

Caswell County Planning Board Meeting
July 25, 2023
Caswell County Public Library

Members Present: Vice Chair Michael Poteat, Ron Richmond, Steven Harris, Stephen Thompson, Scott Oakley, Jason Daniel

Ex-Officio Members Present: Commissioner Tim Yarbrough, Planning Director Matthew Hoagland, Building Inspector Shannon Petry

Members Absent: Antonio Foster

Just before the meeting began, Chairman Russell Johnston informed the board that he had recently accepted the position as County Attorney and as a result he cannot continue to serve on the Planning Board. He thanked all those present for their service and expressed what a great pleasure it was to sit on the board for so many years.

Called to Order

Vice Chair Michael Poteat called the meeting to order at 1:00 p.m.

Approval of Agenda

Mr. Harris made a motion to approve the agenda, seconded by Mr. Daniel. The agenda was approved unanimously.

Approval of Meeting Minutes

Mr. Poteat asked if everyone had a chance to read the May 23, 2023 meeting minutes. Mr. Oakley made a motion to approve with a second by Mr. Harris. The motion passed unanimously.

Public Comments

There were no public comments.

Unfinished Business

A) Consideration of H.I.D.O. Stream Buffer Setbacks

Mr. Poteat asked Mr. Hoagland to present this issue. Mr. Hoagland reminded the board that during the May 2023 meeting they approved a motion to have him draft a change to the H.I.D.O.'s Stream Buffer definition to clarify that the buffer shall be measured in both directions from a stream and that it be measured from the "top of the stream bank" and to change the stream buffer setbacks from Class I and II from 100 to 50 feet and for Class III and IV from 150 to 75 feet. Mr. Hoagland referenced a document in their agenda packets which showed draft amendments as follow:

Sec. 14-71 Regulations and Standards

(a) Land Use Table

<u>Classification</u>	<u>Min. Lot Size</u>	<u>Building Height</u>	<u>Land Use Spacing (X)</u>	<u>Operations Setback (Y)</u>	<u>Stream Setback</u>
Class I	10 acres	40 feet	---	150 feet	100 <u>50</u> feet
Class II	10 acres	40 feet	500 feet	150 feet	100 <u>50</u> feet
Class III	50 acres	40 feet	1500 feet	500 feet	150 <u>75</u> feet
Class IV	100 acres	40 feet	1500 feet	500 feet	150 <u>75</u> feet

- (h) *Stream Setbacks.* All uses and industries regulated by this ordinance shall be required to maintain a minimum “Stream Setback” from any perennial or intermittent stream as specified in the Land Use Table in Section 14-71(a) (the “Stream Setback”). Stream Setbacks shall be measured from the Area of Operations to the top bank of the stream bank and in both directions where applicable. Caswell County Watershed Protection Regulations may require a stream buffer setback which is more restrictive than those described in this ordinance. For cases in which both ordinances apply, the most restrictive shall apply.

Mr. Oakley said he thought the language sounded clear to him. He also said he would like to add the research document that they discussed previously if this passes and goes through. That would allow the commissioners to be able to compare that to other counties simply as an informational item, he said.

Mr. Hoagland clarified to the board that this was still in the draft stages and before anything goes to the commissioners it would have to be paired with a consistency statement as state law requires. He anticipated that the consistency statements would be addressed at the next meeting. If the board didn’t have any other recommended changes, he will work on that consistency statement in preparation for the next meeting and make sure Mr. Oakley’s documents are included as well.

Mr. Poteat agreed and asked Mr. Hoagland to address the next item on the agenda.

B) Temporary R.V. Placement Amendment

Mr. Hoagland mentioned that this is another item the board had discussed at the last meeting. As things stand today, Mr. Hoagland explained, a property owner may apply to live temporarily in a manufactured home for a period of up to three years when building a permanent residence or under other extenuating circumstances. However, applicants are increasingly seeking to live in a

recreational vehicle for that period of time while building a permanent residence and the Planning Department has allowed this though it is not explicitly allowed under the ordinance.

