

**Camden County Planning Board
Minutes**

June 17, 2015, 7:00 PM
Historic Courtroom
Camden County Courthouse Complex

Members Present	Absent
Chairman Rodney Needham	Ray Albertson
Vice Chairman Calvin Leary	
Fletcher Harris	
Michael Etheridge	
Patricia Delano	
Rick McCall (arrived late)	

Call to Order & Welcome

Chairman Rodney Needham called to order the June 17, 2015 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

Name:	Title:
Dan Porter	Planning Director
Dave Parks	Zoning Officer / Flood Administrator
Amy Barnett	Clerk to Planning Board

OTHERS PRESENT

None.

Consideration of Agenda

Chairman Rodney Needham called for consideration of the agenda. Planning Director Dan Porter noted there were no changes to the agenda. Michael Etheridge made a motion to approve the agenda as presented. Vice Chairman Calvin Leary seconded the motion. The motion passed with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Michael Etheridge, Rick McCall, and Patricia Delano voting aye; none voting no; 1 absent; none not voting.

Consideration of Minutes - April 15, 2015

Chairman Rodney Needham called for consideration of the minutes from April 15, 2015 Planning Board meeting. Vice Chairman Calvin Leary made a motion to approve the minutes as written. Fletcher Harris seconded the motion. The motion passed with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Michael Etheridge, Rick McCall, and Patricia Delano voting aye; none voting no; 1 absent; none not voting.

Old Business

None.

New Business

*Item #1 - Amendments to Camden County Code of Ordinances
Part #1 - Solar Farms*

Ordinance No. 2015-06-01

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Chapter 151 as amended of the Camden County Code
which shall read as follows:**

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.347 SPECIFIC STANDARDS.

- (V) The following standards shall apply to all solar farms located in Camden County:
- (1) The minimum lot size for all solar farms shall be five acres.
 - (2) All structures shall meet the minimum setback for the zoning in which located.
 - (3) There shall be 50 foot buffer from routine view from public rights of way or adjacent residentially zoned property.
 - (4) Solar power electric generation structures shall not exceed a height of 25 feet.
 - (5) The solar farm shall conform to the NAICS 22119 description of a ground mounted solar powered energy system.

(6) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section, this 12-month period shall not include delay resulting from force majeure.

(7) Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.

(8) Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the county in an amount equal to the estimated removal cost of the solar facility, less the salvage value of the equipment, which shall be issued by a federally chartered bank with a branch office in northeastern North Carolina at which the letter of credit may be drawn and paid in full in immediately available funds in the event the solar facility owner fails to decommission the solar facility pursuant to the requirements of this section.

(9) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(6 10) Solar farms located within FEMA's 100 year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).

(7 11) All collectors shall be surrounded by a lockable minimum height six foot fence.

Dan Porter described this amendment (first part - solar farms):

Solar Farms - Added Language to Ordinance

- Decommissioning Plan & Bond
- Decommissioning Plan - requires dismantling of facility if abandoned for 12 months
- If facility stops producing electricity for 12 months, Planning Department will send letter saying to decommission or resume operation.
- Decommissioning / dismantling includes removal of all equipment, buildings, cabling, roads, and other associated facilities to a depth of 36" below grade.
- At Special Use Permit, any applicant for solar farm needs to provide a decommissioning plan showing the estimated cost of decommissioning. Also must provide a letter of credit for the cost of decommissioning.
- Disturbed earth shall be graded and re-seeded unless land owner requests in writing that it not be.
- Additional Language-Add to paragraph 8 at end:
 - "The estimated cost of removal shall be updated every 5 years from the date of approval of Special Use Permit."

Item #1 - Amendments to Camden County Code of Ordinances
Part #2 - Flood Damage Prevention

Dave Parks described this amendment. Mr. Parks noted that the ordinance number (see ordinance section above) needed to be changed to 2015-06-03 due to 01 and 02 being used by Board of Commissioners for Budget Ordinance and Amendments.

§ 151.380 FLOOD DAMAGE PREVENTION.

§ 151.382 GENERAL PROVISIONS.

(A) *Lands to which this subchapter applies.* This subchapter shall apply to all special flood hazard areas within the county.

~~(B) *Basis for establishing the special flood hazard areas.* The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Camden County dated October 5, 2004, which, with accompanying supporting data, and any revision thereto, including letters of map amendment or revision, are adopted by reference and declared to be a part of this subchapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to:~~

- ~~—— (1) Detailed flood data generated as a requirement of § 151.383 of this subchapter;~~
- ~~—— (2) Preliminary FIRMs where more stringent than the effective FIRM; or~~
- ~~—— (3) Post disaster flood recovery maps.~~

(C) *Establishment of Floodplain Development Permit.* A Floodplain Development Permit shall be required in conformance with the provisions of this subchapter prior to the commencement of any development activities within special flood hazard areas as determined in § 151.382(B).

§ 151.384 GENERAL STANDARDS.

(B) *Specific standards.* In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in § 151.382(B), or § 151.383, the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.600, Definitions.

(2) *Non-residential construction.* New construction or substantial improvement of any commercial, or industrial, ~~or other non-residential~~ structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A and AE Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 151.383(B)(3).

(3) *Manufactured homes.*

(a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 151.600, Definitions.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(c) All foundation enclosures or skirting shall be in accordance with § 151.383(B)(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

(4) *Elevated buildings.* Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection.

