**Caswell County Planning Department**

**Planning Board Meeting**

June 25, 2019

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

Members Absent: Michael Poteat, *Vice-Chairman*

Called to Order

Chairman Johnston called the meeting to order at 1:00p.m.

Approval of the Agenda

Mr. Harris moved to approve the agenda, seconded by Mr. Daniel. The motion carried unanimously.

Public Comments

There were no public comments

Approval of May 28, 2019 Minutes

Mr. Swann made a motion to approve the May 28, 2019 Planning Board Minutes, seconded by Mr. Blalock. The motion carried unanimously.

New Business 

*Manufactured Homes Types Draft Changes*

Mr. Hoagland stated that at a previous Board meeting the Board suggested removing the age requirements from the UDO due to an NC Court of Appeals ruling that requires counties primarily abide by health and safety standards.  After looking at the UDO he found another age standard and presented the Board with the proposed changes removing the age standard.

***9.20.3. Types of Units Allowed.***

Class A or B Manufactured Homes may be sited in a manufactured home park; provided that such manufactured homes were constructed ~~after July 1, 1976, or were constructed~~ or have been improved such that they meet the construction standards ~~promulgated by the U.S. Department of Housing and Urban Development that went into effect on July 1, 1976~~ of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976). Manufactured homes which were older than the applicable ~~age~~ standard when placed, or which are Class C or D, may continue in existence, but must be replaced by conforming Class A or B units ~~not more than the applicable age~~ at the time of replacement.

After a brief discussion Mr. Shaffner made a motion to approve the proposed changes as presented, seconded by Mr. Harris. The motion carried unanimously.

*Wireless Communication Facilities Draft Changes*

Mr. Hoagland stated that at the January 2019 meeting Chairman Johnston advised him to submit the approved draft changes to the County Manager and the County Attorney. He then presented the Board with the recommended changes from the County Attorney.

**PART III. WIRELESS COMMUNICATIONS FACILITIES**

**Section 9.23 Purpose.**

The following development standards for the jurisdiction of Caswell County shall: 1) apply to the installation, construction, attachment and alteration of facilities to accommodate wireless communication facilities; 2) provide the criteria for evaluating such proposed activities; 3) provide a procedure for the suitability certification and accomplishing related purposes. These Wireless Communication Facility Development Standards are designed to achieve the following:

***9.23.1.*** Provide a range of locations for Wireless Communication Facilities throughout the County.

***9.23.2.*** Encourage the location of Wireless Communication Facilities onto existing structures to reduce the number of new communication towers needed within Caswell County.

***9.23.3.*** Encourage collocation and site sharing of new and existing Wireless Communication Facilities.

***9.23.4.*** Control the type of tower facility constructed when towers are permitted.

***9.23.5.*** Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently.

***9.23.6.*** Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of Wireless Communications Facilities by requiring reasonable siting conditions.

***9.23.7.*** Promote the use of suitable lands for the location of wireless antennae, towers, and/or Wireless Communication Facilities.

***9.23.8.*** Ensure the harmonious, orderly and efficient growth and development of Wireless Communication Facilities within the County.

***9.23.9.*** Stabilize the economy of the County through the continued use of the County's public resources.

***9.23.10.*** Provide clear performance standards addressing the siting of Wireless Communication Facilities.

***9.23.11.*** Streamline and expedite the permitting procedures to effect compliance with the Federal Communications Act~~, 47 USC ' 332 as amended, section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC ' 1455(a),~~ regulations**,** and in accordance with the rules promulgated by the Federal Communications Commission.

***9.23.12.*** Ensure first responders can provide for the health and safety of all residents of Caswell County and that, consistent with section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC ' 1455(a), which creates a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures, it is the policy of Caswell County to facilitate the placement of wireless communications support structures in all areas of the County.

**Section 9.24 Certain Uses Not Covered by the Regulations.**

Nothing in these regulations shall reduce any of the permitted uses of any zoned property, within Caswell County. Nothing in these regulations shall affect the right of a property owner to use or develop their property. Nothing in these regulations shall affect the right of a property owner to continue any legal nonconforming use.