Mr. Hoagland presented the following draft changes:

9.42.3. Recreational Vehicles may be used as a temporary residence for a period of no more than three (3) years if used while constructing a permanent residence on the same property, or when a natural disaster or other catastrophe has rendered the primary residence uninhabitable. Recreational Vehicles used in either situation may not be occupied for more than thirty (30) days past the date the Certificate of Occupancy is issued for the site-built home. At that time, the Recreational Vehicle is to be disconnected from the power, sewer, and water systems and either removed from the property or stored on the property in a fashion similar to other personal vehicles.

9.42.3.4. Recreational vehicles not connected to a power source shall not conform to the requirements of this Ordinance.

9.42.4.5. Utility Requirements. Recreational vehicles allowed pursuant to this section shall have first obtain approval of from the Caswell County Environmental Health Department.

Mr. Oakley asked about the requirements for utility connections and Environmental Health approval and the difference for an RV within an RV park. Mr. Hoagland responded that RV parks are different because they typically have a central dump station or some other septic system installation which is authorized by Environmental Health. Mr. Oakley then asked about people who may already have a septic system on their property and Mr. Hoagland responded that they would ideally connect into that existing system.

Mr. Richmond asked about situations where they may have an RV hooked into the same system as an existing house. Mr. Oakley said that's something that could happen, especially if they don't get a permit. Mr. Hoagland said that ideally someone will come in to apply for what will eventually be their permanent home location. When they do, and they get well and septic authorization, they will tie the RV into that system while building the house. Then once the home is complete they simply switch out the connection.

Mr. Daniel asked about situations in which there is a natural disaster and people have to resort to living in campers. Mr. Hoagland said he didn't know exactly how Environmental Health would treat it but the draft amendment does allow for temporary living in the event of a natural disaster.

Mr. Yarbrough pointed out that the phrase "site-built home" may lead to confusion because that may not account for manufactured homes. Mr. Hoagland asked about simply using the term "permanent residence" there instead. Mr. Yarbrough and the other board members thought that would be a better term to use there.

Mr. Poteat asked about issues of natural disasters as well. Mr. Petry added that most likely even if a home is destroyed the well and septic would not and they could still use it to tie into the RV. So, it might just be a matter of how long it would take the power company to reconnect power.

Mr. Hoagland said he will discuss this in detail with Environmental Health as well in preparation for the next meeting. He will also amend the text to remove “site-built home” and replace it with “permanent residence” and draft up a consistency statement for the RV amendment as well.

New Business

A) Ordinance Amendment Consistency Statements

Mr. Hoagland said that this had more or less already been addressed in the previous discussion but that he will prepare consistency statements for both draft amendments for the board’s consideration at the August meeting.

B) New Meeting Location

Mr. Hoagland reminded the board that this is an issue he had brought to them previously but at the time the smart TV and other technology wasn’t ready for meetings. Since then, however, he and the county I.T. staff had worked out the technology and everything should be ready to go. Mr. Harris added that he had visited the meeting room location and thought it was very nice and would be a great place for meetings. Mr. Harris made a motion to change the Planning Board’s regular meeting location to the Planning Department Conference Room and it was seconded by Mr. Richmond. The vote passed unanimously.

C) Gregory’s Grange Phase 3 Major Subdivision

Mr. Oakley asked about this being Phase 3 and if Mr. Hoagland had any details on phases one and two. Mr. Hoagland said that all three phases have been in the same general area and out of an original 70 or 80 acres of land. Phases one and two, however, either contained lots greater than 10 acres or not enough lots to warrant Planning Board review. This one does warrant Planning Board review because it proposes to create eight new lots.

Mr. Hoagland asked Mr. Poteat if he could read a prepared statement about this subdivision and Mr. Poteat agreed. Mr. Hoagland then read the following:

“The preliminary major subdivision before you contains a proposal for eight new lots along the future private road to be named Gregory’s Grange Drive. All major subdivisions – which are categorized as those containing seven or more lots—must receive approval from the Planning Board in accordance with Section 8.7 of the U.D.O.

As the ordinance requires, the developer has conducted a pre-application meeting with the Planning Department and presented sketch plans of the preliminary plat. The subdivider has paid the necessary fees associate with review and the surveyor has submitted the necessary number of preliminary plats for your review. For those of you who received an email of this document, you will find the 18” x 24” paper copies on your desk.

