Caswell County Planning Board Meeting

February 22, 2022

**Members Present**:

Chairman, Russell Johnston, Antonio Foster, Scott Oakley, Steven Harris, Ron Richmond, Planning Director Matthew Hoagland, Commissioner Steve Oestreicher, Development Services Coordinator Amy Lyle.

**Members Absent**: Don Swann, Jason Daniel, Michael Poteat.

**Called to Order**

Chairman Johnston called the February 22, 2022 Planning Board to order at 1:02 p.m.

**Approval of the Agenda**

Mr. Harris made a motion to approve the February 22th Planning Board meeting agenda. The motion carried unanimously.

**Public Comments**

There were no public comments.

**Approval of November 2021 Meeting Minutes**

Mr. Harris made a motion to approve the January 2022 Planning Board minutes. The motion carried unanimously.

**Unfinished Business**

**A) Watershed Review Board pending appeals**

Mr. Johnston asked Mr. Hoagland to brief the board on this issue. Mr. Hoagland stated that the hearing for the appeals specific to the Sunrock watershed permits have been delayed again due to ongoing negotiations between attorneys and litigation on the Superior Court level. Mr. Hoagland also noted that Attorney Robert Hornick had prepared a resolution for the board to adopt. Mr. Johnston stated that the lawsuit is still pending and that a resolution is anticipated by late spring or early summer. Mr. Johnston read the resolution aloud:

WHEREAS, there are currently two (2) sets of appeals (the “SunRock Appeals”) pending before the Caswell County Watershed Review Board (the “WRB”), which appeals challenge the issuance in January 2021 of permits by Caswell County for the development of (a) a hot mix asphalt plant, future shop, ready mix concrete facility and offices on an 84.2 acre parcel located at 12971 NC Highway 62, Burlington, NC 27217, and (b) a hot mix asphalt plant, ready mix concrete plant, quarry and associated facilities on a 181 acre parcel located at 1238 Wrenn Road, Prospect Hill, NC 27314; and

WHEREAS, the appeals were filed in early February 2021; and

WHEREAS, in April 2021 Carolina SunRock LLC (and others) filed an action in Caswell County Superior Court (21 CVS 125; the “Litigation”) seeking judicial determination related to the SunRock permits which are the subject of the WRB appeals; and

WHEREAS, the WRB has attempted to schedule and conduct hearings on the appeals but has thus far been unable to conduct such hearings due to scheduling conflicts of counsel for the parties to the appeals, quorum issues associated with the Covid-19 pandemic, and other issues; and

WHEREAS, counsel for the parties have represented to the WRB that the Litigation is progressing and that dispositive motions are expected in the litigation by early Spring 2022, the results of which may render moot some or all of the issues before the WRB; and

WHEREAS, counsel for the parties, including Caswell County and the WRB, have recommended that under the circumstances and in the interest of efficiency and economy the WRB hearing of the appeals, now scheduled to be conducted beginning on February 25, 2022 should be continued until after the dispositive motion(s) in the Litigation are heard and decided by the Court; and

WHEREAS, WRB counsel has recommended that such continuances shall be considered in one-month increments, with the expectation that counsel for the parties will advise the WRB of the status of the Litigation in advance of each scheduled WRB meeting so that the WRB can consider further continuances of the WRB hearing.

NOW, THEREFORE, BE IT RESOLVED by the Caswell County Watershed Review Board as follows:

1. The WRB hearing with respect to the SunRock appeals now scheduled to begin on February 25, 2022 shall be and hereby is continued until the next WRB meeting scheduled for 1 p.m. on Tuesday, March 22, 2022;

2. The WRB intends to consider each month further continuances of the SunRock Appeals, based on representations to be made by counsel for the parties to the Litigation concerning the status of the Litigation each month.

Mr. Johnston asked if there were any questions. There were no questions. Mr. Hoagland stated that the Board may want to amend the date on the resolution from February 25, 2022 to February 22, 2022, which is today’s date. Mr. Foster made a motion to approve the resolution and amend the date. The motion carried unanimously.