**Section 9.25 Preferred Locations for Wireless Communication Facilities & Applicability.**

***9.25.1.*** The following Wireless Communication Facilities may be allowed within Caswell County as follows:

***9.25.1. Antenna Attachments.*** Antenna attachments onto existing Support Structure or onto an Attached Wireless Communication Facility shall be permitted by ~~administrative~~ approval of the UDO Administrator, subject to the development criteria of Section 9.26, and subject to fees as specified in Section 1.13**.**

***9.25.2. County Facilities.***  Antenna attachments or Wireless Communication Facilities with support structure shall be permitted by administrative approval subject to the development criteria of Section 9.26 and collocation on Caswell County communications facilities. Collocation on county-owned facilities is encouraged.

***9.25.3. Other Lands.***  Wireless Communication Facilities with support structures shall be permitted on all other lands not identified in subsection 9.25.2, above, by means of approval of the UDO Administrator. Prior to applying for a Permit, the applicant shall provide the County with adequate information to establish that lands included in subsection 9.25.2 cannot be made suitable for Wireless Communication Facility locations.

***9.25.2.*** The following shall apply in Caswell County:

***9.25.2.1. Tower and Antenna Use Application Required.***  No person, firm or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Antenna Application (TAA) has been issued pursuant to the requirements of Section 9.28.

***9.25.2.2. Pre-Existing Wireless Communication Facility.*** Wireless Communications Facilities for which a permit has been issued prior to the effective date of this Ordinance shall be considered as nonconforming and shall not be required to meet the requirements of this Ordinance. However, effective January 1, 2020, all nonconforming Wireless Communications Facilities shall be made to conform to future collocation and annual fee requirements of this Ordinance.

***9.25.2.3. Amateur Radio and Wireless Internet Exclusion.*** This section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator. And other than the setback standards, it shall not govern instillations related to wireless broadband internet.

***9.25.2.4. Relationship to Other Ordinances.*** Except for Historic Districts, this section shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.

***9.25.2.5. Airport Zoning.*** Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.

***9.25.2.6. Building Codes.*** Construction of all Wireless Communication Facilities shall comply with the requirements of the Caswell County Building Codes and permitting process in addition to the requirements of this section.

***9.25.2.7. Tower Agreement (County Owned Property).*** All applicants for Antenna structure permits for the sites identified in subsection 9.25.2 shall be required to enter into an agreement with the County. Said Agreement will contain, but will not be limited to, term, rental fee and other identifying conditions. A fee schedule is established in Section 1.13.

***9.25.2.8. Public Property.*** Antennas or towers located on property owned, leased or otherwise controlled by the County of Caswell shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority after a public hearing and adjoining owners’ notification.

***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~~ a rate ~~of $500 per 100 feet of tower or any part thereof.~~ specified in section 1.13. 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~~ and shall include and annual inspection by the UDO Administrator or their designee.

**Section 9.26 Development Standards.**

Development standards for Wireless Communication Facilities are as follows:

***9.26.1. Height Standards.***

The following height standards shall apply to all Wireless Communications Facility installations:

***9.26.1.1.*** Attached Wireless Communications Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of the tower above the maximum permitted height of that tower.

***9.26.1.2.*** Height for Wireless Communication Facilities with Support Structures on other lands not identified in subsections 9.25.2 shall be reviewed on a case‑by‑case basis. The height of the proposed Wireless Communication Facility should be consistent with the height standards for similar properties in similar locations; and considering ground elevations, topographical conditions and other site development criteria within this Ordinance.

***9.26.2. Setback Standards.***

The following setback standards shall apply to all Wireless Communication Facility installations.

***9.26.2.1.*** Attached Wireless Communication Facilities shall meet the following setback provisions:

***9.26.2.1.1.*** Towers must be set back a distance equal to 125% 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. Setbacks may be reduced to no less than 50% of the tower’s height if a certified fall zone letter signed and sealed by a licensed engineer is delivered to the County certifying that any structural tower failure or tower fall will be restricted to the area within the reduced setback because of the structure’s construction.

