

**Camden County Planning Board
Minutes
October 21, 2015, 7:00pm
Historic Courtroom
Camden County Courthouse Complex**

Members Present:	Absent:
Vice Chairman Calvin Leary	Chairman Rodney Needham
Fletcher Harris	Ray Albertson
Patricia Delano	
Michael Etheridge	
Rick McCall	

Call to Order & Welcome

Vice Chairman Calvin Leary called to order the October 21, 2015 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

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

OTHERS PRESENT

Name/ Residence:	Residence	Title:	Purpose / Representing:	Meeting Section:
NONE				

Consideration of Agenda

Vice Chairman Calvin Leary called for consideration of the agenda.

Dan Porter mentioned that in addition to the information in the board packets, he had handed out some additional information that would be gone over in this meeting as well. Copies of these handouts is maintained in the office of the Planning Clerk.

Motion to approve the agenda with the additional information provided made by: Michael Etheridge.

Motion Seconded by: Patricia Delano.

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, Patricia Delano, Michael Etheridge, and Rick McCall voting aye, none voting no, 2 absent, and none not voting.

Consideration of Minutes: September 16, 2015

The minutes from the September 16, 2015 meeting will be considered at the November 18, 2015 Planning Board meeting.

Comments from the Public (topics not on the agenda)

None.

Old Business

None.

New Business

Item #1

Ordinance # 2015-10-01, Amendment to Camden County Code of Ordinances

Ordinance No. 2015-10-01

**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

§ 151.069 DESIGN STANDARDS.

See §§ 151.380 through 151.387 of this chapter for further criteria for any development within a special flood hazard area.

~~(A) Except as otherwise provided herein, the following design standards shall apply to all site-built, modular and mobile single-family and multi-family homes erected, constructed, installed, placed or otherwise located in the county, but shall not apply to commercial structures. *No certificate of occupancy may be issued until the Administrator determines that the applicable appearance criteria have been met.*~~

~~(B) The following design standards shall apply to all modular and site-built homes erected, constructed, installed, placed or otherwise located in the county, but shall not apply to commercial structures:~~

~~(1) The minimum vertical rise for a roof shall be 6 feet for each 12 feet of horizontal run.~~

~~(2) Not less than 50% of the entire roof area of the house shall have a minimum vertical rise of 6 feet for each 12 feet of horizontal run.~~

~~(3) The calculation of the minimum roof area required to meet the 50% threshold shall not include the roof area covering a dormer window.~~

~~(4) The minimum vertical rise for a roof shall be 4 feet for each 12 feet of horizontal run over any style of dormer windows.~~

~~(5) The minimum vertical rise for a roof shall be 3 feet for each 12 feet of horizontal run over non-heated space such as porches.~~

~~(C) The following appearance standards shall apply to all modular homes erected, constructed, installed, placed or otherwise located in R-3 and GUD districts:~~

~~(1) No modular home may be constructed or installed that does not have at least a porch at the front entrance of the structure. Such porch shall have a minimum area of 54 square feet, and the calculation of such area shall not include any steps.~~

~~(2) The sides of all porches and steps shall be constructed with wood, masonry or concrete, but no metal.~~

~~(3) All porches shall have a roof attached to the modular home and shall extend over the entire porch.~~

~~(4) The curtain wall or foundation shall have a visible exterior of one of the following: true brick or natural stone.~~

~~(D) The following appearance standards shall apply to all Class A, Class B and Class C mobile homes. No certificate of occupancy may be issued until the Administrator determines that the applicable appearance criteria have been met:~~

(1) Class A mobile homes may be installed in R-1 and R-2 zoning districts with at least the following appearance standards:

(a) The curtain wall or foundation shall have a visible exterior of one of the following: true brick or natural stone.

(b) 1. The mobile home is to be installed not less than the same distance from the right-of-way as any principal structure on an adjacent property on the same side of the roadway.

2. In those instances where an adjoining property has a principal structure located inside the required front setback area, and such principal structure is located within 150 feet of the proposed site for installation of the Class A mobile home, then the proposed Class A mobile home may be installed at a setback equal to the structure on the adjacent property or 25 feet from the right-of-way, whichever is greater.