(a) Shall not be designed or used for human habitation, but shall only be designed and used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(b) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(c) Shall include measures to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

2. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;

3. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to enter directly;

4. The bottom of all required openings shall be no higher than one foot above the adjacent grade;

5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

6. Foundation enclosures:

a. Made of vinyl or other flexible skirting are not considered an enclosure for regulatory purposes, and, therefore, does not require openings.

b. Made of masonry or wood underpinning, regardless of structural status, are considered an enclosure and therefore require openings as outlined above.

(5) *Additions/improvements.*

(a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) *Recreational vehicles.* Recreational vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(b) Meet all the requirements for new construction, including anchoring and elevation requirements of § 151.383(B) and § 151.384(A) and (B)(3).

(7) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i. e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

(e) Designation, accompanied by documentation of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with this subchapter or by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required; and

(e) All service facilities such as electrical and heating equipment shall be installed in accordance with § 151.384(A)(4); and

(f) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with § 151.384(B)(4)(a).

(g) An accessory structure with a footprint less than ~~150~~ 1000 square feet that satisfies the criteria outlined above. Structures less than 150 square feet that satisfy the criteria above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with §151.383(B)(3).

Adopted by the Board of Commissioners for the County of Camden this _____ of _____, 2015.

County of Camden

P. Michael McLain, Chairman
Board of Commissioners

ATTEST:

Angie Wooten
Acting Clerk to the Board

Mr. Parks stated that the county is in the process of applying to NC Mapping through FEMA to become part of the Community Rating System (CRS).

- Based on how Camden County scores, it could reduce residential flood insurance rates by 5-10% as the county drops down by level. Camden is a level 10 right now.
- John Gerber of NC Emergency Management visited Camden for a Community Assist visit. He reviewed files and processes of how the county handles building permits within the flood plain. After review, staff accompanied him on a tour of the flood plain areas of the county. A few minor corrections (land areas) were noted by letter from Mr. Gerber. The changes are in part due to that visit and letter.

In his letter, Mr. Gerber stated that the Flood Prevention Ordinance of Camden County includes an automatic adoption language that the Attorney General has determined to be unconstitutional delegation of authority. §151.382(B) has therefore been struck out to be removed from the ordinance.

With regard to detached accessory structures, the Floodplain Management Ordinance currently states that "accessory structures with a footprint of less than 150 square feet that satisfies the criteria outlined above does not require an elevation or flood proofing certificate". Staff feels this is too small and is proposing a change to 1000 square feet because anything over 150 square feet has to be elevated to the base flood elevation as the ordinance currently reads.

Staff would like to give an option for detached accessory structures up to 1000 square feet. Applicants for building permit can either vent their proposed building or elevate it. Anything over 1000 square feet will have to be elevated and be flood certified by an engineer.

As an example, Mr. Porter stated that a 20x20 shed would not have to be elevated but it would have to be vented, if the proposed amendment passes.

The proposed change gives property owners the option of elevating or venting any detached accessory structure which is up to 1000 square feet in size.

Staff sent the proposed amendments to the County Attorney, John Morrison, for review and comment, and has spoken to him regarding it. However, Mr. Morrison has yet to provide written comment.

Mr. Porter stated that according to FEMA regulations, an attached garage (which is attached to a primary residence) can be built below base flood level as long as it is vented, but a detached accessory structure cannot be. The regulations do give some flexibility as to the threshold whereby elevating a structure would be required, and so staff has proposed 1000 square feet as that threshold.

Dave Parks stated that this amendment is part of a checklist he is working on that is a result of the aforementioned visit by Mr. John Gerber of NC Emergency Management. Once that checklist has been finished and the county's report has been submitted to Mr. Gerber detailing the items that have been fixed, it is the hope that Mr. Gerber will recommend that Camden County be included in the CRS (Community Rating System). At that point, there will be further visits by FEMA personnel to review and score the County to determine if the qualifications for the CRS program have been met. The next step will be to be scored based on what Camden's regulations say, how in compliance structures in the county are, how much outreach the county does, and so on.

The desired end result is in part a lowering of flood insurance premiums for residents in the flood plain.

After a brief discussion regarding flood regulations and how they relate to building permits & certificates of occupancy and flood plain permits, Chairman Rodney Needham reminded the board that the only matters the board is voting on are the amendments to the County Code of Ordinances (new language and deletions).

Chairman Needham asked if there was any further discussion. Not hearing any, he called for a motion.

Vice Chairman Calvin Leary made a motion to approve Ordinance No. 2015-06-03, Amendments to the Camden County Code of Ordinances. Fletcher Harris seconded the motion. The motion passed with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Michael Etheridge, Rick McCall, and Patricia Delano voting aye; none voting no; 1 absent; none not voting.

Information From Board and Staff

Dan Porter reported that funding for the UDO Update has been approved. Code Right is the company that has been selected for the update.

Adjournment

At 7:45 PM, Michael Etheridge made a motion to adjourn the meeting. Rick McCall seconded the motion. The motion passed with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Michael Etheridge, Rick McCall, and Patricia Delano voting aye; none voting no; 1 absent; none not voting.

Chairman Rodney Needham

Amy Barnett, Clerk to the Planning Board