly understand the ramifications - they just don’t want government control. PLEASE move forward with the HIDO. WE NEED AS MUCH PROTECTION AS POSSIBLE UNTIL SOMETHING CAN BE DONE TO TRULY PROTECT THOSE OF US WHO ARE IN THE VERY VULNERABLE AREAS THAT ARE CURRENTLY THREATENED BY SUNROCK. Please do what you can to help us!

Pat Warren
36 Main Street
Prospect Hill, NC 27314

It is with the greatest concern that I make this public comment regarding the High Intensity Development Ordinance (HIDO). Considering that the zoning referendum lost by a slim margin in the county at-large, the protections that the HIDO will offer may possibly be the only protections that the citizens of Caswell County will have when it comes to the encroachment of polluting industries and other undesirable businesses in our neighborhoods.

The highly capable HIDO Committee painstakingly conducted research and studied the legal aspects of the submitted HIDO draft so I trust that you will take that into serious consideration in making your recommendations to the County Commissioners.

Among other aspects of the HIDO draft, it is extremely important that the following aspects are held into full account. I am requesting that:

* The HIDO is passed before the Moratorium on Polluting Industries expires in early January
* Section 14-71 is kept intact as submitted by the Committee in that it protects Caswell citizens:
	1. By reasonably creating land use spacing and operations setbacks. It is imperative that these setbacks are not reduced.
	2. By reasonably defining minimum lot size
	3. By reasonably defining “Protected Facilities”
	4. By reasonably protecting private wells
* Section 14-68 is kept intact as submitted by the Committee in that it classifies all industries that will be regulated, specifically placing asphalt plants as Class III industries and quarries as Class IV industries.
* Section 14-18 is kept intact as submitted by the Committee because it includes screening buffers. It is imperative that screening buffers are not reduced.

You have been entrusted with the daunting task of studying and understanding the HIDO draft as submitted by the HIDO Committee. They have done their job of protecting Caswell County citizens and I know the Planning Board will do its part to care for and protect Caswell citizens as well. Thank you for your service to Caswell County and its citizens.

Phil Barfield, Yanceyville.

All North Carolina counties surrounding us have either a heavy industrial development ordinance or countywide zoning to regulate industrial development within their borders and to protect and preserve their residential and rural environments.  For most of our county, we do not have those protections except for the current temporary moratorium which expires on January 6th of next year. The moratorium allows our County Commissioners a year to come up with solutions that would protect the citizens of Caswell County against potential adverse health effects from harmful emissions, noise, and water contamination.  They are running out of time.  Our county needs to have an effective ordinance in place before the moratorium expires.  The commissioners have less than eight weeks left to accomplish this.  If any time lapses between the expiration of the moratorium and the passing of an ordinance, a company will take advantage of that gap.  You have in front of you today a well-constructed HIDO drafted by commissioners, community members, the County Manager, and the Planning Director who have worked hard to establish appropriate criteria relating to high impact development and associated land uses.  The HIDO leverages off other county ordinances to provide a solid basis for our needs in Caswell County and to survive legal scrutiny.  The few industries listed, if not regulated, would threaten our citizens, our environment, and our rural way of life.  By classifying them and having unique requirements for minimum lot spacing, building height, screening buffers, land use spacing, operations setbacks, and stream setbacks, the HIDO will ensure the proper placement of these industries in our county.  Please do not recommend reclassification of the industries or reduction to the land use table.  They are very reasonable and have been well thought out.  Any changes would make the HIDO less effective and not provide the needed protection for the people of Caswell County.  This HIDO, as written, achieves a good balance between the need to attract industry and jobs to the county and the need to protect our health, wellbeing, and environment.  Please provide your support to this HIDO as presented.  Thank you.

To: Caswell Country Planning Board

From: Scott and Vonda Oakley, 1425 Baynes Road

Caswell County is one of the very few counties and maybe the only county in NC with no protection from High Impact and Polluting industries. The time to act is now. The majority of the citizens in Anderson and Prospect Hill are opposed to the High Impact facilities which are attempting to locate in these communities. On behalf of many Caswell Co. citizens, I call on the Planning Board to support the HIDO as it is currently drafted. The land use spacing, operations setback, minimum lot sizes and steam setbacks are critical to give protections to property owners in Caswell county.

