



CAMDENCOUNTY
new energy. new vision.

PLANNING BOARD

July 18, 2018

7:00 PM

Regular Meeting

Historic Courtroom

Courthouse Complex

Agenda

Camden County Planning Board
Regular Meeting
July 18, 2018, 7:00 PM
Historic Courtroom, Courthouse Complex

- ITEM I. Call to Order and Welcome
- ITEM II. Consideration of the Agenda
- ITEM III. Consideration of Minutes from June 20, 2018
Planning Board Minutes - June 20, 2018
- ITEM IV. New Business
- Item A. *UDO 2018-06-19 Rezoning Request - Dana and Patrick Smith*
UDO 2018-06-19 Rezoning Request - Dana and Patrick Smith
- ITEM V. Information from Board and Staff
- ITEM VI. Consider Date of Next Meeting - August 15, 2018
- ITEM VII. Adjourn



Camden County Planning Board
AGENDA ITEM SUMMARY SHEET
Minutes

Item Number:

Meeting Date: July 18, 2018

Submitted By: Amy Barnett, Planning Clerk
Planning & Zoning
Prepared by: Amy Barnett

Item Title Planning Board Minutes - June 20, 2018

Attachments: pbmins06202018 (PDF)

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 20, 2018

Camden County Planning Board

Regular Meeting

June 20, 2018 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on June 20, 2018 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Absent	
Patricia Delano	Vice Chairman	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Absent	
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM

Staff Members Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:50 PM
Dave Parks	Permit Officer	Present	6:40 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

Others Present:

Name	Company	Purpose
Chad Meadows	Code Wright Planners	Make Presentation: Proposed Revised UDO
Roger Ambrose	Ambrose Signs	Voice Concerns related to design standards in Proposed UDO

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

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27 **CONSIDERATION OF AGENDA**

28 *Motion to Approve Agenda as Presented*

29	RESULT:	PASSED [UNANIMOUS]
30	MOVER:	Patricia Delano, Vice Chairman
31	SECONDER:	Steven Bradshaw, Board Member
32	AYES:	Leary, Delano, McCall, Bradshaw, Saunders
33	ABSENT:	Harris, Albertson

34

35 **CONSIDERATION OF MINUTES FROM MAY 16, 2018**

36 *Motion to Approve Minutes from May 16, 2018 As Written*

37	RESULT:	PASSED [UNANIMOUS]
38	MOVER:	Patricia Delano, Vice Chairman
39	SECONDER:	Rick McCall, Board Member
40	AYES:	Leary, Delano, McCall, Bradshaw, Saunders
41	ABSENT:	Harris, Albertson

42 **OLD BUSINESS**

43

44 None.

45 **NEW BUSINESS**

46 **A. Consideration of proposed revised Unified Development Ordinance**

47

48 Dan Porter described this agenda item:

- 49 • Recall the Proposed Revised UDO binders given to board members in May and copies
- 50 available on web
- 51 • Ideal schedule for adoption
 - 52 ○ Hear presentation then discuss
 - 53 ○ Planning Board makes recommendation tonight or later
 - 54 ○ July 9, 2018 Board of Commissioners will set public hearing date
 - 55 ○ Board of Commissioners will have work session before public hearing
 - 56 ○ Public hearing can be on August 6, 2018 or can be postponed. Date is at
 - 57 discretion of Commissioners.

58

59 Mr. Porter then introduced Mr. Chad Meadows of Code Wright Planners who gave a
60 presentation describing the key changes included in the Proposed Revised Unified Development
61 Ordinance.

62

63 **Chad Meadows, Code Wright Planners,**
64 **Presentation - Proposed Revised Unified Development Ordinance**

65
66 **Overview:**

- 67 • Presentation will include key policy matters, discussion, etc.
- 68 • Still in draft form and open to revisions.
- 69 • Process began in 2015
- 70 • Code Assessment was performed which evaluated the existing UDO
- 71 • Direction based on 2035 Comprehensive Plan
- 72 • 11 topics in this presentation

73
74 **Project Objectives:**

- 75 • Implement the 2035 Comprehensive Plan, which is the vision for the future of the county
 - 76 ○ UDO is how the county will get to that vision
 - 77 ○ Calls for protection of the rural character
 - 78 ○ Increase amount of service uses (grocery stores, doctors offices, retail, etc)
- 79 • Make UDO more user friendly
 - 80 ○ Current UDO has obsolete and inconsistent language in several places
 - 81 ○ Proposed revised UDO will have graphics, charts, and so on to make it easier to
 - 82 understand and navigate
- 83 • Proposed Revised UDO seeks to improve procedural efficiency
- 84 • Make the ordinance more predictable
 - 85 ○ Where possible, staff has been delegated the task of being decision maker for
 - 86 some things instead of a board
 - 87 ○ Decision making criteria, qualifiable standards, and clear definitions have been
 - 88 added throughout the proposed revision
- 89 • Proposed Revised UDO seeks to increase consistency with changing laws and general
- 90 statutes
 - 91 ○ NC General Assembly constantly making changes to statutes
 - 92 ○ Allowed actions / un-allowed actions flipping
 - 93 ○ Federal laws changing as well

94
95 **Policy Discussion - 11 policy items to discuss and consider:**

96
97 ***(1) Major Subdivision Review and Approval Process:***

- 98 • Currently has 17 steps including but not limited to:
 - 99 ○ Application Submittal
 - 100 ○ Community Meetings
 - 101 ○ Sketch Plan Review by Technical Review Committee
 - 102 ○ Stormwater Engineering Documents Submitted
 - 103 ○ Planning Board Review of Preliminary Plat
 - 104 ○ Public Hearing before Board of Commissioners
 - 105 ○ Obtain State and Federal Permits
 - 106 ○ Apply for Special Use Permit
 - 107 ○ Construction
 - 108 ○ Final Plat

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- Current approach has applicant in front of an elected or appointed body 7 times
 - Comprehensive Plan calls for protecting rural character while also encouraging development
 - Stakeholders meetings showed that current review process is too difficult for type of market in county
 - Process needs to be simplified to encourage new development, services, etc.
 - Current procedure has 22 steps that range from pre-application conference to recordation of final plat by applicant
 - Proposed revised procedure has 16 steps
 - Notable changes:
 - Suggesting applicant for major subdivision be allowed to prepare a conceptual stormwater plan in conjunction with preliminary plat instead of the detailed engineering plan
 - Detailed plan will still be required but not until after preliminary plat is approved. Reasoning is so developer doesn't have to spend money up front on a very detailed engineering drawing for a subdivision approval they're not sure they will get
 - Delay the requirement for obtaining state and federal permits
 - Will still be required, timing to be delayed until after preliminary plat approval
 - Will prevent situation where permits would need to be updated if changes were made during preliminary plat
 - Suggesting that Special Use Permit portion of major subdivision process be dropped
 - It's not needed
 - Creates legal stumbling blocks with all the requirements that usually accompany it and could create a legal challenge
 - SUP is a permit type that requires a Quasi-Judicial hearing
 - Very specific set of procedures and actions for Quasi-Judicial hearings, such as no ex parte contact
 - Body making decision can only use information presented during the hearing, otherwise that body could face legal challenges
 - Planning Board recommendations and comments could be a legal stumbling block in that such information would be considered outside information which can't be used because of the nature of Quasi-Judicial hearings
 - Reason Special Use Permit (SUP) process existed was to ensure certain design standards were present prior to final plat
 - Hope is that issues that would otherwise have been included as conditions on the Special Use Permit, will be dealt with through design standards changes in the UDO
 - SUP process also existed to make sure neighbors were heard and protected from things like nuisance flooding, excessive traffic, light and noise pollution, and loss of rural character. If issues are dealt with through the design standards, SUP should not be necessary.

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

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- 154 ○ Final Plat by UDO Administrator
- 155 ▪ Make approval of Final Plat a ministerial function (approved
- 156 administratively)
- 157 • If applicant complies with code, can't say no
- 158 • Not necessary to send a ministerial approval to an elected or
- 159 appointed decision making body because it comes down to a yes or
- 160 a no based on how well it complies with code.
- 161 • Applicant saves time
- 162 • Avoids debate regarding issues that are a matter of code
- 163 • Avoids types of debate that "muddy the water" were it to have to
- 164 go before a quasi judicial hearing
- 165

166 **Board and Staff Discussion on (1) Major Subdivision:**

167
168 Board consensus was that this makes sense. Only dissenting opinion came from Steve Bradshaw
169 who expressed concerns relating to addition of an added buffer in major subdivisions, and stated
170 opinion that costs for things like trees, shrubs, and other buffer elements drive costs up and
171 makes lots more expensive than they can be sold for. Other than that he feels it makes sense.
172 Mr. Meadows stated that buffering will be discussed later in the section titled "Farmland
173 Compatibility Standards".
174

175 **(2) Higher Density Districts:**

- 176 • Current Approach
 - 177 ○ Current UDO has no density provisions in zoning ordinance
 - 178 ○ Relies on lot area for density
- 179 • Comprehensive Plan calls for both more development and protection of rural character
- 180 • Propose to favor key points in the community where provision of water and sewer are
- 181 available or will be available and able to handle higher density of development
 - 182 ○ Create more residential units in closer proximity to commercial land so that
 - 183 commercial services will be more encouraged to locate to Camden County
 - 184 ○ Will save money on utility extensions because everything would be compact
 - 185 ○ Protects the environment
 - 186 ○ Only going to be so much commercial that will come to the county, so can either
 - 187 spread it out across the county or concentrate it in the higher density districts
 - 188 ▪ Benefits of concentrating commercial:
 - 189 • Lower service provision costs
 - 190 • Greater attractiveness to the kinds of development desired
 - 191 ○ Comprehensive Plan says focused growth in village centers is desired with ability
 - 192 to provide water and sewer to both commercial and residential uses
 - 193 ○ Higher density in village centers is desired as its more economically and
 - 194 ecologically sound
 - 195 ○ Supports the Capital Improvement Plan for Camden County
 - 196