(c) There shall be a front porch to the mobile home having dimensions of not less than five feet wide and five feet deep. The rear or side porch shall have dimensions of not less than three feet wide and three feet deep. The front and sides of all porches and steps shall be constructed with wood, stone, masonry, concrete, or similar looking composite material.

(2) Class B and Class C mobile homes may be installed in the R-1 zoning district and within approved mobile home parks subject to the following appearance standards:

(a) The curtain wall shall be of all weather material covering all exposed underpinning.

(b) 1. The mobile home is to be installed not less than the same distance from the right-of-way as any principle structure on an adjacent property on the same side of the roadway.

2. In those instances where an adjoining property has a principal structure located inside the required front setback area, and such principal structure is located within 150 feet of the proposed site for installation of the Class B or C mobile home, then proposed Class B or C mobile home may be installed at a setback equal to the structure on the adjacent property or 25 feet from the right-of-way, whichever is greater.

(c) There shall be a porch at each entrance to the structure having dimensions of not less than three feet wide and three feet deep. The front and sides of all porches and steps shall be constructed with wood, stone, masonry, concrete, or similar looking composite material.

(3) Mobile homes that are installed as a change out to an existing mobile home must meet these appearance standards.

§ 151.232 DESIGN STANDARDS AND CRITERIA.

All major subdivisions shall be designed to meet the following requirements:

(F) *Drainage.*

(1) Each subdivision shall provide adequate storm drainage for all areas in the subdivision *as described in Article 151.400 and the Camden County Stormwater Drainage Design Manual*. ~~A combination of storage and controlled release of stormwater run off is required. The release rate of stormwater from all developments shall not exceed the ten year stormwater run off from the area in its natural state (post development vs. pre-development). All free flowing storm drainage systems shall be designed to accommodate the run off generated by a ten year design storm or State Department of Transportation (NCDOT) standards if more restrictive and the system will be maintained by NCDOT if the system is located within the NCDOT right of way. Plans must show, at minimum, the following information:~~

~~_____ (a) All culvert inverts, including driveway culverts;~~

~~_____ (b) Direction of flow;~~

~~_____ (c) Elevation data of drainways, ditches, swales and the like to outlet;~~

~~_____ (d) Drainage calculations for drainway design within boundaries of proposed subdivision and off site, if appropriate; and~~

~~_____ (e) Total pre development and post development run off in CFS (cubic foot per second) volume leaving development area.~~

~~— (2) Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by county planning and technical review staff.~~

(J) Lots.

(6) Lot Grading - Minimum desirable slope shall be not less than 1%, minimum acceptable slope shall be not less than 0.5%. Construction plans shall provide sufficient grades, ridge lines and directional arrows to define the proposed drainage pattern of the entire lot. A minimum of seven proposed lot grades shall be provided; four at the corners; two at the side yard midpoints; and one grade located at the center of the lot (rear of typical structure location). Intermediate grades will be defined by linear interpolation of lot grades provided. Note Type A, B, or AB lot drainage for each lot. Overland flow onto adjacent offsite property is generally unacceptable. Commercial/Industrial subdivision plans shall provide lot grading to facilitate drainage until final development of individual parcels. Single Family Detached Lot Grading Policy:

(a) Construction plans for all new subdivisions will show proposed lot grades to the nearest 0.1'.

(b) An engineer's or land surveyor's certification shall be submitted to the County prior to final plat approval certifying that lot grades are within 0.4' of proposed grades and a minimum positive slope of 0.25% exists in the direction indicated in the approved plan. Certification may be waived in cases where approved drainage plans showing existing grades meet the criteria.

(c) Lots shall be graded to within 0.1' of the final grade prior to being certified for a Certificate of Elevation. A minimum grade of 0.5% must be provided on the lot. A certification is required from a Land Surveyor confirming this lot grading. See the County's "Certificate of Elevation Grade Adjacent to Structure and Finished Floor of Structure for Compliance with Final Plat."

(d) The as constructed elevations of culverts shall be deemed acceptable if the as constructed invert elevation is within 0.12' of the proposed grade, provided, however, that elevations resulting in a flat or adverse slope will be deemed unacceptable even if within the 0.12' tolerance.

§ 151.233 REQUIRED MAJOR SUBDIVISION SUBMISSION DOCUMENTS AND INFORMATION.