We are 10 months into a 12 month moratorium on polluting industries so there is no time to waste. Your support is needed to ensure the HIDO as currently drafted can be passed by the Board of Commissioners.

Mark Zimmerman, Leasburg, NC

To Members of the Caswell County Planning Board:

There is only one reason to pass the HIDO. It is needed to help provide safeguards to Caswell County residents and landowners from high impact industries.

The HIDO is all about protection from potentially harmful businesses which can operate here.

Therefore, the HIDO needs to have adequate protections. It needs to have ample spacing and setbacks, for land use and operations. It needs to have ample screening buffers.

Neighboring and downstream property owners need strong safeguards.  The proposed HIDO provides the shields necessary To ensure this security.

Do not water down the HIDO. Do not shrink from protecting our citizens. Keep Caswell a safe and healthy place to live. Thank you.

Beverly Hughes

I don't want the assault or rock quarry in caswell it will do to much damage to the natural wild life and creeks and water flow. The National wild life reserve will be damaged creek crawfish is a rare breed. Please don't let them in our county

Stephen Stanfield

Please help our county get the HIDO passed before the end of the year. Without zoning, this will greatly help us for now. The public was not educated or informed enough to carry out zoning.

My name is Evangeline Vinson Gaudette. I live at 441 Baynes Rd. Burlington NC 27217.

I am in support of the HIDO and would like to see it passed by the end of the year, as the Moratorium expires in January. I would also like to emphasize the importance of the Table of Classification and wish to see “Asphalt Plants” as Class III and “Quarries” as Class IV. I am asking that the spacing and setbacks not be reduced and would like both “Land Use Spacing “ and "Operations Setbacks” included. I am also asking for no reduction to the screening buffers and protection for private wells.

Karen Tate Gray

948 Union Ridge Rd., Burlington, NC 27217

I would like to express my support for the passage of the HIDO that is being presented. As a lifelong citizen of Caswell, I feel that it is time that we have protections implemented for in our county to maintain our standard of living. The recent vote on zoning, even though not passed, shows that the citizens of Caswell are concerned about our future and land usage. Our county lands are being bought by people or organizations who are not residents of the county. They have little concern about people who might have land adjacent to what they have purchase, therefore we need protections, such as the HIDO. This needs to be passed and put in place before the moratorium expires in January. It is important that the HIDO address land use spacing and operations setbacks to protect those in proximity. All spacing and operations setbacks should be at a maximum and not minimum and should not be reduced from what is being proposed. There should also be screening buffers as a level of protection and these should remain as proposed. Since our wells are our only source of water in our rural areas, it is imperative that these have a maximum protection. It is time that the citizens of Caswell County be protected from any industry/business that would have a negative impact on the quality of life of those in proximity to it. Thank you for your time and for working to protect the citizens of Caswell for future generations.

Mimi Logothetis

9501 NC Highway 86 N, Cedar Grove, NC 27231

I am writing to support the proposed HIDO for Caswell County moving forward, made ever more pressing by the fact that county wide zoning did not pass in the recent election referendum. I will note, that of 11,000 or so votes, the support for county wide zoning was only missed by 512 votes, a staggeringly even split, despite the oppressive blast of a misinformation campaign and the willful lack of promised education by the BOCC included in the guidelines of the moratorium, which expires in January. In light of this, I ask that the proposed HIDO is supported and passed to the BOCC for implementation to the Caswell County code in order to protect the citizens and surrounding areas from the onslaught of polluting industries, who with no doubt, are lining up to assault Caswell’s unprotected lands. Important is the classification table which places Asphalt Plants as Class III and Quarries as Class IV, to be properly regulated and relegated to appropriate land use and provide protections to surrounding communities. I would like to stress the importance and upholding of all Land Use and Operations Set Back spacing detailed in sec. 14-71. Also in this section are requirements for private well protections, which are the most important safe guards, other than air quality, that can keep citizens healthy and protected while working to regulate industry. If, even with a strong and effective HIDO, some type of polluting heavy industry does find its way into Caswell County, I would also impress upon the board the importance of the consistency and integrity of screening buffers as outlined in sec. 14-81.