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- 197 • Proposing a series of district changes or new districts to focus growth potential in 4
- 198 districts:
- 199 ○ Village Residential (VR, currently R-1)
- 200 ○ Crossroads Commercial (CC, currently NCD)
- 201 ○ Village Commercial (VC, currently CCD)
- 202 ○ Mixed Use (New zoning district)
- 203 ○ Some other districts are being renamed and redefined
- 204 • Albemarle Regional Health Services (e.g. Health Department) decides how big a lot must
- 205 be and how many residential or commercial units can be on the lot if there is no county
- 206 sewer line available to the lot
- 207 ○ Availability of sewer lines and water hook up removes any issues relating to lot
- 208 size and supports higher density
- 209 • Suggest that inside Village Centers and also Crossroad Commercial areas higher density
- 210 be allowed
- 211 ○ These areas are intended to be small nodes of commercial and mixed use
- 212 development which allow residents to meet some needs without need for much
- 213 travel
- 214 • Density ranges suggested with availability of Water & Sewer

District	Base Density	Density with Water & Sewer
Village Residential (R-1)	1.45 DU/AC	2.17 DU/AC
Crossroads Commercial (NCD)	1.45 DU/AC	2.17 DU/AC
Village Commercial (CCD)	2.17 DU/AC (4.35 for MU)	4.35 DU/AC
Mixed Use (new)	4.35 DU/AC (5.44 for MU)	4.35 DU/AC (5.44 for MU)

- 215 • Better Chance of focusing development in areas with higher densities rather than having
- 216 development spread out.
- 217

Board and Staff Discussion on (2) Higher Density Districts:

220 Dan Porter commented the following:

- 221 • Village Commercial (currently Community Core) district a small area within about ¼ of a
- 222 mile of US 158 and NC Hwy 343 in Camden, and also the area around Main Street in
- 223 South Mills
- 224 • Not much R-1 in the county, existing R-1 located near core villages
- 225 • Village Residential is for a wider area than what is R-1 currently
- 226

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- 227
- Mentioned "Tangential Zoning"
 - Higher density at center
 - Moderate density next level out from center
 - Low density next level out from moderate
- 231
- Village Residential would be the moderate density level
- 232

233 Chad Meadows commented about tangential zoning and said its like a target where the center is
234 high density and the density feathers out with distance from the center.

235

236 Mr. Porter further commented:

- 237
- As sewer is extended along US 158 there will be land that can be developed as either
238 Mixed Use or Village Residential
 - Questions are:
 - Should there be a limit on density in the Village Residential area or should it be
241 higher than 2.17 dwelling units per acre? Where water and sewer are available,
242 are the density numbers in the chart too small or should more units per acre be
243 allowed?
 - How far out should the area of moderate density be?
- 245

246 Steve Bradshaw commented that smaller lots mean less to maintain, and also that the developer's
247 return on investment is greater the more dwelling units he can put on an acre.

248

249 Mr. Meadows asked the board members if they feel the density per acre should be 60-100%
250 higher than what is shown in the chart.

251

252 Mr. Porter stated that 8 units per acre would be 'multi-family units', which are allowed but might
253 be a little too high for individual units. 8 and above would likely be apartments.

254

255 Mr. Bradshaw suggested making the density in R-1 areas without sewer availability 2 units per
256 acre instead of the 1 unit currently as long as septic system approval can be obtained from the
257 Health Department.

258

259 Mr. Meadows, for clarification, stated what he's hearing from the board is that the density
260 numbers proposed are too low and need to be raised.

261

262 Mr. Bradshaw asked about sewer extensions, who would pay for them and how, specifically
263 would taxes pay for it. Mr. Meadows responded that the developer would pay those costs.

264

265 Mr. Porter added that the county is putting in the 'back bone' of the sewer system. The developer
266 has to pay to connect to the system and also has to pay for the expected capacity (usage). If the
267 system can not handle the expected capacity, then the develop would have to pay the county for
268 the upgrades so it can. Also, if there is no sewer in an area but the developer is willing to pay the
269 costs associated with extending sewer, it can be extended but the Board of Commissioners has to
270 approve it.

271

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272 Rick McCall stated his agreement with higher density as long as taxes are not raised in order to
 273 support extending sewer availability.

274
 275 Mr. Meadows commented that there are economic benefits to having more availability of sewer,
 276 the more people that are on the system, the more efficient the system is for everyone.

277
 278 Mr. Porter commented that the county is installing sewer lines in areas where more commercial
 279 development is desired. Also added that the base density shown in the chart is going to be
 280 dependent on Health Department approvals for septic systems for areas without sewer.

281
 282 Board consensus seemed to agree with higher density in areas where water and sewer are
 283 available, and in areas without availability of sewer as long as Health Department approval can
 284 be obtained.

(3) Manufacturing Housing Switch:

- Suggesting a different direction with how county handles mobile and manufactured housing
- Mobile homes (single, double, triple-wide trailers) are currently allowed in the NR (currently R-2) and VR (currently R-1) districts
 - These are areas that should have higher densities as these are prime real estate areas that are served by water and sewer
 - Question is whether to allow mobile homes in areas that have low returns in terms of ad velorum (tax value) in areas that are supposed to be the highest density portions of the community.
- Suggesting to disperse mobile and manufactured housing to the working lands (residential districts other than NR and VR). Key changes are:

TABLE <->: PRINCIPAL USE TABLE															
"P"= Permitted....."S"= Permitted with Special Use Permit....."X"= Prohibited															
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only; rows removed upon adoption)	RESIDENTIAL					COMMERCIAL				IND.		ADDITIONAL STANDARDS (151.4)		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC		LI (I-1)	HI (I-2)
Manufactured Homes		X	P	P	S	X	X	X	X	X	X	X	X	A	<4.402>
Manufactured Home or Mobile Home Park		X	X	X	X	X	X	X	X	X	X	X	X	X	X
Mobile Homes		X	S	S	X	X	X	X	X	X	X	X	X	X	<4.402>

- Would allow mobile and manufactured housing on individual lots, not in parks
- Mobile homes and manufactured homes in SR (currently R-3-1) would require special use permits
- Would be in more suburban and rural portions of the county
- Would not allow new units inside the village center areas

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

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Board and Staff Discussion on (3) Manufactured Housing Switch:

Dan Porter commented the following:

- In the past, there have been requests to put mobile homes in the working lands (currently GUD, R-3-1, R-3-2, etc)
 - Staff had to say no as zoning prohibited mobile homes in all but R-1 and R-2
 - History is that such housing used to be allowed in such areas as far back as 2002, but changes to zoning regulations were put in place that altered the permissible uses in those areas
 - This change will make a lot of people happy

The board had no comments.

Mr. Meadows added that the purpose of this section is to disperse the use of mobile homes out into the more rural portions of the county rather than concentrate them in the more valuable areas. Mobile homes will continue to be allowed, but will require a Special Use Permit.

(4) Commercial Design Standards

- Architectural provisions applied to commercial structures such as retail, offices, personal services, etc.
- There are currently limits on kinds of materials that can be used in the CC, NCD, and HC districts
 - How a building looks, how roof is handled, service standards such as refuse collection, loading, etc.
- Hope is that once infrastructure is in place and density is raised, more commercial will come, at which point compatibility and design will be much more important.
- Suggestion is that design provisions for manufactured housing, mobile homes, multi-family, commercial, and mixed use are all enhanced.
- New commercial buildings and redevelopment of existing buildings (where cost exceeds certain threshold) would have to comply with new design standards such as:
 - Building orientation - how the building relates to the street
 - Building material standards - focusing on what the county does NOT want to see
 - No smooth face concrete block
 - No vinyl siding
 - No corrugated metal
 - Basic color provisions
 - Focuses on how many colors can be used rather than what colors to use
 - How many colors can be used on a single building
 - How many colors are too many
 - Building mass
 - If building is larger than a certain size, take advantage of architectural techniques which help to make it look and feel smaller from the street
 - Maintain rural character

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- 350 ○ Building articulation standards
- 351 ▪ Designed to increase visual interest
- 352 ▪ Avoid solid monolithic sides without windows etc
- 353 ○ Fenestration (Windows)
- 354 ▪ The more windows the better
- 355 ▪ Creates light in spaces
- 356 ▪ Adds value
- 357 ▪ Opportunity for window shopping
- 358 ○ Rain and Sun Protection (Awnings etc)
- 359 ▪ Encourages shoppers to park and walk to establishments
- 360 ▪ Economic benefit
- 361 • Window shopping
- 362

Board and Staff Discussion on (4) Commercial Design Standards:

363 Steve Bradshaw expressed a concern that too many strict commercial design standards might
364 actually serve as a deterrent to larger companies who might choose to locate to Camden County.

365 Mr. Meadows responded:

- 366 • Would love to see larger companies locate to Camden
- 367 • Right now population not high enough to support such development, might be in the
368 future
- 369 • Some provisions can be added so that larger companies:
 - 370 ○ Would not have to have so many of the kinds of design standards suggested
 - 371 ○ Would still have the kind of architectural interest and relief to the building façade
372 that can be done for the cost
 - 373 ○ Would still achieve some of the design standard goals with respect to making it
374 attractive from the street.
- 375 • Comprehensive Plan advocates raising the minimum quality expectation for
376 development
 - 377 ○ Question of where is the right balance
 - 378 ○ Where is the point at which comfortable implementing plan which was adopted
379 and going to be followed
 - 380 ○ Want to make sure not limiting or eliminating opportunities for citizens to have
381 desired commercial services
- 382 • Could be argued that Comprehensive Plan goals are in contention with one another
 - 383 ○ Want high quality development
 - 384 ○ Commercial services are desired
 - 385 ○ Where is the balance?