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

***9.26.2.1.3.*** No tower shall be allowed within the Airport Hazard Overlay District.

***9.26.2.2.*** Wireless Communications Facilities with Support Structures shall meet the setback requirements as above.

***9.26.3. Landscaping.***

The following landscaping requirements shall be maintained by the applicant and shall apply to all Wireless Communications Facility installations.

***9.26.3.1. New Construction.*** New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped with a minimum landscaped area of ten (10) feet around the perimeter of the security fence meeting the following standards:

***9.26.3.1.1.*** One row of evergreen trees with a minimum caliper of 1.75 inches shall be installed with a maximum spacing of 25 feet.

***9.26.3.1.2.***  Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet. Plants shall be at least three (3) gallon container plants or 24 inches tall at the time of planting.

***9.26.3.1.3.*** All plants and trees shall be indigenous to northeastern North Carolina and drought resistant.

***9.26.3.2. Land Form Preservation.*** Existing mature tree growth and natural Land Form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.

***9.26.3.3. Existing Vegetation.*** Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Planning Director or designee.

***9.26.3.4. Minimum Size Disturbance.*** Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.

***9.26.4. Aesthetics, Placement, Materials, and Colors.***

Wireless Communications Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location that is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, camouflage technology or stealth technology.

***9.26.5. Lighting.***

The following lighting requirements shall apply to all Wireless Communications Facility installations. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:

***9.26.5.1.*** Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and

***9.26.5.2.*** Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority ~~installed in a manner to minimize impacts on adjacent residences~~.

***~~9.26.5.3.~~*** ~~Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lenses used to reduce ground lighting when the site is within 100' of a residential dwelling.~~

***9.26.6. Signage.***

Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing Wireless Communications Facilities.

***9.26.7. Fencing.***

Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of State or Federal agencies.

***9.26.8. Radio Frequency Emissions/Sound.***

The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:

***9.26.8.1. Radio Frequency Impact.*** The ETA gives the FCC jurisdiction of the regulations of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.

***9.26.8.2. FCC Compliance.***  In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested from time to time. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

***9.26.8.3. Sound Prohibited.***  No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

***9.26.9. Structural Integrity.*** Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association’s (EIA/TIA) ~~222 Revision F~~~~Standard entitled~~ most recent "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays as required by subsection 9.26.10.

***9.26.10. Collocation Support Structure Design.*** All Wireless Communication Facilities with a support structure up to a height of 90 feet shall be engineered and constructed to accommodate a minimum of one antenna array. All Wireless Communication Facilities with a support structure up to a height of 90 feet to 120 feet shall be engineered and constructed to accommodate at least 3 antenna array. All Wireless Communication Facilities with a support structure up to a height of 120 feet or greater shall be engineered and constructed to accommodate at least 5 antenna array.

***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.Collocation on an existing Wireless Communications Facility shall be subject to Administrative Review and be accompanied by a fee as specified by Section 1.13.

***9.26.12. Use by County Emergency Services.*** Applicants shall agree to make towers available for use by the County Emergency Services agencies at no charge to that agency, so long as the tower is equipped to support multiple users and the additional use of the tower or antenna does not create a technical conflict(s).

**Section 9.27 Review Process.**

The applicable development criteria referred to herein are those set forth in subsection 9.26 of this Ordinance.

***9.27.1. Permitting Procedures***

Attached Wireless Communications Facilities with or without new building construction that meet the development criteria may be permitted by administrative review. All Wireless Communications Facilities with Support Structures that meet the development criteria and that are located on lands in Section 9.25.2 or Antenna Array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting criteria in subsection 9.27.2 or 9.27.3 below. All other proposed Wireless Communication Facilities shall be subject to the permit process.

***9.27.2.*** Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, historic district or other designated Overlay District will be subject to review by the appropriate District Commission and the Planning Board. Review by a District Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Board Review Process.