**New Business**

1. **Comprehensive Plan discussion/review**

Mr. Hoagland started the discussion by reminding the board that the Comprehensive Plan is to be reviewed on an annual basis. In 2021, with the appeals for the Watershed Review being on and off the agenda, the Board didn’t have a lot of time or space to review the Comprehensive Plan. The Commissioners recently voted to create a Steering Committee to study and review the Comprehensive Plan. The desire was to have two Planning Board members appointed to this Steering Committee. At last night’s meeting, they discussed appointing Antonio Foster and Scott Oakley to the new Steering Committee with no objections. Mr. Hoagland also stated that there are general statutes that guide the Comprehensive Plan review process and shared NCGS 160D-501 on the screen. Mr. Hoagland said the statutes would require that any Steering Committee recommendations would have to come back before the Planning Board before going to the Commissioners for final approval. Mr. Johnston asked if the Planning Board should hold off until the Commissioners move forward. Mr. Hoagland stated that he assumed so, that this was a legislative type issue which ultimately falls to governing board, which is the commissioners, and they have expressed the desire to have two committee members assigned to the Steering Committee. Mr. Foster asked if the Comprehensive Plan included the internet and all of the enhancements that the Planning Board has been working on. Mr. Johnston asked if the Planning Board create a subcommittee to focus on countywide broadband, grants, and funding. Mr. Hoagland stated yes. Mr. Johnston stated that Mr. Foster had brought this subject up last year and since they were discussing the Comprehensive Plan, it was the perfect time. Mr. Foster stated that it sounded good, and that he read in the Caswell paper that Spectrum is looking to add broadband to the county. Mr. Johnston asked Mr. Hoagland if he was aware of that. Mr. Hoagland stated that he was aware, and long story short, Charter Spectrum has been the beneficiary of about $3 million in RDOF grants which stands for “Rural Digital Opportunity Funds.” These funds were made available to broadband providers for any census track in the country with internet speeds below the federal high-speed minimum. He also mentioned that page 100 of the Comprehensive Plan speaks to broadband infrastructure. Charter Spectrum has been deploying internet starting with the southern part of the county, and moving in a counter clockwise direction. They have indicated that their deployment should be complete by the end of this year. Mr. Foster asked how the county would be informed. Mr. Hoagland stated through regular emails, phone calls, presentations, meetings, etc... Mr. Oestreicher stated that he would be the liaison between the company and the board. Mr. Foster asked if there was a coverage sheet available. Mr. Hoagland passed out a coverage sheet and shared it on-screen. Mr. Foster stated that it would be helpful to show the community the coverage area. Mr. Harris stated that the Board was supportive of the grant effort around two years ago and that now they can tell people that service is now coming. Mr. Johnston asked if the Spectrum link could be shared on the county Planning website. Mr. Hoagland stated yes, but it is a little tricky to find the right information; it’s easy to get lost on the site unless you know which map layers to turn on. Mr. Oakley stated that he has noticed fiber internet being installed on Highway 119 through Alamance and Cherry Grove Road. Mr. Hoagland stated that he also wanted to mention that Spectrum has been in contact with Jason Julian, the regional engineer for NCDOT, and they have worked out a faster system for allowing access to their rights of way. He also stated that the Planning Department had created a list of private roads and sent that to Charter Spectrum so that they could reach out to these homeowners since right of way access isn’t the same on those roads as it is for state-maintained roads. Mr. Harris asked if the rates were available. Mr. Oestricher said that the company has a list of prices. Mr. Oakley stated that he is happy to serve on the Steering Committee, and that he sent an email to the Planning Board members with comments on the existing Comprehensive Plan, and if anyone had any comments or wanted to add anything, please let him know. Mr. Oestricher stated that the plan was to have twelve members on the Steering Committee, and that this was not a re-write of the current Comprehensive Plan, it would simply be an update.

**Planning Department Updates**

Mr. Hoagland asked the Board members if they would rather have a remote meeting for March if there were no other agenda items than the continuance of the watershed permit appeals. Mr. Johnston asked if there were any updates on cell tower applications. Mr. Hoagland said that he didn’t have any pending applications. Mr. Foster asked if broadband updates could be added to the agenda. Mr. Hoagland said yes. Mr. Johnston asked if anyone had any objections to meeting remotely. No one had any objections. Mr. Hoagland stated that if anything came up, the Board could meet in person if needed. Mr. Oestrichter stated that he has not been able to contact Doug Barker (representative from HK Consulting and Vertical Bridge Development). Mr. Oakley stated that if Mr. Barker could give an update on 5G services, it would be helpful. Mr. Oestricher asked if Mr. Barker could attend the next meeting. Mr. Hoagland stated that he would reach out to Mr. Barker.

**Adjournment**

Mr. Harris made a motion to adjourn the February 22, 2022 Planning Board Meeting. The motion carried unanimously.