	<i>Sketch Plat</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Project; Plat Information:			
Drainage calculations in order to comply with state <u>and county</u> stormwater/ <u>drainage</u> regulations		X	

FLOODPLAIN MANAGEMENT

§ 151.384 GENERAL STANDARDS.

(15) Excavation and filling in the floodplain areas, areas noted as AE in the FIRM maps, may be allowed at the approval of the Countyt. Cut and fill for new development in the floodplain will only be acceptable if the net volume available within the floodplain remains the same (<https://msc.fema.gov/portal/advanceSearch>). The volumes will be judged from one foot contour to the next. No credit will be provided for excavation below the normal water elevation of the creek or below the ground water table, whichever is higher. The engineer will provide the areas and volumes at one foot contour intervals for the existing conditions and demonstrate through volume calculations that the proposed condition equals or provides more storage volume for the development. The calculation and demonstration shall begin at the normal elevation, or invert elevation, and proceed by even one foot increments to the FIRM reported base flood elevation for the immediate area. The cut and fill within the floodplain area must take place within the general confines of the development or within 500' of the river station shown on the FEMA maps

(16) A parcel which lies within the AE Flood zone and is within a portion of a creek or river which has riverine hydraulic characteristics, may fill one time only up to five percent (5%) of the flood zone area within the parcel's boundary. This is a onetime only occurrence and supersedes Item 2 of this Division. This exception is provided to allow a reasonable engineering design of a property and a connection or roadway from one area to another. This exception should not be construed to include floodways and non-encroachment zones. Filling over five percent (5%) will require a balance of cut and fill as dictated by Item 2 of this Division.

DRAINAGE, EROSION CONTROL AND STORMWATER MANAGEMENT

§ 151.400 DRAINAGE.

(A) *Stormwater drainage.* Each residential/non-residential subdivision or commercial site plan shall provide adequate storm drainage certified by a North Carolina registered engineer or a North Carolina Licensed Surveyor, (with proven experience in stormwater drainage) for all areas in the subdivision.

(B) *Use of the Camden County Stormwater Drainage Manual is mandated by this ordinance. The methods outlined in the manual are not the only methods acceptable for use. Any deviations from these methods, however, must still meet or exceed the intended results and be reviewed and approved by the County.*

(C) A combination of storage and controlled release of stormwater run-off is required. The release rate of stormwater from all developments shall not exceed the ten-year stormwater run-off from the area in its natural state (post-development vs. pre-development). All free-flowing storm drainage systems shall be designed to accommodate the run-off generated by a ten-year design storm or North Carolina Department of Transportation (NCDOT) standards if more restrictive. Master drainage stormwater studies for developments shall include and make a part of the analysis any previous subdivision of the property which occurred within the five years of the proposed major development.

(1) Conveyance systems draining over 300 acres shall be designed for the 25 year Storm.

(2) Stormwater systems that meet the following criteria will be considered sufficient to accommodate the 10 year storm:

- (a) Acceptable hydraulic grade lines for 10-year storm designs in open drainage systems shall be no higher than 0.25 feet (3") below the edge of pavement.
- (b) Acceptable hydraulic grade lines for 10-year storm designs in closed drainage systems shall be no higher than 0.5 feet (6") below the flow line of the gutter pan
- (c) Additionally, the maximum static elevation of the 100-year flood shall not inundate the lowest centerline point of any proposed road by more than 0.75' (9 inches).

(D) The following information must be provided as prescribed in the Camden County Stormwater Drainage Manual:

- (1) Elevation survey of entire tract with topo lines at one-foot intervals;
- (2) All culvert inverts (including driveway culverts);
- (3) Direction of flows;
- (4) Downstream analysis (cross-sections) of drainage way to outlet (creek, stream, river and the like) and upstream analysis as stated in Camden's Storm Water Drainage Design Manual:

(5) Stormwater storage analysis (storing the differential between the outlet ditch capacity at bank full and the 100-year storm event throughout the proposed development area) and show minimum lot elevations;

(6) Drainage calculations for drainway design within boundaries of proposed subdivision and off-site, if appropriate;

(7) Show total pre-development and post-development run-off rate in CFS (cubic feet per second) leaving development area;

(8) Drainage studies shall demonstrate that the retention systems recover the percentage as stated in the County's Storm Water Drainage Design Manual of their maximum 10 year storage within 72 hours from the beginning (hour 0) of a Type III storm.