In summary, I implore you all to work towards a protected future for Caswell County. We are at the near end of the moratorium and I do hope that this time has afforded us the insight to see what we have and what we may become if no action is taken. Thank you for your time and diligence.

Anita Foust, 2501 Hughes Mill Road

Caswell County Government is the citizens first line of defense for our health and safety.

The environmental assessment (EA) and environmental impact study (EIS) should be included in the HIDO even if the NC Department of Environmental Quality (NCDEQ) has EA and EIS as requirements.

Caswell County Board of Health Strategic Plan

The county board of health should be involved in the planning process especially when the plan has an environmental impact that contributes to cumulative impacts to the health of the citizens. Please include the board of health in this HIDO planning process. It is too important to the community for this to be an after-thought or completely ignored. Please include in the HIDO the Caswell County Health Board’s strategic plan to deal with the cumulative health issues that accompany polluting industries that enter into established vulnerable neighborhoods who have citizens with pre-existing life threatening illnesses. Please follow the link to see more about the board health’s role in developing a strategic plan to protect the health of the citizens:

<https://www.health.state.mn.us/communities/practice/assessplan/lph/org/strategicplan.html>

EARTH AND CUMULATIVE IMPACTS FROM BURLINGTON DUMPING

Please take into consideration pollution that is already going on with open dumping that is negatively impacting the health of citizens. The link to the following article gives details of the dumping occurring: <http://www.ncpolicywatch.com/2019/11/18/selc-plans-to-sue-burlington-over-pfas-14-dioxane-pollution-in-drinking-water-sludge/>. The citizens are already plagued by a high rate of cancer and other life threatening disease. Please include in the HIDO protections that will prevent the land from contamination. Please protect us.

AIR

Some people move to where asphalt plants are already established. The following news article demonstrates what this community is enduring living close to an asphalt plant: <https://www.youtube.com/watch?v=VMjjlZ5Sv28>..

 In Caswell County, it is the opposite. An asphalt plant wants to come where our community is already been established for decades. Some residents suggested that there should be a five-mile setback from homes to protect human life from the pollution of asphalt plants.

FIRE

In the case of asphalt plant fires, there are two ways of handling them, to let them burn out or to use the foam that contain PFAS. The HIDO needs to include how fires are going to be handled and how citizens are going to be evacuated and compensated, with timeframes, for the life threatening damages to their homes and environment. Hughes Mill Road has citizens in both Caswell and Alamance Counties. There are two different fire departments that have to be involved in case of a fire. Residents need to be notified of a fire before the fire trucks come due to the toxic fumes. There needs to be an alarm system put in place for the residents to evacuate. The firefighters should be notified of the dangers of PFAS. According to the article at the following link, the foam that is used to put out these types of fires cause various forms of cancer including testicular cancer:

<https://firefighterfoam.sokolovelaw.com/?src=google_webppc_10160930586_afff%20foam%20lawsuit_%7Bcontent%7D_b_g_%7Bquerystring%7D_438242896937_%28CjwKCAiAtK79BRAIEiwA4OskBrF0bfK8OEpDEPAGoWvG8NGf2I44a_FMtOgtq2CBIGTxHczIwvOIGBoCL8oQAvD_BwE%29&jpow=aa_10160930586_bb_103408085962_cc_afff%20foam%20lawsuit_dd_b_ee_g_ff__gg_c_hh__ii__jj_9009745_kk__ll__mm__nn_kwd-879545968305_oo_438242896937_pp_13023136690700590270_qq__rr_%7Badid%7D_ss_%7Borderitemid%7D_tt_CjwKCAiAtK79BRAIEiwA4OskBrF0bfK8OEpDEPAGoWvG8NGf2I44a_FMtOgtq2CBIGTxHczIwvOIGBoCL8oQAvD_BwE>

 What protections can you put in place to protect the fire fighters and the residents once this “forever” chemical is put into our environment? Please include the proper protections in the HIDO to protect us from PFAS.