386 Mr. Meadows stated that the point he's hearing is that the ordinance shouldn't go so far as to
387 make it unattractive for the kinds of development that can be logically expected.
388
389

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393 Dan Porter stated he is in agreement with the desire to attract larger companies, but also knows
394 that in other places that have similar requirements to those proposed, larger companies can and
395 do locate to those places and build buildings that comply. Mr. Porter also stated that he agrees
396 that some of the requirements do not need to be so stringent. Mr. Porter also mentioned the
397 Corridor Overlay as a possible way to determine where to relax some of the requirements.
398

399 Rick McCall asked about the possibility of variances for larger companies.
400

401 Mr. Meadows responded:

- 402 • Idea of way to deviate from standards is a good idea
 - 403 • Administrative Adjustment process is built into the code
 - 404 ○ Not a variance
 - 405 ○ Adjustment that is made administratively
 - 406 • Suggest 2 things
 - 407 ○ Scale the design standards so that smaller buildings have lower requirements
 - 408 ○ Allow staff to administratively reduce some of the requirements
- 409

410 Mr. Bradshaw expressed concern that the requirements would discourage future commercial
411 development.
412

413 Mr. Meadows responded that if the requirements were relaxed too much, then buildings would
414 be built whose design is inconsistent with the design standards that are desired. Mr. Meadows
415 added that when the market is here (population increases), businesses will come.
416

417 Patricia Delano observed that some businesses may come to the county with the understanding or
418 hope that the market may be there at some point in the future.
419

420 Mr. Meadows, for clarification sake, stated that what he's hearing is that the ordinance should be
421 less aggressive in its commercial design standards. He then asked the board how they feel about
422 the Administrative Adjustment idea.
423

424 Mr. McCall mentioned developments in other towns and cities that were able to create a balance
425 between commercial uses and still maintain standards of design and attractiveness.
426

427 Mr. Porter asked if the ordinance included design standards for industrial areas.
428

429 Mr. Meadows replied that it did not. He mentioned the Commercial Corridor Overlay District
430 that is being suggested:

- 431 • Gives applicant a choice regarding design standards
 - 432 ○ Follow design standards in the book; OR
 - 433 ○ Screen building from view using things like buffers, fences, etc.
 - 434 ▪ Will work for uses that do not rely on regular customer traffic such as
 - 435 office buildings, personal service uses, etc.
 - 436 ▪ Will NOT work for retail because retail has to be seen
- 437

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438 Cathleen Saunders asked if this meant that industrial uses would not have to comply with
439 commercial design standards.

440

441 Mr. Meadows replied that the commercial design standards are not intended for industrial uses.
442 Mr. Porter added that there would still be landscaping / buffering requirements.

443

444 Mr. Porter stated that one item of policy that was not on the list for discussion was signage, and
445 it needed to be addressed.

446

447 Mr. Meadows spoke about a landmark US Supreme Court ruling regarding signage:

448

- Happened 2 or 3 years ago

449

- Affected all state and local governments throughout the US

450

- If the sign has to be read to determine what kind of regulation to apply to the sign, then that regulation is unconstitutional on the basis of the First Amendment

451

452

- No longer allowed to have different regulations for different kinds of signs, all must be treated the same

453

454

- Content may NOT be regulated, goes against First Amendment to do so

455

- Timeframe / duration of signage, kind of use, what a sign is in front of may not be regulated

456

457

- Regulating based on use is not allowed because to determine the use, the content must be read, and regulating content is not allowed.

458

459

460 Mr. Meadows then spoke about what is being proposed:

461

- Signage Budget for a lot

462

- Based on:

463

- District lot is located in

464

- Regulations for physical attributes (not content) such as height, width, square feet of the sign area

465

466

- Location on the lot

467

- Electrical or not (lights)

468

- All uses allowed in any particular district have to be allowed to have the same amount of signage

469

- Only types of regulation allowed pertain to the physical attributes of a sign

470

- Means that those who under the current ordinance do not have much sign permissiveness will be allowed more based on district

471

472

- Proposed ordinance suggests:

473

- An established regulation based on district:

474

- Commercial

475

- Mixed use

476

- Everywhere else

477

- Limitations on

478

- Height

479

- Sign face area (sq ft)

480

- Location on building or lot

481

- Complies with what the Federal law is understood to be

482

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483 Mr. Meadows then spoke about political signs:

- 484 • State law sets rules for how to regulate elections and associated signage
- 485 • Propose to use state laws to regulate signs, even though US Supreme Court says can not
- 486 regulate content
- 487 • Added that the following applies to all signs, not just political:
 - 488 ○ Can not regulate colors, fonts, or any other design criteria that is applied to
 - 489 content
 - 490 ○ Only kind of content that can be regulated is obscene or violent content (fighting
 - 491 words), these kinds of content can be prohibited by ordinance
 - 492

493 Mr. Porter asked how the proposed UDO treats billboards and off premise signs.

494

495 Mr. Meadows responded:

- 496 • Question with off premise sign is 'Does an off premise sign have to be read to be able to
- 497 tell its an off premise sign?' Short answer is yes. Example would be an off premise sign
- 498 for a business, advertises the business. Sign has to be read to see which business it
- 499 advertises, the land it's on does not belong to the business, so it's an off premise sign. It
- 500 had to be read to determine that, so its content can not be regulated.
- 501 • Recommending with regard to billboards is that they not be allowed.
 - 502 ○ Those currently existing would be legal non-conforming uses
 - 503 ○ Having said that:
 - 504 ▪ Federal Government has already made a ruling:
 - 505 • Pre-empted state and local governments ability to regulate whether
 - 506 or not billboards would be allowed along interstates and major
 - 507 highways.
 - 508 • Along interstates and roads in the "Primary Highway System",
 - 509 billboards are allowed as long as they are within 660 feet of the
 - 510 edge of the right of way
 - 511 • Applies to both existing and new billboards located along primary
 - 512 highways
 - 513

514 Mr. Roger Ambrose of Ambrose Signs commented:

- 515 • As long as existing billboards are kept up, maintained and in good repair, they should be
- 516 allowed to remain where they are.
- 517 • Has heard that if a billboard is damaged to more than 50% of its value or if it was
- 518 destroyed that it would have to be removed and not replaced (the land it was on would
- 519 have to be brought to current code)
- 520

521 Mr. Meadows stated that what Mr. Ambrose was referring to was those billboards that had been

522 approved in the past, put in place, and would be considered legal non-conforming uses when this

523 ordinance is approved. The question with regard to legal non-conforming uses is this: Is it fair

524 to require them to be taken down at some point in the future, or if damaged, not allow them to be

525 repaired. This is a typical non-conforming use issue.

526

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527 Mr. Meadows added that the Billboard Lobby has had some success at the NC Legislature in
528 getting legislation passed that allows billboards that are non-conforming uses to be improved,
529 including replacement with monopole units with greater height which increases the height of the
530 sign itself.

531
532 Mr. Porter commented that being non-conforming uses, they can be maintained, and if they are
533 damaged, they can be repaired or replaced as long as it is within 6 months of the event that
534 damaged it. Also, having no advertisement (being an empty sign) does not render the sign
535 inactive or abandoned as far as the zoning code goes.

536
537 Mr. Ambrose commented that there is some confusion in the new code as to what can be done to
538 existing billboards. One section speaks of replacing the poles with steel, and another section
539 speaks of maintenance and repair limits of 50% of the value of the sign before the sign has to be
540 removed.

541
542 Mr. Meadows responded saying that ultimately the code will follow the state rule on that but that
543 he would take a look at it and attempt to clear it up.

544
545 Patricia Delano asked if there were any rules for signs in historic districts. Mr. Porter responded
546 saying that the rules are the same as any other sign. Existing ones can stay, the county can not
547 make those in historic districts change signage. Any new signs would have to meet the Federal
548 mandate.

549
550 Mr. Meadows stated that while there may be situations where the appropriateness of signs may
551 come into question, the US Supreme Court's ruling has pre-empted the ability to regulate such.
552 He added that it's a very difficult issue, there is no answer for it as of yet, and it's likely to be an
553 ongoing issue for a long time.

554 555 (5) Farmland Compatibility Standards

- 556 • Current requirement: 50 foot buffer between new developments and farmland
 - 557 ○ Comprehensive Plan indicates clear desire to protect farmland and cultural
558 heritage
 - 559 ○ Farms are good and county wants to continue to have and encourage them
 - 560 ○ Farms Vs. Residents of developments nearby:
 - 561 ▪ Farms were here first
 - 562 ▪ Residential neighborhoods came in after farms
 - 563 ▪ Residents do not like smells, noise, or chemicals from farm activity
 - 564 ▪ Not fair for residents to complain because they knew the adjacent land was
565 farmland when they moved in
 - 566 ▪ Body of case law exists where such residents are winning lawsuits and
567 closing down farms
 - 568 ▪ Question is how to keep that from happening. How to protect the farm
569 from the people and the people from the farm.

570

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- 571
- Proposing 3 key changes:
 - Vegetative buffer between developments and farms
 - Locate open space (if it is required) closer to the farm to create a buffer
 - Any such open space used in this manner counts toward the buffer requirements (50 foot buffer) and developer gets credit for this
 - Lot size configuration requirement
 - Lots would need to be bigger closer to the vegetative buffer
 - Point has been raised that this affects the lot yield (how many units can be built).
 - Question: Is it fair to take away development potential by requirements like this?
 - Might make sense to remove the lot configuration requirement so that larger lots won't be required next to farmland.
 - Possible menu approach to the vegetative buffer issue to provide a variety of options for compliance with the buffering provision.
- 572
573
574
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586

Board and Staff Discussion on (5) Farmland Compatibility Standards

587
588
589 Mr. Meadows added that the driving desire for this set of standards is to create a situation where
590 homes are not negatively impacted by farm activities.

- 591
- Protect homes and protect farms
 - 50 foot buffer is crude way to provide physical separation between homes and farms
 - 20 foot wide berm is possible option for providing equal or greater protection than a 50 foot buffer of empty land
- 592
593
594
595

596 Dan Porter asked if the berm spoken of was a vegetative berm. Mr. Meadows replied that it did
597 not necessarily have to be, intention is not that it be trees or shrubs, but some kind of ground
598 cover like grass.

599
600 Cathleen Saunders asked how the height of the berm would be maintained and also how
601 stormwater runoff would be dealt with.

602
603 Mr. Porter stated that there would be a lead outfall ditch and several other ditches throughout the
604 subdivisions.

- 605
- Lead outfall ditches require a 30 foot easement on either side
 - Any berm put in place would have to be 30 foot
- 606
607

608 Steve Bradshaw expressed concerns that buffers might not be effective for several types of farm
609 activities including such things as livestock, burning fields, crop-dusting, etc. He added that his
610 opinion is that buffers only increase costs for the HOA to maintain it. He further added that it
611 might be more appropriate to put buffers between existing homes and new developments,
612 however that does not solve the issue of buffers between farms and homes.

613

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614 Mr. Porter commented that many years back in the past there was no buffer requirement, but
615 after a few years one was put in place largely at the request of the public.

616
617 Mr. Meadows stated that if the Planning Board agrees that buffers are not productive or are
618 damaging, then changes may be in order which the board could recommend. Mr. Porter added
619 that if the board agrees with what is proposed, great, but if they disagreed, they need to say so.

620
621 Mr. Bradshaw's was the only dissenting opinion on the matter.

622
623 Mr. Meadows added that he has not heard from any one in the farming community who is for or
624 against the 50 foot buffer, but that the buffer is a current requirement and is not a change.