(9) Along all existing drainage ways within proposed development areas, swales (minimum 6:1 side slopes) are preferred over traditional ditches. Swales shall have a 10 foot easement that extends 5 feet on each side of the centerline. Maintenance easements the width of the swale shall be centered over the swale;

(10) There shall be a 30-foot drainage/maintenance easement on all lead ditches that carry water from upstream through the development to the outfall;

(11) If swales are not utilized, then all ditches and canals will require minimum of 30 feet of open space from the top of bank on one side or the other (maintenance area); and

(12) Developer will be responsible for upgrading drainage system to outlet subject to obtaining permission from all property owners adjacent to the watercourse outlet (See Division 7, paragraph 12 of the Drainage Manual).

(E) Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by County Technical Staff members.

§ 151.401 DEVELOPMENTS MUST DRAIN PROPERLY.

(A) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless the retention presents a danger to health or safety.

(B) No surface water may be channeled or directed into a sanitary sewer.

(C) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

(D) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in §§ 151.170 through 151.184. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of the roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require the construction.

(E) Construction specifications for drainage swales, curbs and gutters and storm drains are contained in the County's Stormwater Drainage Manual.

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

County of Camden

P. Michael McLain, Chairman
Board of Commissioners

ATTEST:

Angie Wooten
Clerk to the Board

Dan Porter described this agenda item:

- There are 2 amendments
 - First amendment is Design Standards for Modular Homes
 - Roof Pitch
 - Porches (location and size of)
 - The NC General Assembly passed a law in June 2015 which says that cities and counties can not regulate specific design standards for single family dwellings and modular homes which are treated as single family homes.
 - The design standards in the UDO are no longer legal and are therefore being removed from the Code of Ordinances.

Dave Parks added:

- Back in 2003, the county adopted certain design standards for modular homes to make them look more like stick built homes
- Those standards only applied in the R-3-1 and R-3-2 districts
- Came to staff's attention that design standards for stick built homes and modular homes, minimum roof pitch and location and size of porches among other standards, are no longer allowed to be regulated by cities and counties
- Manufactured homes (singlewide, doublewide, and triplewide) are still allowed to be regulated as far as the design standards go

Dan Porter described the second part of the amendment:

- Over the last year and a half, the county has been working with a stormwater consultant, Greg Johnson, to prepare a design manual to implement the regulations of our stormwater plan requirements
- After several reviews of certain subdivisions, it has become clear that some of what is in the stormwater regulations / plan requirements are not covered in the UDO
- The UDO sets out the specific standard but doesn't say how to achieve it
- So the drainage manual is a drainage design manual to specify what needs to happen to meet the requirements that are in the UDO
- The manual was presented for a public hearing at the last Board of Commissioners meeting to make them aware of it, however they did not take any action on it at that meeting.
- What is before the Planning Board tonight is a comparison of all the requirements that are in the drainage manual to find those things in the drainage manual that may now exceed what the current UDO says or may be important enough to include in the UDO as well as the drainage design manual.

Mr. Porter went through what the changes are:

- §151.232 - Design Standards and Criteria
 - Section of the ordinance dealing with major subdivisions
 - (F)(1) states that each subdivision shall provide adequate storm drainage for all areas of the subdivision as described in the ordinance (§151.400) and in the Camden County Stormwater Drainage Design Manual.
 - All of the language that is struck out is repeated in §151.400 and so is not needed in §151.232
 - (J)(6) Lots. There is currently nothing in the UDO that addresses the grading of lots, although it is covered in the Drainage Design Manual. This section specifies the minimum acceptable slope and grade points. It also specifies the acceptable tolerances for plans submitted to the Planning Department.
 - At the plan level higher tolerances are allowed than are at the elevation certificate level
 - Inverts on Culverts - elevations of inverts on culverts must be right or there may be problems with the flow
 - Tolerance of .12 feet (1.5 inches) is acceptable for inverts on culverts, provided there is not a flat or adverse slope that will cause water to flow the wrong direction
 - §151.384(15) - For larger lots or major subdivisions, will be allowed to either fill or cut where they need to, as long as the volume of stormwater runoff is the same pre and post

Rick McCall asked if this only applied to major subdivisions and not individual lots. Mr. Porter responded that before this amendment goes to public hearing, the language will be clear that it doesn't apply to individual lots, but rather to major subdivisions and what the minimum acreage would be for it to apply.