WELLS and WATER

When the citizens wells are run dry because the industrial wells which go 1,000 feet or more and cause the residents wells to go dry, the HIDO should include how the citizens will be evacuated and compensated with a specific timeframe. The following link to an article shows what a community continues to endure with their wells running dry and the challenges to their quality of life. Some residents want to know where is this excess water going to run off? Is it going to run off into our water supply? Please ensure that the HIDO includes a plan for the runoff water and these sick residents to be transported to hotels or other alternative homes until their wells are replace and that their hotel stay, or other living alternatives, and the replacement wells are paid for by the offending company:

 <https://www.pennlive.com/news/2017/04/when_is_it_going_to_happen_to.html>

INTERLOCAL AGREEMENT

Also, since Hughes Mill Road runs through Caswell and Alamance Counties, there should be an interlocal agreement to notify tax payers in both counties of public hearings on projects that impact citizens in both counties.

 Please add the EA, EIS, the precautions for fire, wells, the interlocal agreement, and all of the suggestions to the HIDO. You are the first line of defense for the citizens health and safety. Protect us. Thank you.

Rebecca Page, Yanceyville, NC

Below are my comments, requests and suggestions.

**Sec. 14-68 a. Table of Classifications**- Regarding this table, it is important that Asphalt Plants remain class III and Quarries, Class IV.  I request that Nuclear Waste Storage be removed from this table and strictly prohibited.  There is no suitable place to store nuclear waste in Caswell County.  Please expressly prohibit it in this ordinance!

**Sec. 14-71 (a) Land Use Table** -

For Class I, distance X should be a minimum of 350 feet to assure that no home, school, child care facility, etc will be closer than 500 feet to a landfill.

For Class III, which includes asphalt plants, electric generating plants (probably coal burning) and race tracks (NOISE), distance X should be no less than 2100 feet. With that, X + Y = 2,600 feet which is approximately one half mile.  None of the "protected facilities" should be closer than a half mile to these types of operations.

For Class IV, which includes quarries, this activity should be no less than a mile from anyone's home.  Distance X shall be no less than 4780', so that X+Y=5,280 feet or 1 mile.

In general, regarding the minimum spacing distances, I ask why they are so short?  Without zoning, this HIDO is ALL we have to protect us citizens from polluting industries, so err on the side of protecting us, the schools, the elder care facilities, our homes, etc..  This is the point of having the ordinance!   Make it do its job!

**Sec. 14-71 (c)**  "Stop lights" should be replaced with "traffic signals".

**Sec. 14-71 (h)**  This paragraph says industries regulated by this ordinance are required to maintain minimum stream set back.  What is that minimum set back?  How many feet?

**Sec. 14-71 (i)**  Please clarify the dimension referred to as the "width" in this paragraph.  Also, Appendix A is referenced as showing sample vegetative screening plans, but Appendix A is the "High Impact Development Intent-To-Construct Permit Application".  Please correct!  It's necessary to have this requirement for vegetative screening, but based on my cursory review, the specifications need to be tightened up.

**Sec. 14-74 (a)**  "Certified engineer" should say "licensed engineer".

The requirement for a fund to repair/replace wells damaged by high impact developments is good.  However, if an aquifer beneath someone's property is contaminated or depleted, it may not be possible to repair or replace a well on that property.

Thank you for the work you've done thus far to draft this ordinance.  Without zoning, this is our best defense to protect ourselves from polluting industries.  There is always a tension between being too restrictive versus not restrictive enough.  I urge you to err on the side of protecting the health of the citizens.  You can grant variations on a case by case basis if appropriate, but it's difficult to make it more restrictive.  As you know, this ordinance must be finalized and adopted BEFORE the moratorium expires.

Louis A. Zeller

Executive Director, Blue Ridge Environmental Defense League, Inc.