625
626 Mr. Porter added that when the buffer requirement was enacted, farmers advocated for it as well
627 because they were getting complaints from adjacent land owners.

628
629 Ms. Saunders asked if this was discussed at stakeholders meetings. Mr. Porter stated it was not,
630 but that every time an application for development is submitted, buffering becomes an issue.

631
632 Patricia Delano asked if this was for all developments or only those of certain sizes and larger.
633 Mr. Porter replied that it was for all major residential subdivisions, and also for non-residential
634 uses.

635
636 Mr. Meadows stated that if there was not a clear consensus on this, then when it goes before the
637 Board of Commissioners, he could simply say that this is an issue that members of the Planning
638 Board have concerns over but that there was not a consensus.

639
640 Rick McCall asked for clarification on buffer requirements for minor subdivisions. Mr. Porter
641 replied that minor subdivisions are not required to have a buffer.

642
643 Mr. Meadows asked that if all other things were considered equal, and the same number of lots
644 could be parceled out, and still provide a vegetative buffer, would it still be a problem.

645
646 Mr. Bradshaw reiterated his earlier statements adding that in his opinion buffers add little value
647 to a subdivision.

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

648 **(6) Mandatory Potable Water Hook Up**

- 649 • Current Approach
- 650 ○ Residential developments have to have a water source, either wells, or public
- 651 water
- 652 ○ If development is a small subdivision, less than 5 lots, not required to hook up to
- 653 public water
- 654 ○ Major subdivisions are required to hook up to public water unless they are greater
- 655 than certain distance from supply line of public water system
- 656 ■ Distance is 100 feet for first 10 units, plus 20 feet each additional unit
- 657 ■ Example: for a 40 house subdivision: (10x100)+(30x20), so if
- 658 subdivision in this example is more than 1600 feet away from public water
- 659 line, subdivision does not have to hook up
- 660 • Question is: Should the distance exemption be removed and ask that all new major
- 661 residential subdivisions connect to the public water system?
- 662 ○ Pros:
- 663 ■ Climate change and water intrusion
- 664 • Water table is changing - water level not constant, can get
- 665 contaminated from elements in the soil and other pollution
- 666 ■ Basic public health
- 667 • Well water is not treated, public water is
- 668 ■ Public water systems support higher density than wells
- 669 ■ Lots connected to public water systems have more flexibility on where to
- 670 place septic systems
- 671 ■ Potentially better fire protection where public water is available
- 672 ○ Cons
- 673 ■ Costs developer a lot of money up front to run water lines
- 674 ■ Water system has a finite capacity.
- 675 • Creating more capacity (supply of water) costs money
- 676 • Extending water lines essentially reduces capacity so developer
- 677 would have to pay to have more capacity created
- 678 • There are a lot of local governments in Eastern NC that are requiring new residential
- 679 subdivisions to connect to public water systems.
- 680 • Currently there is an exemption if far enough away from public water source line.
- 681 Question is should the exemption be kept or should it be dropped.
- 682

683 **Board and Staff Discussion on (6) Mandatory Potable Water Hook Up**

684 Calvin Leary stated he is in favor of dropping the exemption.

685 Steve Bradshaw stated he is also in favor of dropping the exemption, and added that he would

686 like to see the wording "adequate water supply" added to the water hook up criteria so that water

687 pressure does not become an issue in areas where there is inadequate water pressure.

688

689

690 Patricia Delano expressed agreement that it should only be a requirement if there is an adequate

691 water supply / water pressure.

692

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693 Cathleen Saunders commented that Camden County is rural and might not have adequate water
694 everywhere in the system. Some water lines are only 4 inch and would be difficult for
695 developers to tie in. She added that it would be very costly for developers to pay for extending
696 water lines to their development.

697
698 Mr. Meadows, for clarification sake, stated that what he is hearing is that residential
699 development should not be required to connect to the public water system if the water service /
700 supply is inadequate.

701
702 Mr. Bradshaw commented that if adequate water is available then developments should be
703 required to hook up.

704
705 Mr. Meadows posed a question: What if adequate public water is available but it is 2000 feet
706 away? Must they connect?

707
708 Mr. Bradshaw responded saying that if adequate public water is available adjacent to a
709 development, they should be required to hook up. Mr. Bradshaw asked if the developer would
710 have to run the supply line if a development was within the distance of requirement to hook up.
711 Mr. Meadows responded that they would. Mr. Bradshaw expressed an opinion that the
712 developer should not have to bear the responsibility (costs) for extending the water line.

713
714 Dave Parks stated that in order to treat all subdivisions equally and fairly, the best course of
715 action might be to remove the requirement.

716
717 Dan Porter asked if he was hearing the board to be saying that if public water is not available or
718 if it is not adequate that a development should not be required to hook up to it.

719
720 Ms. Saunders stated that was also what she was hearing.

721
722 Mr. Porter asked if public water is not adequate or available, should the developer even be
723 allowed to develop a major subdivision. Would they be allowed to develop on wells?

724
725 Ms. Saunders stated that it would depend on whether the Fire Marshall would allow dry wells for
726 fire protection.

727
728 Mr. Parks stated that growth is controlled by where infrastructure is located. If major
729 subdivisions were allowed to be developed where there is no infrastructure then the county's
730 ability to control growth is greatly diminished.

731

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732 Mr. Meadows stated that the requirements that compel the developer to pay to extend the water
733 line push those costs onto the developer and ultimately onto the subsequent home owners. If the
734 requirement to hook up to public water was removed, and development on wells was allowed,
735 and those wells fail, then the county would be the one who would be paying to extend the water
736 lines to serve those homeowners when they come to the county and ask for help. Wells fail all
737 the time, they get salt water intrusion, they run dry etc., if the requirement for the developer to
738 hook up to public water (and pay to extend and/or upgrade the lines if needed) is removed from
739 the up front, there is a good chance down the road that the public will bear the costs when the
740 wells fail.

741

742 Ms. Delano asked how many developments have houses that are using wells. Mr. Porter
743 responded that currently only those in exempt or minor subdivisions are using wells.

744

745 Steve Bradshaw and Dan Porter had a brief discussion regarding community water systems used
746 in other communities.

747

748 Mr. Bradshaw reiterated that the word "adequate" should be added to the language of the
749 ordinance. Mr. Porter asked Mr. Bradshaw what his definition of adequate was. Mr. Bradshaw
750 responded by describing the 4 inch main where he lives. The 6 inch main is 1.5 miles away, the
751 4 inch main would not be adequate to provide water to another development in his area.

752

753 After a brief discussion regarding flow measurements, Mr. Meadows stated, for clarification
754 sake, what he is hearing is:

- 755 • New developments should not be required to connect to public water if the water supply
756 is inadequate or not available
 - 757 ○ Definition of inadequate is not enough water pressure
 - 758 ○ Available, according to the current ordinance, is based on distance which is 100
759 feet for the first 10 units then 20 feet for each unit thereafter.
 - 760 ▪ The question is whether or not this standard is the right standard to use.
761 One notion is "abutting", that a development should abut an existing water
762 main as suggested earlier.

763

764 Mr. Meadows then asked the board members their thoughts on "available", what's fair, what's
765 balanced, what makes sense.

766

767 Ms. Saunders stated calculating it based on distance makes sense.

768

769 Ms. Delano stated that safety concerns such as fire protection need to be provided for.

770

771 Mr. Bradshaw stated that fire protection can be met with dry hydrants.

772

773 Dave Parks stated that the Fire Department will hook up to any available water source to put out
774 a fire. If there's a hydrant of any kind, they'll hook up, body of water they will pump from it.

775

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776 Dan Porter stated that there is a requirement, not in the ordinances but is in the policies of the
777 Public Works Department, that if a developer builds a major subdivision, that subdivision must
778 hook up to 6 inch water lines. If 6 inch lines are not available they must be installed, if there are
779 4 inch lines, they must be upgraded to 6 inch.

780
781 Mr. Bradshaw asked, given the policy above, would the developer have to build water lines from
782 distances such as 5 miles away. Mr. Porter replied yes, if the developer wants to build at that
783 location 6 inch water lines must be installed. Mr. Bradshaw stated his opinion is that forced
784 upgrades like this are not a good idea.

785
786 Mr. Porter added that what this does is put infrastructure in places where development is desired,
787 and not where it is not desired. Mr. Porter asked Mr. Bradshaw what a better policy would be.
788 Mr. Bradshaw responded that if a development had adequate water, adjoining the property, that
789 had sufficient fire flow, then the development should be required to hook up to it.

790
791 Mr. Porter asked that in the case that was discussed, the end of a 4 inch line does not have
792 adequate flow (pressure) so developer doesn't have to hook up to it, so that development goes on
793 wells? Mr. Bradshaw added that they could go onto their own water system (community water
794 system).

795
796 Mr. Meadows, for clarification sake, stated that what he's hearing as consensus on this is, using
797 the example just given, if the end of the line is a 4 inch line there is not adequate fire flow, if
798 there is not adequate water pressure, a development is not required to connect to it. They can go
799 on wells, and the county will not make them upgrade the lines to 6 inch.

800

801 (7) Fire Hydrants

- 802 • Current Approach: Any residential subdivision served by 6 inch water lines (or larger)
803 must place fire hydrants within 500 feet of every home.
- 804 • Key Changes: Water supply system in Northern part of Camden County (South Mills)
805 does not have adequate fire flow to serve fire hydrants.
- 806 • Questions:
 - 807 ○ Should the language in the ordinance which requires fire hydrants be adjusted?
 - 808 ○ Should the county find funding to upgrade the water supply system?

809

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810 **Board and Staff Discussion on (7) Fire Hydrants:**

811
812 Dan Porter explained that South Mills Water Association built the system in the northern part of
813 the county and they administer the water provided in that part of the county.

814
815 Mr. Meadows added:

- 816 • South Mills Water Association (SMWA)
 - 817 ○ Is empowered by the state to make their own decisions
 - 818 ○ Doesn't need county approval for their operations
- 819 • Problem is there are standards for major subdivisions that say must have 6 inch water
820 lines, and must have fire hydrants every 500 feet
- 821 • Hydrants which are fed by 4 inch lines are dry hydrants, won't work
- 822 • Question is should there be a fire hydrant requirement if it is already known that the
823 hydrant(s) installed will not work because of being fed by 4 inch lines?