***9.27.3.*** Wireless Communications Facilities as a part of a Coordinated Development Approval. Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, site plan, or other coordinated development approval shall be reviewed and approved through those processes.

***9.27.4.*** Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.

**Section 9.28 Approval Process.**

***9.28.1. Application Submission.***

All Tower Antenna Applications (TAA), regardless of Wireless Communication Facility type, shall include all of the requirements contained in this section. The following situations do not require submission of an application: (1) collocated devices on approved towers; (2) an eligible facilities request; (3) the height of the tower is not increased by more than 10%; (4) the addition will not extend more than 20 feet from the tower; ~~(5) it will add no more than one equipment shelter or four equipment cabinets~~; and ~~(6)~~ (5)it will not involve excavation outside the tower site or existing utility and access easements.

***9.28.1.1.*** Any person that proposes to construct a new wireless support structure or substantially modify a wireless support structure within the planning and land use jurisdiction of the County must do both of the following:

***9.28.1.1.1.*** Submit a completed application with the necessary copies and attachments to the appropriate planning authority.

***9.28.1.1.2.*** Comply with all local ordinances concerning land use and any applicable permitting processes.

***9.28.1.2. Application Contents.*** Each applicant requesting a TAA under this Ordinance shall submit a sealed site plan prepared by a licensed architect or engineer as specified in Article 8. Applicants proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Inter‑modulation Study with their application. The review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the County may not require information on or evaluate an applicant’s business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. The County may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The County may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the County may review the following:

***9.28.1.2.1.*** Applicable public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

***9.28.1.2.2.*** Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant’s designed service.

***9.28.1.2.3.*** The County may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant’s search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The County may require information necessary to determine whether collocation on existing wireless support structures is reasonably feasiblesuch as propagation maps, structural analysis, letters from surrounding tower arrays, and further proof of why they can’t collocate.

***9.28.1.3. Submission Requirements.*** Application for a Wireless Communication Facility shall be submitted as a major site plan as specified in Section 8.4.

***9.28.1.4. Application Fees.*** A plan review fee as established by Section 1.13 shall accompany each application. The fee imposed by the County for review of the application may not be used for either of the following:

***9.28.1.4.1.*** Travel time or expenses, meals, or overnight accommodations incurred in the review of an application by a consultant or other third party.

***9.28.1.4.2.*** Reimbursements for a consultant or other third party based on a contingent fee basis or a results-based arrangement.

***9.28.1.5. Additional Technical Assistance.*** In the course of its consideration of an application, the County may deem it necessary in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the County in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the County for the technical review and recommendation shall be reimbursed by the applicant prior to the final County hearing on the TAA. Further, the county shall disclose the engineer in writing to the applicant and seek to enlist the services of an engineer who will be mutually agreeable to all parties involved.

***9.28.2. Planning Board Review.*** The following shall apply to all Tower and Antenna Use Applications for substantial modifications and new towers requiring submission to the Planning Board.

***9.28.2.1. Review Authority.*** The Planning Board shall be the review authority for TAA applications not eligible for Administrative Review or otherwise referred to the Board.

***9.28.2.2. Notice.*** Notice of the application and the public hearing by the Planning Board shall be given once a week for two consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In addition to a newspaper notice, the parcel owner and the adjoining parcel owners, as shown on the County tax listing, shall be notified by first‑class mail; and the site shall be posted in a conspicuous location with the time, date and notice of public hearing.

***9.28.2.3. Hearing.*** The Planning Board shall review and consider the TAA application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Planning Board shall consider the following in reaching a decision.

***9.28.2.3.1. Development Criteria.*** The complete Tower Antenna Application shall be reviewed for compliance with the development criteria set forth in Section 9.26 provided that the applicable development criteria in this Ordinance may be modified as long as the approval of the TAA meets the goals and purposes of the Ordinance. The Planning Board may recommend alternative development criteria, provided the alternative development criteria are reasonable and capable of being accomplished, by specific inclusion in a motion for approval.