Dan Porter continued:

- This part will help Camden to gain points on the Community Rating System, as not everyone does this
- A parcel that lies within what is called the riverine portion of the floodzone, is an area that cut and fill is not recommended for. As such, a one time exception to no fill in these areas is allowed up to 5% of the flood zone area within the parcel's boundary. This should not include floodways and non-encroachment zones.
- §151.400 Drainage
 - (B) Mandates the use of the Camden County Stormwater Drainage Manual. Specifies that the methods in the manual are not the only methods that can be used, but if they are not used, then the methods used must meet or exceed the intended results and be reviewed and approved by the county.
 - (C) Adds the requirement that any master drainage stormwater studies for developments are required to include any portions of the subject property that were subdivided out within the previous 5 years leading up to the application for major subdivision development. Subsections under this paragraph give new language which are the specific requirements for 10, 25, and 100 year storm events.
 - Systems for acreage over 300 acres must be able to handle a 25 year storm.
 - Stormwater systems with the following are sufficient to handle 10 year storms:
 - Acceptable hydraulic grade lines for 10-year storm designs in open drainage systems shall be no higher than .25 feet (3 inches) below the edge of the pavement.
 - Acceptable hydraulic grade lines for 10-year storm designs in closed drainage systems shall be no higher than .5 feet (6 inches) below the flow line of the gutter pan
 - Maximum static elevation of the 100-year flood shall not inundate the lowest centerline point of any proposed road by more than .75 feet (9 inches)
 - (D) Specifies the information that must be provided as prescribed by the Camden County Stormwater Drainage Manual
 - (8) Drainage studies must be able to show that the retention systems can recover at least 80% of their maximum 10 year storage within 72 hours from the beginning (hour 0) of a Type III storm.
 - 80% is a pretty significant amount of recovery in a 72 hour period, sometimes after 72 hours it's still raining, so propose changing the 80% to 70%.

- Hard to know if 80% is recoverable in 72 hours until there is a rain event that it would apply to
 - This is based on modeling, and there is a pretty well defined bell curve for a 24 hour storm where at the height of it is the heaviest rainfall
 - This is a standard that must be met in the design, but may never be seen in a real situation
 - (9) Swales in proposed development areas shall have a 20 foot easement that extends 10 feet on each side of the centerline.
 - After further discussion on this, staff proposes changing this to 10 foot easement with 5 feet on either side.
- §151.401 (E) Specifies that the location for the construction specifications for drainage swales, curbs, and gutters, and storm drains are contained in the County's Stormwater Drainage Manual.

Dave Parks mentioned that the Stormwater Drainage Manual is available for inspection at the Planning Department.

Dan Porter went over the handouts that were added as part of this agenda item:

§151.402 STORMWATER MANAGEMENT

- §151.402(D) - New Language
 - For major subdivisions, and non-residential developments in excess of 5 acres the developer and any agents, assigns and successors shall provide annually on or before July 1 a letter under seal from an engineer, surveyor, or landscape architect licensed to practice in North Carolina, certifying the existing conditions of the stormwater system as they relate to the stormwater improvements approved by the state and county including any repair, maintenance or improvements required to bring the system into compliance with the approved plans. If deficiencies exist to the detriment of the performance of the stormwater improvements the developer and any agents, assigns and successors shall complete identified repairs or maintenance within 180 days of the County's receipt of the certification letter. For all other non-residential developments this certification shall be on or before July 1 for each 5 year period beginning upon the date of the development approval, with the same time period to complete any required maintenance.

Rick McCall asked how this was to be enforced. Mr. Porter stated that the requirements are for any developer or his agents, any assigns, and successors. So if the property is sold, the purchaser would have to follow the requirements. If there is a homeowners association, it then becomes the responsibility of the homeowners association to ensure these requirements are met.

There was a brief discussion regarding the requirement of doing the certification letter annually versus every 5-years. Mr. Porter stated that by requiring it annually it prevents the forgetting about the requirement as it is something that would need to be done every year, but that he is open to suggestions from the board as to the time period for the requirement.