824
825 Mr. Porter stated that the Fire Department can still connect to them and that they will still
826 provide some water, but they will not be adequate fire protection. Mr. Meadows added to that
827 saying that fire hydrants on 4 inch lines will not fight fires adequately, and will consume all the
828 water pressure in the area when in use.

829
830 Steve Bradshaw commented that hopefully if the change is made regarding only requiring
831 hookup to a water system if there is adequate water supply, then this type of situation won't
832 happen. Mr. Meadows added that if the change is made this situation won't occur on future
833 developments because everyone will be on wells.

834
835 Mr. Bradshaw stated that the developments could use dry wells which are a different safety
836 requirement for neighborhoods.

837
838 Mr. Porter added that it would also be a different fire rating for insurance purposes as well. He
839 further added that it is the responsibility of the purchaser of the property when purchasing land or
840 a home to find out about the infrastructure and services in the area.

841
842 Mr. Meadows spoke about the policy issues:

- 843 • The rules are:
 - 844 ○ Fire hydrants are required
 - 845 ○ 6 inch lines are required if building a major subdivision
 - 846 ○ If 6 inch lines are installed, fire hydrants have to be installed every 500 feet in the
847 subdivision
- 848 • Question is should fire hydrants continue to be required knowing full well that they are
849 not going to be sufficient (if fed from 4 inch lines) or should they continue to be required
850 and try to find a way to upgrade the service deficiencies that exist upstream that are
851 preventing the fire hydrants from serving their purpose.

852
853 Cathleen Saunders stated that the requirement should stand that requires fire hydrants on 6 inch
854 lines but allow them to be supplemented with dry hydrants since the pressure per square inch
855 (PSI) is not going to be at the desired level.

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856 Mr. Bradshaw asked if more lines were going to be added on to the system in South Mills.

857

858 Mr. Porter responded by explaining:

- 859 • Fire hydrants are required for all major subdivisions
- 860 • Water systems in major subdivisions are designed by engineers
- 861 • Water system designs get submitted to the water supplier who then submits them to the
- 862 state for approval
- 863 • Calculations for the PSI in front of and behind (up and down stream) the developments
- 864 connection to the water system must be included on the application
- 865 • Calculations must show that the flow both up and down stream meets the standard of 500
- 866 gallons per minute for an hour with a residual pressure of 20 PSI or 200 gallons for 2
- 867 hours with a residual pressure of 20 PSI.

868

869 Mr. Porter then described the process for the South Camden water supply system:

- 870 • All new subdivisions are required to have engineers design the water systems and do the
- 871 tests
- 872 • Designs and tests are submitted to the Planning Department as part of the development
- 873 application
- 874 • Planning Department reviews the designs and tests, checks off that requirement as being
- 875 completed, then sends them to the water supplier who approves them and sends them to
- 876 the state.
- 877 • Those hydrants work

878

879 Mr. Porter added that if a development is at the end of an existing water line and that water line
880 is smaller, when water and sewer lines are being put in the ground with federal or state money,
881 consideration is not given for the new development opportunity, only what is already existing.
882 Lines at the end of the water systems are small lines.

883

884 Mr. Porter then spoke about South Mills Water Association:

- 885 • SMWA water system is much older
- 886 • Engineered water designs and associated tests will show that the system is inadequate
- 887 • Can't meet the required flow rates
- 888 • Even if the pressure in the immediate area of a planned development is adequate, SMWA
- 889 will not approve any water designs that show fire hydrants because the water pressure /
- 890 flow rate in the *entire* system is inadequate.
- 891 • Water plans must be designed without fire hydrants if SMWA is to approve them
- 892 • Puts the county at odds with the requirement for fire hydrants in major subdivisions

893

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894 Mr. Bradshaw asked what the difference was between allowing developments in South Mills not
895 to have fire hydrants and requiring everyone else (all other developments) to have them.

896
897 Mr. Porter responded:

- 898 • SMWA will not approve a water plan with fire hydrants if the pressure is not sufficient
899 at all points in their water system
- 900 • Mentioned a development that is currently in the works where the pressure was sufficient
901 at the development, but because the pressure was not sufficient throughout the entire
902 system SMWA would not approve it
 - 903 ○ Developer had to switch all fire hydrants to "flushing" hydrants and could not
904 call them "fire" hydrants on the plan in order for SMWA to approve the plan.
- 905 • Question is whether or not to allow developers to develop without fire protection.
 - 906 ○ If developer says will have storm water ponds for use as fire protection wet
907 ponds
 - 908 ▪ ISO requirements for fire rated fire pond will not be met
 - 909 • None of the stormwater ponds in this area can maintain a year
910 round level of specific water capacity
 - 911 • Ponds dry up after time
 - 912 • Levels fluctuate too much
 - 913 • Fire department can pump water from ponds if there is water in it,
914 but if not, they can't
 - 915 ○ Is really a question of protecting the citizenry with fire protection or allowing
916 them to use wells.

917
918 Mr. Bradshaw asked if the requirement should be removed.

919
920 Mr. Porter replied that the requirement should stand and that developers should be required to
921 run "adequate" water lines to the development or pay to have it done, or not build.

922
923 Calvin Leary and Patricia Delano expressed agreement with Mr. Porter.

924
925 **(8) HOA & Escrows**

- 926 • Home Owners Associations (HOA) are groups put in place to manage common
927 neighborhood resources such as streets, stormwater features, open space, and other
928 common facilities
- 929 • If a development has common property, it must have an HOA
- 930 • Currently are no standards controlling how responsibility of common features is handed
931 over from developer to HOA
 - 932 ○ Developer is generally responsible until at some time responsibility is transferred
- 933 • HOA's are notoriously bad at collecting money from members for needed maintenance to
934 their facilities
 - 935 ○ Sets up possibility that in future common property such as roads, stormwater
936 drainage, open space, etc., can fall into such disrepair that county help is sought to
937 fix the problems.

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- 938 • Proposed solution is:
- 939 ○ County be involved in review of covenants and restrictions for HOA (review
- 940 only, not approval of) to make sure:
- 941 ▪ HOA is established prior to first lot sold
- 942 ▪ Developer maintains responsibility for common infrastructure up to a
- 943 certain point, usually 75% of lots sold
- 944 • Transfer of responsibility from developer to HOA at 75% point
- 945 • Transfer can be sooner at discretion of BOC
- 946 ▪ Reserve fund by developer for HOA is set up that covers portion of likely
- 947 costs of maintenance for common areas and infrastructure (street, common
- 948 areas, etc.)
- 949 ○ Purpose is to make sure HOA is in place, solvent, and able to take care of the
- 950 responsibilities it is responsible for, instead of the alternative which is the
- 951 developer builds it, gives to the HOA, for whatever reason the HOA fails to
- 952 collect dues from the homeowners and there is insufficient funds to carry out the
- 953 maintenance on common facilities and infrastructure.
- 954

Board and Staff Discussion on (8) HOA & Escrows

955 Patricia Delano inquired as to the number of homes that have to be completed prior to the

956 transfer of responsibility from developer to HOA regarding maintenance of infrastructure and

957 common areas.

958

959

960 Mr. Meadows replied with the following information:

- 961 • NCDOT has standards regarding how many homes must be on a street before they
- 962 (Dept of Transportation) will accept responsibility for roadway maintenance.
- 963 ○ Prior to state accepting responsibility for roadway maintenance, either the
- 964 developer or the HOA must maintain the streets, which is one reason for the
- 965 75% of buildout condition, it's easier for the developer to maintain the streets
- 966 than the HOA.
- 967
- 968 • Sometimes developers with multi-year projects go bankrupt
- 969 ○ In such cases there is no money for maintenance and it doesn't get done
- 970 ○ County gets faced with requests for assistance to perform maintenance
- 971 ○ Proposed UDO seeks to prevent this type of situation by:
- 972 ▪ Making sure the documentation (covenants and restrictions) are correct
- 973 ▪ Making sure there are expectations regarding when the transfer of
- 974 responsibility will happen
- 975 ▪ Making sure the HOA is seeded with enough funds
- 976 ○ If developer goes bankrupt before 75% of lots are sold, it's a problem which
- 977 the proposed UDO is unable to deal with unless it were to require the
- 978 developer to put all of the escrow up front prior to the sale of any lots, which
- 979 would be excessively expensive for the developer.
- 980

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981 Steve Bradshaw stated that he fully supports requiring the developer to be responsible for the
982 road until it is turned over to the state. He also suggested that stormwater maintenance should be
983 a county function paid for by the homeowners via a tax for maintenance of the infrastructure.
984 Such funds could then pay for a qualified expert to certify the stormwater system is in proper
985 condition as required every 5 years.

986
987 Mr. Meadows stated that either the President of the HOA or another qualified person has the
988 responsibility for certifying the system. He stated that the form used is being re-worked so that
989 any HOA President could qualify as an expert to complete the inspection. He added that the
990 county then has the right upon receiving the inspection report to determine if it was done
991 properly.

992
993 Mr. Porter stated that there is currently a requirement on Special Use Permits, which is not in the
994 UDO, that requires developments / HOA's to get a certified professional to perform the
995 certification of the stormwater drainage system every 5 years.

996
997 Mr. Bradshaw repeated his suggestion saying that if costs for such certification were known, they
998 could be collected in this manner. He added that if the county were to bear the responsibility for
999 stormwater maintenance then the maintenance would surely get done. He further added that
1000 such would also support county wide stormwater maintenance activities which could be funded
1001 by all developments being handled in this way.

1002
1003 Mr. Meadows stated that what Mr. Bradshaw was suggesting was a Stormwater Utility where the
1004 local government is responsible for maintaining stormwater systems. He added that this has
1005 been discussed by the Board of Commissioners and they have stated they do not want a county
1006 wide stormwater utility, they would rather stormwater be handled on a development level. He
1007 further added that he would let them know that a member of the Planning Board advocates for it.

1008
1009 Mr. Porter added that the commissioners have said that they do not want to have a storm water
1010 utility that addresses everything. They do not want to own the system because it would be too
1011 large and complicated to deal with. He further added that the county already has a stormwater
1012 utility fee which is assessed yearly, and that there would be a legal question as to whether or not
1013 a similar fee, even if it were a special assessment, could be assessed.

1014
1015 Mr. Meadows stated that for many the perception upon seeing more development is that more
1016 stormwater issues will be created. And so people will come out against developments based on
1017 the belief that it will cause stormwater problems. The problem with this perception is that
1018 commercial business depends on population, and population is a function of development.
1019 Commercial businesses look to the population numbers to determine if there are enough roof
1020 tops to make it profitable to locate their businesses to the county. Without development,
1021 population numbers do not go up, and commercial development may be stalled as a result.