***9.28.2.3.2. Tower Siting Conditions.*** The Planning Board may impose conditions and restrictions on the application or on the premises benefitted by the TAA as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this Ordinance. The violation of any condition shall be grounds for revocation of the TAA. The Planning Board may recommend additional development standards in addition to the development criteria upon the following findings:

***9.28.2.3.2.1.*** The wireless communication facility would result in significant adverse visual impact on nearby residences.

***9.28.2.3.2.2.*** The conditions are based upon the purpose and goals of this Ordinance.

***9.28.2.3.2.3.*** The conditions are reasonable and capable of being accomplished.

***9.28.2.3.3. Action.*** Following the public hearing and presentation of evidence, the Planning Board shall take one of the following actions:

***9.28.2.3.3.1.*** Approve the application as submitted;

***9.28.2.3.3.2.*** Approve the application with conditions or modifications;

***9.28.2.3.3.3.*** Refer the application for additional information or neighborhood input; or

***9.28.2.3.3.4.*** Deny the application in writing.

***9.28.2.3.4. Findings.*** All decisions rendered by the Planning Board concerning a Tower Antenna Application shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.

***9.28.2.3.5. Timing of Decision.*** The Planning Board shall render a written decision on new tower and substantial modifications applications within 90 days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Planning Board.

***9.28.2.3.6. Appeals.*** An appeal may be filed with the Board of Commissioners no later than 30 days after the final action by the Planning Board. Only the applicant and those who registered an objection to the TAA in the record of the Planning Board shall have standing to appeal.

**Section 9.29 Shared Facilities and Collocation Policy.**

All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. ~~A TAA shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive convict and financial burden alone are not deemed to be adequate reasons against collocation.~~

**Section 9.30 Removal of Abandoned Support Structures.**

Any support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the County, at its election, may require the support structure owner to remove the support structure within 90 days after notice from the County to remove the support structure. If the abandoned support structure is not removed within 90 days, the County may remove it and recover its costs from the support structure owner. If there are two or more users of a single support structure, this provision shall not become effective until all providers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support is located.

**Section 9.31 Additions.**

Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers), subject to Administrative Review, under this Ordinance.

**Section 9.32 Revocation of Tower and Antenna Use Applications.**

The approval of any Tower and Antenna Use Application issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the Planning Director or designee finds that any permit holder has violated any provision of this Ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the Planning Director or designee shall notify the permit holder in writing that the TAA is revocable due to the permit holders noncompliance with the conditions of the permit and the Planning Director or designee shall convene a meeting with the Permit holder no later than 30 days from the date of the letter. The Planning Director or designee may require the permit holder to correct the violation within a reasonable amount of time or the Planning Director or designee may recommend to the County Commissioners that the Tower Antenna Application be revoked.

After the appropriate public hearing, the County Manager and County Commissioners may revoke the Tower Antenna Application (TAA) upon such terms and conditions, if any, that the County Manager and County Commissioners may determine. Prior to initiation of revocation proceedings, the County shall notify the permit holder, in writing, of the specific areas of noncompliance and specify the date by which such deficiencies much be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the County with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the County Manager and County Commissioners shall convene a public hearing to consider revocation of the Tower Antenna Application.

The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the County not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross‑examine opposing witnesses. Other interested persons may comment. The County Manager and County Commissioners may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense.

Mr. Daniel questioned 9.26.2.1.2, was it not originally 3 miles instead of 5 miles.  Mr. Hoagland replied he thought so, if these changes are approved then it will be 1 mile.

Chairman Johnston stated the hope is to help wireless internet coverage by approving these changes.

Mr. Blalock questioned if Open Broad Band LLC. is only going to attach to water towers.  Mr. Hoagland replied their plan is to attach to water towers and they are also attaching to the mono poles at the schools. They may run into a situation where they may have to construct new poles throughout the county and we want to make this construction as easy as possible to help the citizens of Caswell County.  Mr. Blalock questioned if Mr. Hoagland had received the contract. Mr. Hoagland replied no, we hope to receive it mid-July. Their goal is to have equipment installed by the end of 2019 and to have the first customer turned on by 2020. Mr. Blalock thanked Mr. Hoagland for all of his hard work that he has put into this project.