**RE: High Impact Development Ordinance**

Dear Chairman Johnson and members of the Planning Board:

I write on behalf of the Blue Ridge Environmental Defense League and our members in Caswell County regarding the High Impact Development Ordinance now under consideration.  BREDL has worked for decades in many communities for the purposes of public health and environmental protection.  We advocate the right of local government to take action to protect its people.  And we uphold the principles of environmental justice.

We support the HIDO as presented to the Board of Commissioners on November 2nd.  The placement of any of the Regulated Industries identified in the HIDO (Sec. 14-68) in too close proximity to the HIDO’s Protected Facilities (Sec. 14-71)—thereby threatening residents’ health, use and enjoyment of private property, and even its value—would constitute actionable nuisance and trespass.  This is what the HIDO as written is designed to avoid.  The provisions and distances—setbacks, spacing and screening—in the HIDO are conservative and fair means of ensuring a level playing field, a transparent process and healthy communities.

We urge adoption of the High Impact Development Ordinance.

Respectfully, Louis A. Zeller

Chris Newnam, 1703 Alvis Boswell Rd., Yanceyville

Dear County Planning Board,

First off, I want to thank you and the HIDO committee for the work that has been put into creating a comprehensive document.  Additionally, I’d like to thank the Board of County Commissioners for their support in adopting it.  Passing the HIDO before the end of the year is paramount.  As you are aware the County is severely lacking in protections, and the HIDO is a great step forward to ensuring every citizen has clean water, fresh air, and a quality of life that is unique to a rural lifestyle.  As you review the information presented today, I want to offer some thoughts to help guide you.

Today you have the opportunity to be a leader.  To not simply follow what other counties have done, but instead strengthen items such as setbacks, spacing, and screening buffers.  To reduce them would do the citizens a disservice.  Let us think of our fellow man and provide protections to private wells.  As many cannot afford the cost associated with digging a new one.  And lastly, I ask you to consider this.  When we’re gone from this world what we leave behind is important as it is our legacy.  Therefore, what we do today shapes and defines what future generations will remember us for. What will your legacy be?

With kind regards, Chris Newnam

My name is Carol Warren. I live in the Purley community of Caswell County, a place I am happy to describe as a peaceful area of beautiful gently rolling fields and woodlands which many residents describe as" God's Country".

I am in support of having the HIDO passed before the end of this year and well before the moratorium on polluting industries expires in January.

The ordinance needs to be passed without any weakening of its regulations protecting our health and rural way of life.

Obviously, I am particularly concerned about the serious pollution and degradation of the land, air, and water caused by asphalt plants and quarries, which need to remain as Class III and Class IV in the ordinance.

In addition, it is essential that streams, groundwater and private wells have protection. Just as we have no choice except to breathe the air we have here, people must drink the water.  It needs to be clean water, free of industrial chemicals, for people to be healthy. Without clean air and water, in the future no responsible person who cares about their health and the health of their family will want to live here voluntarily, regardless of how pretty it looks right now.

In addition, there should be no reductions in spacings or setbacks or buffers, both for protecting the countryside we enjoy and in order to reduce the density of industry in areas in which we live.

Please pass the HIDO and put it into effect now.  The moratorium is ending and polluting industries are taking advantage of our inaction on this problem. We have run out of time.

Thank you for your attention.

Lynden Harris and Richard Lonon

We are writing to express our hopes for getting the HIDO passed as soon as possible and our concern about the moratorium expiring. It seems obvious that passing this ordinance is in the best interests of the citizens of Caswell, Orange, and Person counties.

We really cannot afford, any of us, to have these industries including quarries (Class 4) and asphalt plants (class 3) destroying what is most valuable about our area: the clean air, the streams, and the health of the citizens.

I realize that protecting the natural resources and people of Caswell, northern Orange, and southern Person counties are not priorities for these polluting corporations, but they are surely priorities for every public servant and citizen in the area.

In reviewing other restrictions, I notice that land use spacing, operations setbacks, minimum lot size, etc. are covered. It remains critical to adhere to the spacing, setbacks, and buffers. Basically, every protection possible is needed. Please be particularly attentive to maintaining these setbacks/spacings/etc.