1022
1023 A brief discussion regarding storm water maintenance, who performs the maintenance and how
1024 it's paid for, took place. Mr. Porter gave a brief example of how VA Beach, VA handles
1025 stormwater maintenance for developments.

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 20, 2018

- 1026 Patricia Delano reminded the board that what was at topic was trying to put code in place that
1027 would avoid situations in a development where an HOA is in place but no covenants.
1028
- 1029 Dave Parks commented that some developers create covenants but never turn them over to the
1030 HOA.
1031
- 1032 Mr. Meadows stated that the ordinance would specify that at 75% of total buildout those
1033 covenants and associated responsibilities would be transferred, and that the developer is
1034 responsible until that happens.
1035
- 1036 Dan Porter added that it is easier to deal with the developer, so the county wants the developer to
1037 be responsible as long as possible. The 75% rule is the way to do that.
1038
- 1039 Cathleen Saunders asked at what point would covenants, proof of escrow, etc., be required.
1040 Would it be at final plat or before?
1041
- 1042 Mr. Meadows replied that the covenants must be reviewed prior to the final plat. When the final
1043 plat is issued, the county's leverage is gone in terms of requiring things.
1044
- 1045 Ms. Saunders then asked if an Affidavit of Escrow would be a good thing to get prior to final
1046 plat. Mr. Meadows stated that it would require the developer to put money into escrow up front.
1047 He suggested that it might be better to embed some kind of agreement into the final plat that says
1048 at some certain point an escrow will be seeded with funds.
1049
- 1050 Ms. Saunders expressed an opinion that it might be better if the county were to inspect the
1051 stormwater systems, and if one was found to not be properly maintained the county could report
1052 it to the state who could then compel the HOA to perform the needed maintenance. She then
1053 expressed disagreement with the suggestions offered by Mr. Bradshaw regarding assessments for
1054 stormwater maintenance and the idea of county performance of the work. She does not believe it
1055 would be a good idea, others might have issues paying fees for work that will not directly benefit
1056 them or their property.
1057
- 1058 At this time, Mr. Porter suggested scheduling another meeting to continue the presentation. He
1059 suggested it be a joint meeting with the Board of Commissioners, and could be on one of 3 dates:
1060 July 11, 16, or 18 (18 is the regular meeting night for the Planning Board). Mr. Porter stated he
1061 would check with the BOC and let the Planning Board members know which date would be
1062 selected.
1063

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – June 20, 2018

1064 **INFORMATION FROM BOARD AND STAFF**

1065
1066 Dave Parks stated that the revised FEMA Flood Maps are set to be adopted by FEMA, and the
1067 effective date will be December 21, 2018.

1068 **CONSIDER DATE OF NEXT MEETING - JULY 18, 2018**

1069 **ADJOURN**

1070 **Motion to Adjourn**

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steven Bradshaw, Board Member
SECONDER:	Patricia Delano, Vice Chairman
AYES:	Leary, Delano, McCall, Bradshaw, Saunders
ABSENT:	Harris, Albertson

1076
1077 The meeting adjourned at 9:50 PM.

1078
1079

1080

1081

1082

1083 *Chairman Calvin Leary*
1084 *Camden County Planning Board*

1085

1086 *ATTEST:*

1087

1088

1089 _____

1090 *Amy Barnett*
1091 *Planning Clerk*

Attachment: pbmins06202018 (2106 : Planning Board Minutes - June 20, 2018)



**Camden County Planning Board
AGENDA ITEM SUMMARY SHEET**

New Business

Item Number:

Meeting Date: July 18, 2018

Submitted By: Dave Parks, Permit Officer
Planning & Zoning
Prepared by: Amy Barnett

Item Title UDO 2018-06-19 Rezoning Request - Dana and Patrick Smith

Attachments: UDO2018-06-
19_RezoningRequest_DanaAndPatrickSmith_StaffReport (PDF)

STAFF REPORT**UDO 2018-06-19
Zoning Map Amendment****PROJECT INFORMATION**

File Reference:	UDO 2018-06-19	Application Received:	6/14/2018
Project Name;	N/A	By:	David Parks, Permit Officer
PIN:	01-7090-00-16-3805	Project Address/Location:	101 Sharon Church Road, South Mills
Applicant:	Dana & Patrick Smith	Application Fee paid:	\$650 Check #3120
Address:	101 Sharon Church South Mills, NC	Completeness of Application:	Application is generally complete
Phone:	(252) 698-0215	Documents received upon filing of application or otherwise included:	
Email:		A.	Rezoning Application
Agent for Applicant:		B.	Deed
Address:		C.	GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps
Phone:			
Email:			
Current Owner of Record:	Dana & Patrick Smith		
Meeting Dates:			
7/18/2018	Planning Board		

REQUEST: Rezone approximately 3 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

From: Basic Residential (R3-2)

To: Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

Vicinity Map:



SITE DATA

Lot size: Approximately 2.98 acres

Flood Zone: Zone X

Zoning District(s): Basic Residential (R3-2)

Existing Land Uses: Residential

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Basic Residential (R3-1)	Basic Residential (R3-2)	Residential (R3-2)	Basic Residential (R3-2)
Use & size	55 acres – Mill Run Open Space Subdivision - Lot size 25,000 sf.	36 acres – Woodland/Wetlands	55 acres – Mill Run Subdivision	Woodland/Open Space Mill Run

Proposed Use(s):

The Uses will remain the same; just the density change is requested from two to one acre.

Description of property:

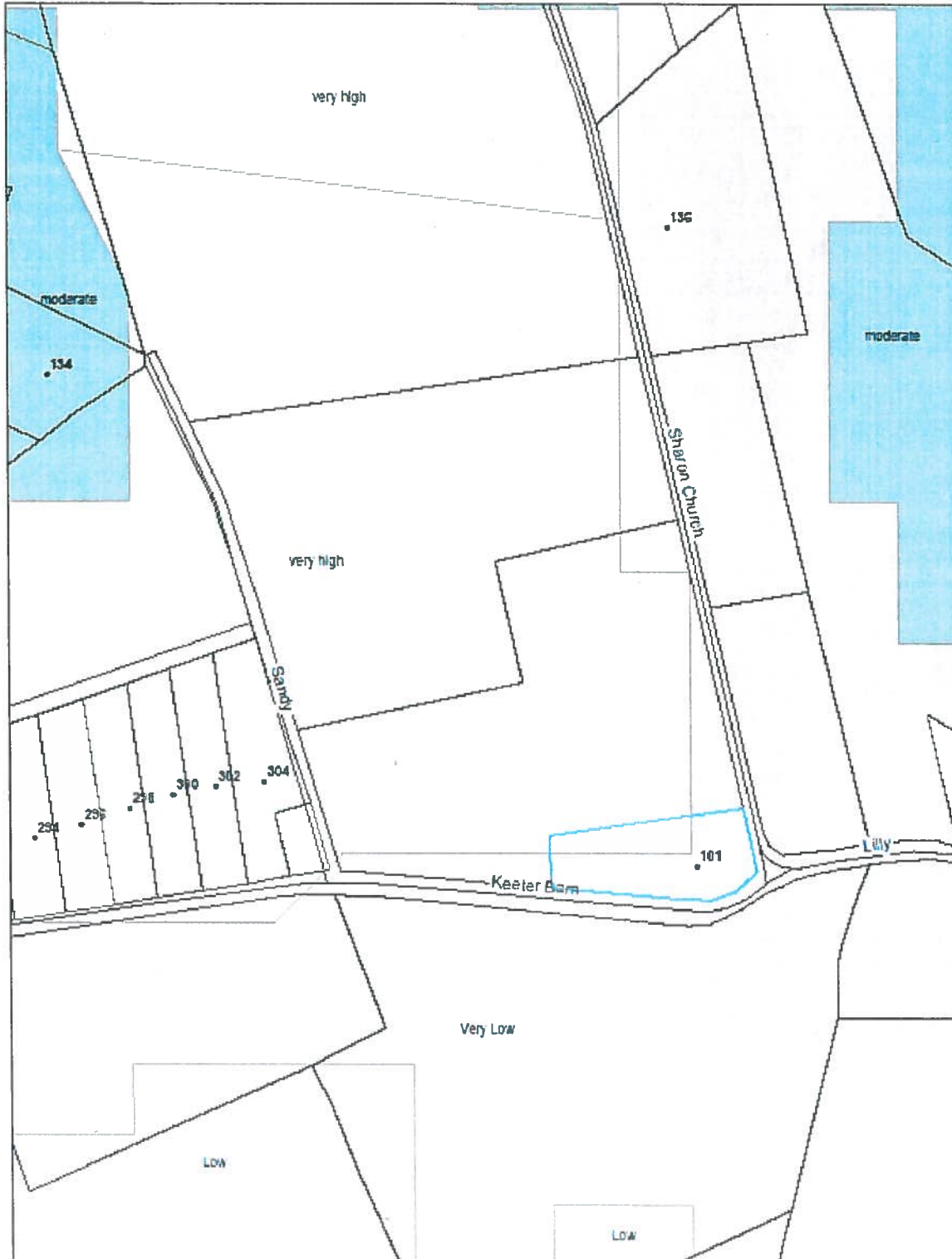
Property abuts Sharon Church and Keeter Barn roads. Property has house on it and at one time had a Singlewide. A second septic tank is located on the property.

