Caswell County Planning Board Meeting

July 26, 2022

**Members Present***:*

*Chairman*, Russell Johnston, Antonio Foster, Scott Oakley, Steven Harris, Ron Richmond, Michael Poteat, Jason Daniel, Stephen Thompson, Matthew Hoagland, *Planner*, Commissioner Oestreicher, *Administrative Assistant*, Amy Lyle, *Development Services Coordinator*.

**Members Absent**:

**Called to Order**

Chairman Johnston called the July 26, 2022 Planning Board to order at 1:01 p.m.

**Approval of the Agenda**

Mr. Harris made a motion to approve the July 26th Planning Board agenda with the change of switching item six, New Business, with item five, Unfinished Business. The motion carried unanimously.

**Public Comments**

Mr. Hoagland stated that there were no public comments.

**Approval of June 2022 Meeting Minutes**

Mr. Daniel made a motion to approve the June 2022 Planning Board minutes. The motion carried unanimously.

**New Business**

1. **Wireless Communication Tower public hearing**

Mr. Hoagland read aloud the following memo:

“Applicant Cellco Partnership, doing business as Verizon Wireless and though their representative Faulk & Foster, are proposing to develop a 300-foot self-supported lattice tower for a roughly 103-acre parcel of land on David Sartin Road in the Providence area. The specific tower location would be in the middle of an agricultural plot of land on the western side of NC Highway 86 North. The site is approximately 9/10ths of a mile south of the intersection of Highway 86 and Park Springs Road, and 8/10ths of a mile north of the intersection of Highway 86 and Purely Church Road. In addition to the engineered drawings before you today, the applicants also furnished an Authorization and Co-location Compliance Letter, a copy of the Redacted Lease, an FCC License List, and FCC RF Emission Compliance Checklist, FCC ARS Registration Search Results, a map of RF Coverage Plats (before and after), and a Fall Zone Letter. I’ll be glad to display any of those documents on the screen today. The applicants also requested that they be exempted from the vegetative screening requirements of the ordinance given the remote location of the tower. I visited the site on Thursday, July 7, 2022 and found that the vegetative buffer requirements would serve no useful purpose. I issued a letter to the applicants on July 11th exempting them from these vegetative requirements per my authority in Section 9.26.3.3 of the Unified Development Ordinance and can provide a copy of that letter if you’d like to review it today**.** I also want to note that a public hearing notice ran twice in the Caswell Messenger newspaper (July 13th and 20th), and signs were posted at the property both at the site of the proposed new easement from Highway 86 and at the David Sartin Road entrance from Foster Road. Notification letters were also mailed to the owners of the property under review as well as all adjoining and adjacent property owners. These actions satisfy the public notice requirements of Subsection 9.28.2.2. of the ordinance.

At the conclusion of this public hearing, the Planning Board shall take one of the following actions: 1) Approve the application as submitted; 2) Approve the application with conditions or modifications; 3) Refer the application for additional information or neighborhood input; or 4) Deny the application in writing. On the webinar today we have Senior Zoning Specialist Ralph Wyngarden with Faulk & Foster, and John Yeagley and Jeremy Holt with Chase Real Estate Services. And I’ll be glad to answer any questions you may have before hearing from the applicants.”