Since everyone in the area is on a private well, and we know these industries threaten the potability and availability of our water, please also be attentive to protect our household water.

Xavier Monks-Corrigan

I’m writing to express my hope for getting the HIDO passed as soon as possible and concern about the moratorium expiring. It seems obvious that passing this ordinance is in the best interests of the citizens of Caswell, Orange, and Person counties.
I realize that these things are not priorities for these polluting corporations, but they are surely priorities for every public servant.
Thank you!

Jennifer Connor

Below are my comments on the importance of supporting the HIDO:

* Table of Classifications (Sec. 14-68) classifies all the industries which will be regulated.  It is very important to have Asphalt plants as Class III and Quarries as Class IV.
* Sec 14-71 covers the land use spacing, operations setbacks, minimum lot size, etc. I believe there should be **NO reductions** to both "Land Use Spacing and Operations Setbacks".  It is also very important to give protection to private wells which is also in Sec 14-71.
* Sec 14-81 includes screening buffers which should also have **NO reductions.**
* Most importantly, the HIDO needs to be passed before the Moratorium expires in early January.

Cooper Harris, Person County

I’m the CEO of Klickly and a resident of Person county. I'm writing to stress the importance of getting the HIDO passed ASAP and to express my concern about the moratorium's expiration.
Passing this ordinance is in the best interests of all citizens of Caswell, Orange, and Person counties.  And we citizens are against the proposed quarries (Class 4) and asphalt plants (class 3) –– facilities like these not only destroy the quality of life (and land value) of folks nearby, they also do massive damage to the roads, water, air quality not to mention health.
**Everyone in the area is on a private well,** and we know these industries threaten the quality of our water – please urge our public servants to protect our household water.
Further, **such facilities offer no meaningful economic benefit to the area**! They do not create meaningful jobs, they cost us a lot repairing the roads they damage, they reduce the land (no one wants to live near such facilities / no one can farm near them), and they could cost more in increased health issues and any legal proceedings that follow.
In reviewing other HIDO restrictions, I notice that land use spacing, operations setbacks, minimum lot size, etc. are covered. But it remains crucial to **keep the setbacks, spacing, and buffers**. I'd ask you to please be particularly attentive to maintaining these setbacks/spacings/etc.
Thanks for your time and attention,

Cooper Harris

PS - Some key notes below can also be used in your comments:

Here are some key points you could include in your comments

* - Importance of getting the HIDO passed before the Moratorium expires in early January.
* - The importance of the Table of Classifications (Sec. 14-68). This table classifies all the industries which will be regulated and you can emphasize the importance of having industries such as Asphalt plants as Class III and Quarries as Class IV.
* - Sec 14-71 covers the land use spacing, operations setbacks, minimum lot size, etc. It also defines "Protected Facilities. The diagram should help explain how this works but your comments are needed to encourage **NO reductions to the spacing and setbacks**. Many counties only have "Land Use Spacing" so you can also comment and support the added protection offered by having **both** "Land Use Spacing and Operations Setbacks".
* - Sec 14-81 includes screening buffers and again your comments are needed to encourage **NO reductions to the screening buffers**.
* - Sec 14-71 gives protections to private wells and your comments supporting this section are also encouraged

Courtney Woods, PhD

Assistant Professor, Environmental Sciences and Engineering

UNC Gillings School of Global Public Health

Dear Caswell County commissioners,

The proposed high impact development ordinance, which would replace the county’s current environmental impact ordinance seems to severely reduce the amount of reporting that a proposed facility needs to make on the potential environmental and human impacts of their future facility. While the HIDO describes that facilities should comply with state or federal permits requirements, the proposed ordinance does not explicitly mention potential environmental impacts beyond groundwater analysis. Regardless of whether a state permit is required, the Environmental impact ordinance required applicants to describe anticipated environmental impacts, thus giving the board and community opportunities to have a better sense of the potential impact of the future site. It promoted a greater level of transparency than this proposed HIDO, which seems to default to reporting only those environmental impacts that are required relevant to state and federal permitting processes.

Also the HIDO appears to significantly limit the amount of public input on the process only allowing for comments during the public meeting. No mention an open comment period after the meeting was evident in the proposal.