ENVIRONMENTAL ASSESSMENT

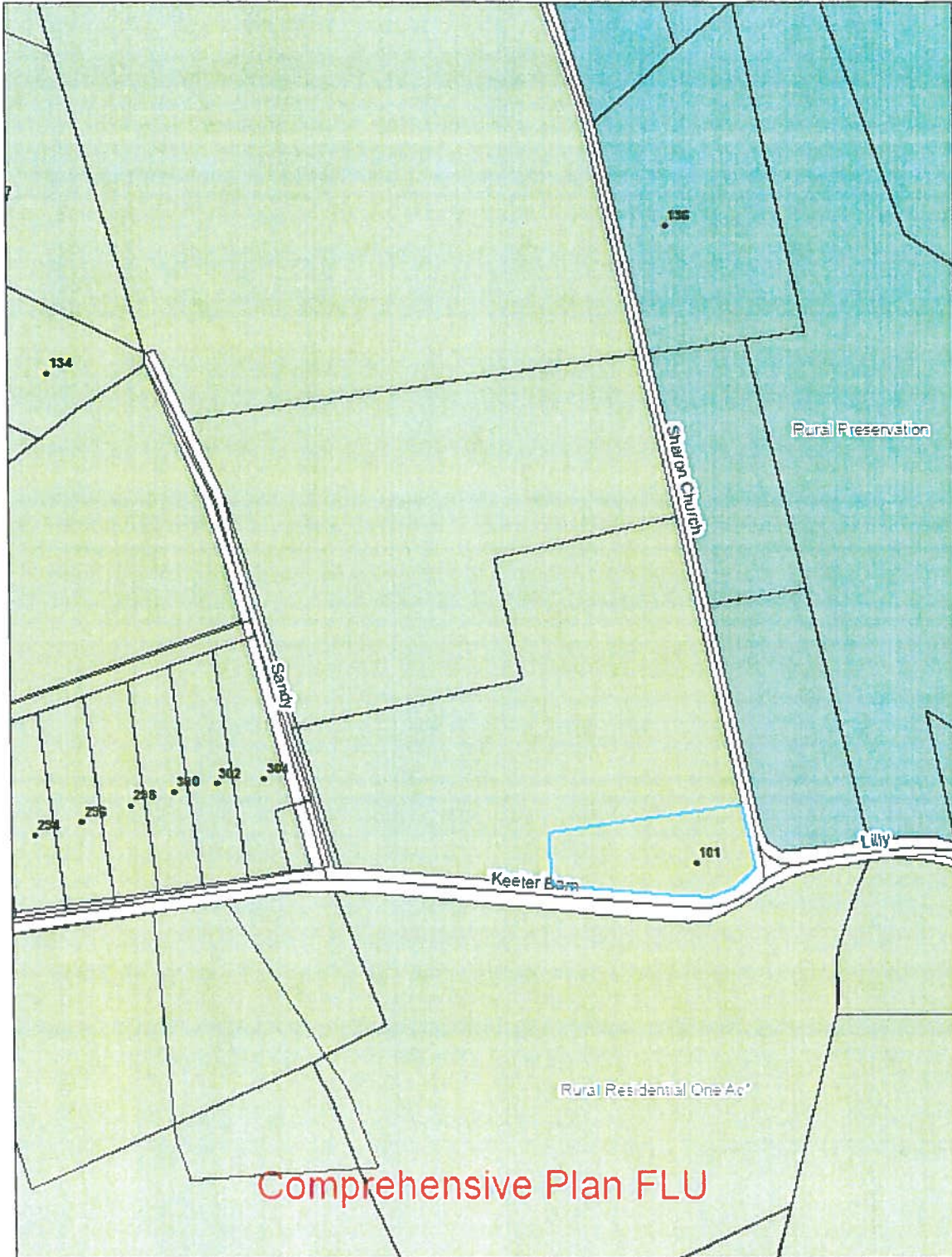
Streams, Creeks, Major Ditches: Mill Run Ditch.

Distance & description of nearest outfall: Less than 1 mile.

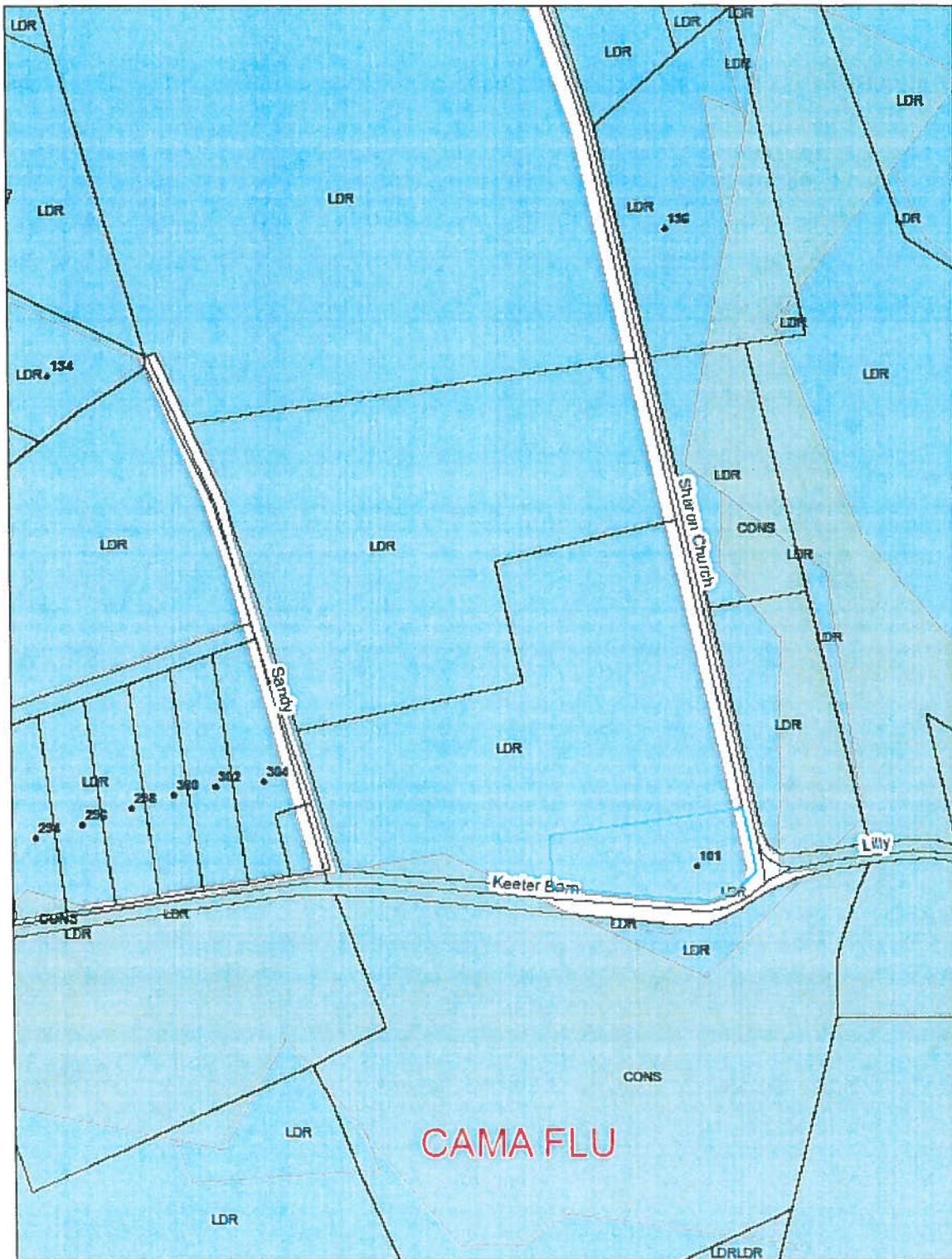
CAMA Land Suitability:



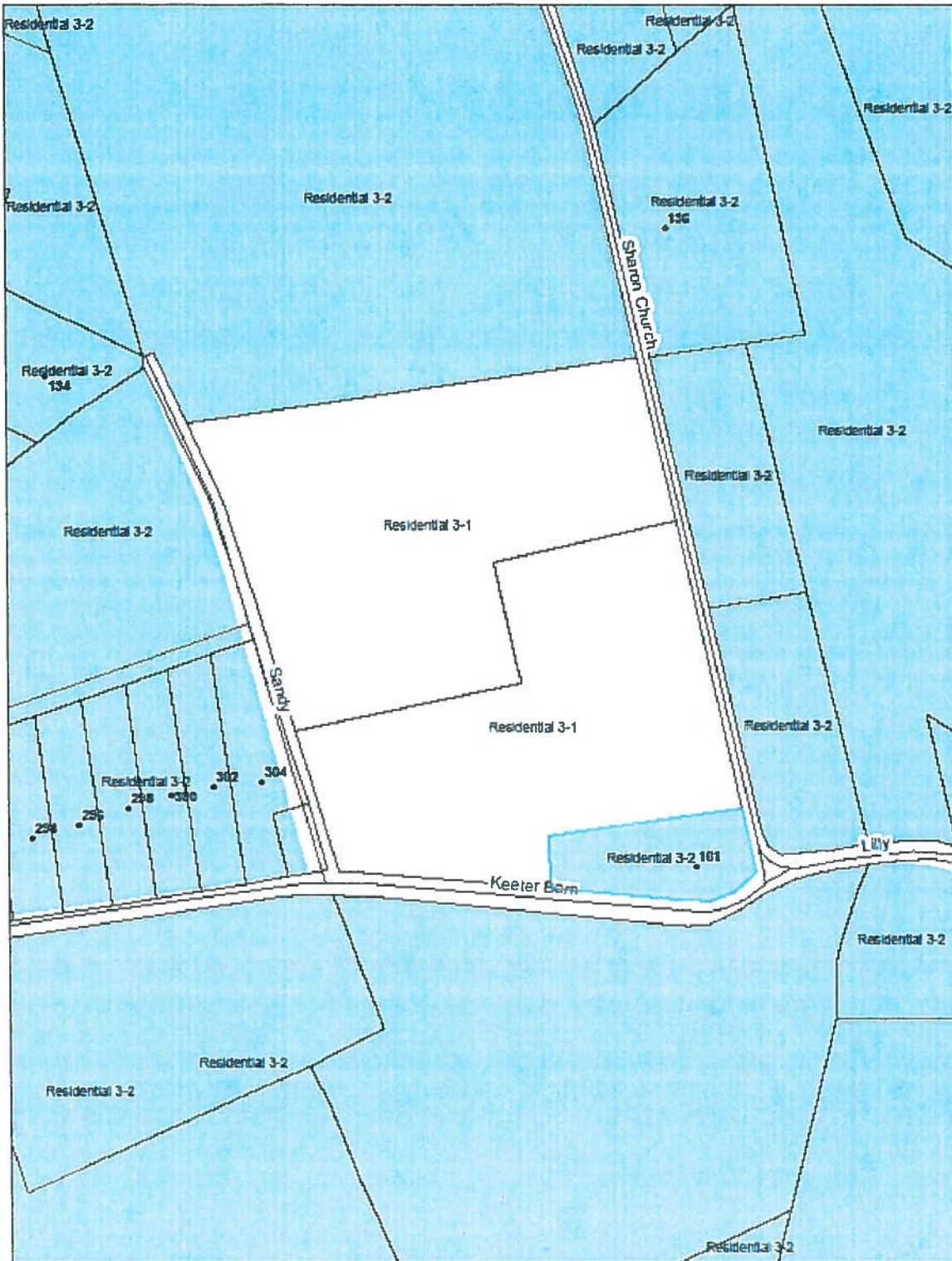
Comprehensive Plan Future Land Use Map\



CAMA Future Land Use Map



Zoning Map:



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Water lines are located adjacent to property along Sharon Church and Keeter Barn roads.
Sewer	There are 2 septic systems on property.
Fire District	South Mills Fire District. Property located approximately 3 miles from Station on Keeter Barn Road.
Schools	Impact calculated at subdivision.
Traffic	Staffs opinion is traffic will not exceed road capacities.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

The proposed zoning change is consistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the Future Land Use Maps has area as Low Density Residential 1-2 acres or greater.