Mr. Harris made a motion to go into the public hearing. The motion carried unanimously. Mr. Johnston asked if the application met all of the proper criteria. Mr. Hoagland stated that it did, and it was one of the most thorough applications he has ever received. Mr. Foster asked where the proposed tower was located. Mr. Hoagland stated that it was on the west side of Highway 86 North approximately halfway between Park Springs Road and Purley Church Road. Mr. Ralph Wyngarden from Faulk & Foster and Mr. Jeremy Holt from Chase Real Estate Services attended the meeting via Zoom. Mr. Wyngarden stated that the new tower would hold at least four additional future providers, and that the setbacks for the tower were 465 ft. 11 inches from the north, 717 ft. 6 inches from the east, 846 ft. 11inches from the west, and 1,211 ft. 4 inches from the south. He stated that the site location for the tower was located in the middle of a cow pasture with mature, wooded vegetation. He also stated that the access for the tower location was on Highway 86, and that his company has applied for a driveway permit through the NC Department of Transportation. He stated that he was happy to answer any questions. Mr. Johnston asked if the application was approved, what kind of timeline could they expect construction to begin. Mr. Wyngarden stated that likely later this year. Mr. Foster asked what was the radius of the cell tower and if Mr. Wyngarden could show the gaps that it would fill. Mr. Hoagland presented a slide showing the coverage area. Mr. Wyngarden stated that the core coverage area was around three to four miles, and beyond that would depend on topography, and what kind of building you are in. Mr. Johnston asked Mr. Holt if he wanted to address the board. He stated that he didn’t really have anything to add since Mr. Wyngarden stated everything that needed to be accomplished.

Mrs. Ruby Hovatter of Providence, NC, was present at the meeting. She stated that she was concerned about the address of the tower. She wanted to make sure that property tax revenue from the tower went to the Providence Fire Department since it is in their coverage area. Mr. Wyngarden stated that this issue could be resolved, they were in the process of getting the driveway permit to have the driveway installed for access to the tower from Highway 86, and that he would work with Mr. Hoagland to make sure all county information reflect that location & the correct address. Mr. Oakley made a motion to approve the application as presented knowing that the address issue would be taken care of during the permitting process. The motion carried unanimously.

1. **Hilbert/Cheek Major Subdivision**

Mr. Hoagland shared a document on screen & passed out a paper copy of the proposed Hilbert/Cheek Major Subdivision. He also read the following memo aloud: “The preliminary subdivision before you contains a proposal for eight new lots along the private gravel roads, Easy Street Extension and Moon Creek Lane in Providence. 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 and surveyor have conducted pre-application meetings 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 24” x 36” paper copy on your desk. The subdivider has also already installed the necessary road upgrade which I inspected on Friday, June 24 and found them to meet and exceed the standards for subdivisions of this type. He has also submitted a maintenance agreement for all future lot owners, and I have found it to be in compliance with all provisions of UDO Subsection 9.56.11.1.7. Maintenance.

Finally, in my review capacity as Subdivision Administrator, I have found that all lot size, dimension, right of way, layout and other subdivision requirements 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 plan as is; 2) approve the plan with conditions; 3) disapprove the plan. Any determination must be made within 45 days of initial consideration today. I’m happy to answer any questions you may have about the proposed subdivision.”

Mr. Hoagland stated that the applicant is asking for eight lots, so this requires him to gravel the road six inches in depth, and be at least eighteen feet wide, which is a NCDOT requirement for subdivisions. He stated that he went out and measured the site, and the road did meet the requirements and in some locations exceed them. He also stated that a couple of the lots extended over an existing right of way, and there were not consistent records of the right of ways for these lots, so the applicant graveled that easement. He also stated that another requirement that needs to be met is a draft of a road maintenance agreement so that future lot owners are obligated to pitch in for the maintenance, and that was submitted to him last week and that he found it to be in compliance with the ordinance requirements. Central Permitting Director Donnie Powell was present for the meeting as well. He stated that each lot had received a soil evaluation, and everything was good. Mr. Hoagland also noted that the applicant plans to name the subdivision “Easy Street Estates” if the preliminary is approved today. Mr. Oestreicher asked Mr. Powell if he surveyed these lots and if each had septic site. Mr. Powell stated that he and his staff evaluated each site, and all sites had approvals, and that he was pretty sure all sites had permits. Mr. Foster made a motion to approve the Hilbert/Cheek subdivision as is. The motion carried unanimously.