In the interest of protection of the residents, environment and natural resources of the county, I would recommend that you strongly consider incorporating more language from the EIO into this new ordinance and require more transparency around human and health impacts. I also recommend allowing for more opportunity for county residents to weigh in.

Gay Gasper Pleasant, 1268 Painter Road, Prospect Hill

Dear Planning Board Members,

I generally support the goals of the proposed HIDO draft ordinance, including the setbacks and other stipulations decided upon by the HIDO committee.  Caswell must have a reasonable plan in place as growth comes at us from all directions.  Southern Caswell county voted very much in favor of zoning, as we have first-hand experience with the problems caused by the lack of land-use protections.

However, there is a problematic area in the draft ordinance that should be discussed and possibly reconsidered.

Section 14-74, Subsection (f) in the document concerns an applicant's avenues for appeal after an application has been denied by the Planning board after a public hearing.  According to the draft HIDO, the applicant's application should be reviewed for compliance "**in accordance with N.C.G.S. 160D-302 and 160D-406."**

North Carolina General Statute 160D - 406 describes the quasi-judicial permitting process in which permit seekers present their case to a board of adjustment.

From the perspective of a community member facing unwanted industrial development in a residential or agricultural area, this process - shaped by industry lobbyists - is slanted unfairly toward developers in many ways.

Notification requirements that a permit hearing is going to be held are mailed to parties "with standing", no fewer than 10 days but NO MORE than 25 days before the hearing.  This does not give adequate time for neighbors to understand what they're facing, to organize, prepare a case, or get legal representation.   Neighbors end up testifying in the naive belief that their objections to development based on the noise, increased traffic, dust, pollution will be heard, when the reality is that unless the neighbor is an expert scientist by profession on traffic, dust, or pollution, their testimony will not be considered.

Industry, on the other hand, comes prepared, with the best lawyers and expert witnesses money can buy, as well as a full understanding of the requirements that evidence be "competent, material and substantial".

If the board of commissioners serves as the review board, they are sworn in as "judges".  They no longer can represent the community as elected officials, but must be impartial.  Applicants can argue that a commissioner must recuse him/herself if they have given opinions prior to the hearing that appear to oppose the development.  Court cases on appeal of denied applications have been overturned on this basis.

This permitting process leaves the community at a disadvantage, and its inclusion in the HIDO document should be reconsidered before it is approved by commissioners.

Thank you.

Red Baron

I'm writing to say we need to get the HIDO passed before the moratorium expires. It's very important since the moratorium is about to expire in Jan which is a shame.

All the people in Caswell, Orange, and Person counties want this passed, they just didn't understand the zoning thing on the ballot. Every one I talk to is worried about the quarries coming in

. We are ALL ON PRIVATE WELLS and our water is in danger. Also these quarries make our land value lower because we can't farm and then we also can't sell with a quarry next door.

I understand the most important part of the HIDO is to keep the setbacks the spacing and the buffers. Please pass this on, thank you.

Important things to add:
- Importance of getting the HIDO passed before the Moratorium expires in early January.
- The importance of the Table of Classifications (Sec. 14-68). This table classifies all the industries which will be regulated and you can emphasize the importance of having industries such as Asphalt plants as Class III and Quarries as Class IV.
 - Sec 14-71 covers the land use spacing, operations setbacks, minimum lot size, etc. It also defines "Protected Facilities. The diagram should help explain how this works but your comments are needed to encourage **NO reductions to the spacing and setbacks**. Many counties only have "Land Use Spacing" so you can also comment and support the added protection offered by having **both** "Land Use Spacing and Operations Setbacks".
 - Sec 14-81 includes screening buffers and again your comments are needed to encourage **NO reductions to the screening buffers**.
 - Sec 14-71 gives protections to private wells and your comments supporting this section are also encouraged

**Old Business**

*High Impact Development Ordinance*

After much discussion, the Board made the following list of comments, observations, and recommendations to be considered when preparing the High Impact Development Ordinance for possible implementation. These comments will be presented to the Caswell County Board of Commissioners at their next meeting.