Mr. Harris made a motion to approve the proposed changes as presented, seconded by Mr. Daniel.  The motion carried unanimously.

Mr. Hoagland presented the Board with recommendations from the current Building Inspector.  The main concern was, depending on the type of material that is installed, it can have water damage and suggested that the material be approved for ground contact. Also another concern was the safety issues with reattaching tongues if the weld was to come loose during travel; the inspector recommended removing detachable tongues from the UDO.

***9.21.3.1.*** Any masonry style foundation wall constructed in accordance with the State of North Carolina Regulations for Manufactured Homes Chapter 3, Section 3.6, unpierced except for required ventilation with access installed under the perimeter, shall be required for all manufactured homes to which this article applies. All other foundation and related structural requirements shall comply with the State of North Carolina Regulations for Manufactured Homes. Skirting materials shall be approved for ground contact per the manufacturer’s instructions. In addition, tongues and axles shall be removed from such manufactured homes.

Mr. Blalock questioned what types of materials are approved for ground contact and how would the public be made aware of this list.  Mr. Hoagland replied the Building Inspector will know the approved list of materials that are approved for ground contact, and if the manufacturer's instructions do not state if it is approved for ground contact.

Mr. Richmond questioned is this for only single placed homes not mobile home parks and do some skirting, materials come with warranties.  Mr. Hoagland replied correct.

Chairman Johnston questioned if the Building Inspector thought masonry materials would be approved for ground contact.  Mr. Hoagland replied there is more or less a higher quality product that would be approved for ground contact and then types that would not.

Mr. Daniels stated if the materials have a lifetime warranty they should not have to be approved.  Mr. Hoagland replied he was not sure.

Chairman Johnston questioned Mr. Hoagland if the Building Inspectors main concern was worrying about if the bottom of the skirting rotting.  Mr. Hoagland replied yes, a major concern is to ensure the material doesn’t break down over time due to moisture or wear and tear.

Mr. Daniels stated his concerns that if the wording suitable for ground contact is left in there it may not allow masonry fiber and that was the main goal to have it approved.  Mr. Blalock agreed. Chairman Johnston questioned if that word is left would the Building Inspector still support it. Mr. Hoagland replied he was not sure.

Mr. Daniels stated his concern is how would a homeowner know if the materials they are purchasing are on the approved list.  Mr. Hoagland suggested that the homeowners do some research before they purchase the materials and typically a manufactured home group would help them through that process before purchasing.

Mr. Shaffner stated that when removing the tongues and axles on a mobile home makes the home real property, if the tongue and axles are left on it is considered personal property; this will be an issue for the Tax Department.  Mr. Hoagland agreed.

Chairman Johnston questioned if the current Building Inspector has seen the materials that are being presented.  Mr. Hoagland replied no, the Building Inspector was going off his experiences that he has encountered in Rockingham County.

Mr. Shaffner suggested removing “detachable” from the wording. 

Mr. Harris stated that this will not affect new home because they come with detachable tongues, only old mobile homes will this be an issue.

Mr. Shaffner motioned to approve the changes presented to the Board, removing “detachable” from 9.21.3.1, seconded by Mr. Daniel.  The motion carried unanimously.

Planning Department Updates

Mr. Hoagland stated that there may be a zoning meeting held on July 1, 2019 and he was not sure of the location.

Chairman Johnston questioned if Mr. Hoagland has received any update from D.O.T.  Mr. Hoagland replied the next project will be a sidewalk from the Senior Center to the Maud Gatewood Park walking trail, along with the other projects that are already scheduled.

Mr. Hoagland also informed the board that there was a state law passed that allows electric coops like Piedmont Electric to be able to provide broadband as well. However, he is not sure of their timeline for deploying internet connections to customers.

Adjournment

Mr. Swann moved to adjourn the June 25, 2019 Planning Board Meeting at 2:05p.m., the motion carried unanimously.

*Ashley Kirby Powell recorded the minutes taken above.*