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent Inconsistent

Consistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Residential 1 acre lots.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent Inconsistent

Property abuts Sharon Church and Keeter Barn Roads.

Other Plans officially adopted by the Board of Commissioners

N/A

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Yes No **Will the proposed zoning change enhance the public health, safety or welfare?**

Reasoning: The proposed zoning change will neither enhance nor adversely affect the public health, safety, or welfare.

Yes No **Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**
N/A

Reasoning: The allowable uses in the R3 (Basic Residential) zoning will not change as the request is for higher density from two acres to one acre.

For proposals to re-zone to non-residential districts along major arterial roads:

Yes No **Is this an expansion of an adjacent zoning district of the same classification? N/A**

Reasoning:

Yes No **What extraordinary showing of public need or demand is met by this application? N/A**

Reasoning:

Yes No **Will the request , as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

Reasoning: All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes No **Does the request impact any CAMA Areas of Environmental Concern?**

Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Yes No **Does the county need more land in the zoning class requested?**

Reasoning: Higher density development in areas identified in the Comprehensive and CAMA plans provides needed roof tops to support commercial development.

Yes No **Is there other land in the county that would be more appropriate for the proposed uses?**

N/A

Reasoning: Proposed uses will not change.

Yes No **Will not exceed the county’s ability to provide public facilities:**

Schools – The possible additional lot will have minimal impact on the school.

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – Minimal impact

Traffic Circulation or Parking – N/A

Other County Facilities – No.

Yes No **Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

If Yes (regarding small scale spot rezoning) – Applicants Reasoning:

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning	Will allow owner to either create a lot for child or create a 1 lot minor subdivision.	Little to no Community Benefits
Without rezoning	Property owner will not be able to create lot for child as parcel is just under 3 acres and current zoning requires residual lot meet current zoning of 2 acres (lot is 2.98 acres).	No Change.

STAFF COMMENTARY:

The owner would like to do either a parent to child exempt subdivision or a one lot minor subdivision. Under the parent to child exempt residual would have to meet 2 acres under current zoning. This is an expansion of an adjacent zoning and is in conformity with adopted plans.

Staff recommends the following:

Consistency Statement:

The requested Map Amendment is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for densities as low as one acre and is an expansion of an adjacent zoning.

Recommendation:

Staff recommends approval of this rezoning request from Basic Residential (R3-2) to Basic Residential (R3-1).

Zoning Change Application
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Please Do Not Write in this Box	
PIN:	<u>01-7090-00-16-3805</u>
UDO#	<u>2018 - 06 - 19</u>
Date Received:	<u>6/14/18</u>
Received by:	<u>WP</u>
Zoning District:	<u>R3-2</u>
Fee Paid: \$	<u>650.⁰⁰</u>

Applicant's Name: Dana & Patrick Smith

CK #
7120

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 101 SHARON CHURCH RD
SO. MILLS, NC 27976

Daytime Phone Number: (252) 698-0215 Direct dial office or (252) 305.7801 cell

Street Address Location of Property: 101 SHARON CHURCH RD. SO. MILLS NC 27976

General Description of Proposal: request rezone approx 3 ac from basic residential (R3-2) to (R3-1).

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: Saman Smith

Dated: 06/14/2018

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? _____

*Flood Zone (from FIRM Map): X _____

*Taxes paid? yes / no _____

Zoning Change Application Questions

The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

The proposed zoning change request will allow us to subdivide an acre lot in an area that allows for higher density. Though not a significant impact like the residential subdivision next to us, it will provide needed roof tops for commercial development.

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

The range of permitted uses are the same (according to the Planning Department) as the zoning will not change, only the density.

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(1) Is this an expansion of adjacent zoning district of the same classification?

Not applicable.

(2) What extraordinary showing of public need or demand is met by this application?

Not applicable.

\$2.00 per 1000 value

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax:

Parcel Identifier No. 01-7090-00-16-3805 Verified by Camden County on the 29 day of June, 2010
By: 18 239900.00 / 2399.00 pd. by No delinquent tax

Mail/Box to: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

This instrument was prepared by: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

Brief description for the Index: HL 101 SHARON CHURCH ROAD, SOUTH MILLS, NC

THIS DEED made this 11th day of June, 2010, by and between

GRANTOR	GRANTEE
WILBER L HINES and wife, PAULA M. HINES 805 Windsor Point Chesapeake, VA 23320	PATRICK W. SMITH and wife, DANA M. SMITH 101 Sharon Church Road South Mills, NC 27976

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, South Mills Township, Camden County, North Carolina and more particularly described as follows:
SEE ATTACHED "EXHIBIT A" WHICH IS INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed does include the primary residence of the Grantors.
The property hereinabove described was acquired by Grantor by instrument recorded in Book 258 page 275.

A map showing the above described property is recorded in Plat Book Cabinet 4 Slide page/ 77-A.

Beginning at a point, said point being presently designated by an iron pin and located at the intersection of Lilly Road, State Road Number 1225, and Sharon Church Road, State Road Number 1231, and from said point of beginning thence continuing along State Road Number 1225 South 64° 58' 14" West 87.40 feet to a point; thence South 83° 44' 58" West 77.42 feet to a point; thence North 77° 41' 26" West 94.07 feet to a point; thence North 74° 51' 22" West 385 feet to a point, cornering; thence North 7° 59' 59" East 155.04 feet to a point; thence South 87° 37' 28" East 586 feet to a point, said point being located on the western right-of-way of State Road Number 1231; thence South 3° 23' 52" East 52.10 feet to a point; thence South 3° 34' 34" East 152.76 feet to a point, being the said POINT AND PLACE OF BEGINNING. Reference is made to that certain map or plat entitled "Brenda J. Hamilton", prepared by S. Elmo Williams, Registered Surveyor, dated May 22, 2003, recorded in Plat Cabinet 4, at Slide 77A, of the Camden County Registry, and said plat is incorporated herein by reference for a more particular description of the tract of land described herein. And being the same tract of land conveyed to Wilber L. Hines and wife, Paula M. Hines by Deed dated December 27, 2007, recorded December 27, 2007 in Deed Book 258, at Page 275, of the Camden County Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)

Wilber L. Hines (SEAL)
WILBER L. HINES

By: _____
Title: _____

Paula M. Hines (SEAL)
PAULA M. HINES

By: _____
Title: _____

(SEAL)

By: _____
Title: _____

(SEAL)

State of North Carolina - County of Pasquotank

I, the undersigned Notary Public of ~~the~~ Camden County and State aforesaid, certify that WILBER L. HINES and wife, PAULA M. HINES personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 28th day of June, 2010.

My Commission Expires: 09/18/2011

Candy P. Compton
Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf and its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

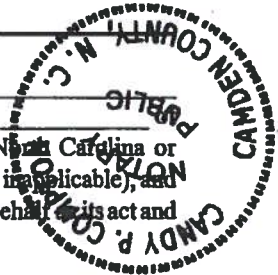
Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds



Plat C-04 Slide 77A

MINOR SUBDIVISION
BRENDA J HAMILTON
 CAMDEN COUNTY, NORTH CAROLINA
 SOUTH MILLS TOWNSHIP
 SCALE 1 INCH = 100 FEET MAY 22, 2003

Certificate of Ownership and Accuracy
 I, Brenda J Hamilton, owner of the property described herein, which property is located within the subdivision jurisdiction of Camden County, North Carolina, hereby certify that the plat of subdivision, and dedications to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements except those specifically indicated as private, and that I will maintain all such areas until the plat of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be dedicated to the use of the public as authorized by law when such use is approved by the appropriate public authority in the public interest.

Brenda J Hamilton
 Owner
 Date: 9-23-08

Certificate of Survey and Accuracy
 I, Steve Williams, Surveyor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in Will File 04-E-67) that the boundaries are surveyed and clearly indicated as shown from information found in Book 100 Page 100; that the ratio of preparation as indicated is 1/4" = 100'; that the plat was prepared in accordance with G.S. 177-30 as amended. I witness my original signature, registration number, and seal this 22nd day of May, 2003.

Steve Williams
 Surveyor
 1215 W. Church Street Elizabeth City, N.C.

Certificate of Approval:
 I hereby certify that the Minor Subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Camden County Unified Development Ordinance, and that therefore this plat has been approved by the Camden County Administrator subject to its being recorded in the office of the Camden County Register of Deeds within thirty (30) days of the date below.

[Signature]
 Administrator
 Date: 9/23/08

Certificate of Survey and Accuracy:
 I hereby certify that this survey creates a subdivision of land within the area of a county that has an ordinance that regulates parcels of land.

[Signature]
 Date: 9/23/08

I hereby certify that the residual parcel(s), if any, meet or exceed the minimum lot size as specified within the Camden County Unified Development Ordinance.

[Signature]
 Date: 9/23/08

State of North Carolina
 County of Camden
 I, Dana Patrick Smith, Revisor Officer of Camden County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date: 9/23/08
[Signature]
 Revisor Officer

Plat and recorded in the Office of Public Works, Camden County, North Carolina, on this 23rd day of September, 2008. By: [Signature] Clerk of Superior Court

Site Data: 1) Acres in total lot: 2.98 Acres
 2) Average lot size: 2.98 Acres
 3) Number of lots: 1.

Note: This property is in flood zone 2.

2.98 Acres
 STATE ROAD 1231 (SHARON CHURCH ROAD) 60' R/W
 STATE ROAD 1225 (LILLY ROAD) 60' R/W
 JOHN P. JACOBS HEIRS
 JOHN P. JACOBS HEIRS

our existing home
 estimated proposed lot division