* The county should ensure that the ordinance will pass legal scrutiny.
* We would like to see the county strike a balance between industry and environmental protections, not prohibit industry.
* An 1,800-foot spacing setback would eliminate basically all the parcels within the county as well as the county’s designated industrial parks.
* Is there a way to allow adjoining property owners to sign an affidavit and waive the land use spacing requirement if they’d like? Alamance County uses spacing waivers to achieve this goal.
* The requirement for a 100-acre lot for a ready-mix cement plant seems excessive.
* Isn’t the county responsible for promoting industry and balancing the tax burden so that it’s not all on existing property owners?
* We definitely see the need to protect the environment and protect neighboring property owners.
* In the Table of Classifications: move “Race Tracks” to Class II and “Ready-Mix Concrete” to Class I; move “Resource Extraction” to Class II and “Cement Manufacturing” to Class III. Also,

we need to make sure Renewable Energy Generating Facilities does not apply to small solar panels for residential use or the Piedmont Electric/Duke Progress sub stations.

* *Dwelling Unit* definition needs to clarify homes which are uninhabitable vs. vacant homes which can be inhabited. In other words, a developer would not need to calculate Land Use Spacing from a dwelling that is not livable.
* Land Use Spacing and Operations Setbacks: If Land Use Spacing is measured to the property line, it will have the unintended consequence of creating new lots which violate the subdivision ordinance and would not be developable even for single family use. Operations Setback needs to be measured from the property line in, not the other way around. ***Whichever is greater***
* For *Operations Area*: need to clarify what is and is not allowed within the Operations Area. For example, if a parking lot or a storage building is not hazardous or critical to the industrial use, why not allow it outside of the Operations Area?
* Noise provisions seem difficult to enforce. Why not simply have fixed hours of operation?
* The No Fault Well Repair Fund is a great idea for protecting neighboring property owners. However, who is a “qualified expert” based on the ordinance and does the county become liable for anything by holding onto the funds? The term “probably result” seems vague as well.
* In Sec. 14-72, it seems overly burdensome to require non-conforming properties to pay an annual fee or site plan. The county doesn’t currently require a fee for any other non-conforming lots or uses. Non-conforming uses should be allowed to continue without paying an annual fee.
* Definition of Explosive Storage Facility should include something about the type of explosives testing they currently have going on along Pagetown Road.
* Amend the ordinance to make sure that the definition of “Chemical Manufacturing” does not include chemicals made for agricultural purposes.
* Under section 14-74 (f) relating to a denied application and section 14-80 related to variances the Alamance County ordinance designates that appeals from the planning board shall be reviewed by the board of commissioners not the board of adjustment.
* Under section 14-80 (b)(3) Grant of Variance states “Strict application of this ordinance would deprive the applicant of rights commonly enjoyed by other similarly situated individuals”. This was not listed as an item under grant of variance in the Alamance Co. ordinance. Further research should be conducted to determine where this language originated. Also, the last sentence of the paragraph labeled “Application of the Variance Power” was not listed in the Alamance Co. ordinance.
* Add industrial scale grain bins elevators to the exempted list from the height restrictions so as not to prohibit agricultural facilities.
* Proposed Class I changes: lot size 5 acres, height restriction 46 feet, operations setback 75 feet, keep stream buffer as is.
* Proposed Class II changes: keep lot size 10 acres, height restriction 46 feet, 200-foot

 land use spacing, 75 foot operations setback, keep stream buffer as is.

* Proposed Class III changes: keep lot size 50 acres, height 46 feet, 500-foot land use spacing, 250 foot operations setback, keep stream buffer as is.
* Proposed Class IV changes: keep 100-acre lot size, height 46 feet, 750-foot land use spacing, 250 foot operations setback, keep stream buffers as is.
* Prohibit Nuclear Waste Facilities altogether from being allowed anywhere in the county.

**Adjournment**

Mr. Daniel made a motion to adjourn the November 12, 2020 special meeting at 3:31 p.m., seconded by Mr. Harris. The motion carried unanimously.