The private road has not yet been installed for this subdivision. However, such installation will need to take place and said road will need to be inspected by Planning Department staff prior to final approval to ensure that it meets NCDOT Subdivision Road standards. A road maintenance agreement will also need to be crafted, reviewed by the Subdivision Administrator, and recorded at the time of final plat recording.

In my review capacity as Subdivision Administrator, I have found that all lot size, dimension, right of way, layout, and other subdivision requirements for all lots have been met and it is submitted today for your approval.

As you make your determination, please note that Section 8.7.4.2.3 of the UDO gives the Planning Board the following options: 1) approve the subdivision; 2) approve the subdivision with conditions; 3) disapprove the subdivision. Any of those determinations must be made within 45 days of initial consideration today.

I'm happy to answer any questions you may have about the proposed subdivision during your deliberations."

Mr. Oakley asked, with these subdivisions, are they already specifying what type of housing will be there or can it be any? Mr. Hoagland answered that it could be virtually any type of home as long as it complied with other regulations like setbacks, for example. Mr. Oakley asked if other counties usually impose any kind of conditions on subdivisions like these and Mr. Hoagland responded, yes, but those conditions are usually tied to that county's zoning regulations and authority. Mr. Poteat mentioned that the developer may put in place private restrictive covenants as well. Mr. Harris asked if this plan meets all the county requirements. Mr. Hoagland responded that, yes, at this stage it does. They will still have to go through the private road installation and review process, but at this stage in the preliminary review it does comply with all regulations.

Mr. Petry asked about the cul-de-sac measurement and mentioned that he thought this was an area where state fire code and our local code do not match up. Mr. Yarbrough mentioned that the measurements across the cul-de-sac looked to be at least 100 feet.

Mr. Hoagland shared the board's options again which are to: approve the subdivision, approve with conditions, or disapprove of the subdivision and that the window to do so was 45 days. Mr. Poteat asked the board if they might want to do. Mr. Thompson asked if they had already built several houses in that area and Mr. Hoagland replied yes. He said that was part of the Gregory's Grange Phase 1 and 2 projects.

Mr. Harris made a motion to approve the subdivision as it is and Mr. Thompson seconded the motion. The motion was approved unanimously.

Planning Department Updates

A) Broadband

Mr. Hoagland shared a few slides from the most recent commissioners meeting in which ZiTel gave a presentation on their planned broadband deployment.

B) Cell Towers

Mr. Hoagland informed the board that there would be a new application for a site which was previously approved last July. This would be the cell tower site between David Sartin Road and Highway 86 North. The old application was for a stand-alone tower and they have changed the plans to a guyed tower. Since this would meet the definition of a "substantial modification" then

they will have to go back through the application process and most likely be on the next meeting agenda.

C) Planning Department Fee Schedule

Mr. Hoagland shared the updated Planning Department Fee Schedule which went into effect on July 1, 2023.

D) Other Items

Mr. Hoagland shared that there is another pending cell tower application and two major subdivisions that will likely come before the Planning Board soon. Mr. Oakley asked about the county commissioners recently discussing billboards. Mr. Hoagland thanked Mr. Oakley for reminding him of this issue. Mr. Hoagland told the board that he recently put together a briefing for the commissioners detailing how billboards are regulated generally by NCDOT, state law, and how other counties regulate billboards. Mr. Yarbrough mentioned that the commissioners had asked the county manager and Mr. Hoagland to draft a billboard ordinance for their consideration. Mr. Hoagland said that he was currently working on such a draft ordinance and plans to meet with the county manager soon to discuss the details.

Mr. Hoagland said that concluded all the items for Planning Department updates.

Mr. Poteat then told the board that he will also be resigning from the Planning Board effective today and read the following statement:

“I Michael Poteat hereby resign as vice chairman of the Caswell County Planning Board, effective July 25, 2023. I can’t put into words how much it has meant to sit on this board serving the community that I love. I thank you all for the opportunity and wish you all continued success in the years to come.”

Many board members thanked Mr. Poteat for his service. Mr. Hoagland mentioned to the board members that they are now in a unique situation without a chair or a vice chair. However, he will do some research and figure out how they should properly navigate through this situation and make sure that is addressed for the August meeting.

Adjournment

Mr. Daniel made a motion to adjourn, seconded by Mr. Harris. The vote was unanimous.