**Unfinished Business**

**A) Watershed Review Board pending appeals**

Mr. Hoagland stated that there was no new information or updates regarding the Watershed Review Board pending appeals. Mr. Johnston read aloud the following motion: “I move to adopt the resolution from the June 28, 2022 Planning Board meeting as written with the following amendment: 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 on July 26, 2022 shall be and hereby is continued until the next WRB meeting scheduled for 1pm on Tuesday, August 23, 2022.” Mr. Johnston made a motion to continue the watershed appeal to the August 23rd, 2022 meeting. The motion carried unanimously.

**B) Comprehensive Plan discussion/review**

Mr. Hoagland presented reviewed slides summarizing the recommendations and updates that the Planning Board have made, which included: add Forestry Service contact info to Appendix A, incorporate 2020 Census data to section 2, amend the UDO to allow for a “Staff recommendation “on all Planning related items, add Chamber of Commerce contact info to Appendix A, strike all ‘’Potential Ordinances” from Section 4.5 General Land Use strategies, create ‘’Section 4.6 Education” under Section 4 Issues, Goals, and Strategies, annual pre-Comprehensive Plan review meeting with County Commissioners, transportation updates: add center turn lane along Highway 86 commercial corridor through Yanceyville, prioritize Hwy 62 bypass loop around Bartlett Yancey High School, emphasize reassessment and prioritization in light of pending Danville Caesar’s Casino. Mr. Oakley also introduced two letters for the board’s consideration. The first letter requests an annual meeting with the County Commissioners so that they can provide the Planning Board with guidance before each annual Comprehensive Plan review. The second letter recommends a re-evaluation of all county transportation issues in light of the pending Danville casino development. Mr. Oakley made a motion to approve the recommendations and the letters to the Commissioners. The motion carried unanimously.

**Planning Department Updates**

1. **Broadband**

Mr. Hoagland stated that he did not have any updates. Mr. Foster stated that he had put a call in to the county manager, but has not received a call back yet. Mr. Oestreicher stated that he had made a phone call for someone to try to register for broadband service, and was able to connect to someone to set up service. Mr. Oakley stated that he has signed up for broadband, and is scheduled to have it installed on Thursday.

1. **Cell towers**

Mr. Hoagland presented pictures for the cell tower project located on in Ruffin on Highway 158 West. The project appears to be close to being completed. He stated that he had inquired when the project would be completed, and he has not received a response yet. He also shared pictures of the cell tower in Prospect Hill. He stated that he has asked about 5G capability and completion and installation, but has not received a response from Mr. Doug Barker. He also stated that he received a draft proposal for another tower to be installed at the intersection of Highway 158 East and Stephentown Road near the Leasburg township but is not sure when that might end up on an agenda. Mr. Foster asked who makes the decisions for where the cell towers are installed. Mr. Hoagland stated that it was his understanding that the companies look at coverage, and population density through data analysis and engineered studies. Mr. Oestreicher asked Mr. Hoagland if he would share the completion dates with board members once he received them. Mr. Hoagland stated that he would.

Mr. Hoagland also stated that the proposed RV changes that went before the Commissioners last month were approved, and RVs are now allowed in a flood zone pending proper permitting.

Mr. Hoagland also stated that there was a recent consolidation of departments with Environmental Health, Planning, and Building Inspections and noted that Donnie Powell is now the director for all three. Mr. Powell stated that since the Chief Building Inspector is retiring, the management role for all three departments has been consolidated, and his title is now Central Permitting Director. He also stated that he will be moving out of his role as Environmental Health Director, but will remain a twenty percent employee with Environmental Health. He also stated that he will to be management support for Mr. Hoagland and Building Inspections, and he will be the liaison for all three departments between the county manager and all three departments. He also stated that Matt Maness will transition into the Environmental Health Director, and Berkley Toufas is the other employee, and the plan is to try to hire another employee to take over the food and lodging program.

**Adjournment**

Mr. Harris made a motion to adjourn the July 26, 2022 Planning Board Meeting. The motion carried unanimously.