Patricia Delano asked what the costs to the homeowners associations would be on an annual basis for this. Mr. Porter responded it would be anywhere from \$1,500 to \$2000 annually. He added that the HOA's would need to understand that they need to collect dues from their members and do what is needed to maintain the drainage in their areas.

Mr. Porter continued:

- §151.402(E) - New Language
 - Prior to recordation of any final plat requiring an approved stormwater plan, the developer and any agents, assigns and successors shall execute and be obligated by 1) a Maintenance Agreement, and 2) a Deed of Drainage Easement for the benefit of the County, as prescribed by the Camden County Stormwater Drainage Manual.
- Example of a Stormwater Management Maintenance Agreement and Deed of Drainage Easement
 - Mr. Porter provided the board with an example of a maintenance agreement from Virginia Beach VA
 - By signing such an agreement, the developer, his agents, assigns, or successors would be agreeing to maintain the stormwater systems in the manner prescribed in the Camden County Stormwater Drainage Manual
 - If agreed upon maintenance is not performed, the agreement gives the county the ability to go in and do the maintenance and bill the developer, his agents, assigns, or successors for the work
 - This would be a recorded document
 - The only thing that currently exists is certification on the plat that says that they will comply with the approved stormwater plan and the requirements and maintenance of the stormwater permit
 - The plat is a recorded document that runs with the property and is a document that must be disclosed at closing so any buyer would be aware of any requirements on it
 - Mr. Porter also provided an example of a Deed of Drainage Easement
 - The Deed of Drainage Easement is a document that gives the county the permission to enter onto the property to perform any maintenance that the property owner's association fails to do per the maintenance agreement.
 - Allows placement of temporary structures in the easement area, but if the county has to go in and perform maintenance then the Deed of Drainage Easement gives the county the permission to move any temporary structures that may be in the way. By signing the DDE, the signor acknowledges this and gives permission thereto and agrees to pay any and all costs associated with moving / removing temporary structures.
 - This is also a recorded document that runs with the property.

Dan Porter added that if the property owner signs a maintenance agreement that they have to do the maintenance or the county will do it and bill them for it.

Rick McCall observed that the county doesn't currently have the staff necessary for enforcement of this, and could potentially see legal issues with regards to persons coming onto private property for the purposes stated, even though an agreement may be in place giving permission. Wondered if an escrow account could be put in place for the payment of any maintenance issues.

Dan Porter replied stating that was a possibility. He mentioned a piece of legislation regarding bonds on maintenance issues... the county has a requirement for a bond for performance guarantees, when that gets released, another bond was then required (a 15% bond) for the maintenance to have money available for the time when the roads are accepted by NCDOT. The Legislature has said that cities and counties can no longer require maintenance bonds. Performance bonds are ok, but not maintenance bonds. That said, escrow accounts then become a grey area as to whether that is a bond or not. He added that enforcing maintenance is one of the biggest issues with this.

Rick McCall commented that this could be a potential legal issue with regard to enforcement if the county has to do the work and then bill the property owner(s) or homeowners association for it. And it might call into question anything that is in a grey area.

Dan Porter stated that if the documents are part of the recorded documents when property is purchased, then the property buyer would be aware of them because they signed the agreements.

Dave Parks added that as far as enforcement goes, it would be very similar to how code enforcement is handled right now. If someone, for example, doesn't cut their grass and it gets too high, the county sends them a letter giving them 30 days to get it done. After that 30 days, if they have not communicated with the county and have not done the required maintenance, the county can then go and cut the grass for them and bill them for it. If the property owner doesn't pay the bill, it goes as a tax lien against the property on their taxes.

There was a brief discussion regarding when and how the property owners would be made aware of these issues. Mr. Porter stated that the real estate seller would be responsible for disclosing any agreements that run with the property to any prospective buyer. Mr. Porter also mentioned that he has received authorization to direct the county attorney to examine the documents and put them in a form that conforms to state and local laws.

After further discussion, a motion was made:

Motion: Approve the Amendments to the Camden County Code of Ordinances with the proposed changes as stated by staff, but without the additional information that was included in the 3 handouts provided by Planning Director Dan Porter.

Motion Made By: Michael Etheridge

Seconded By: Rick McCall

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, Patricia Delano, Michael Etheridge, and Rick McCall voting aye; none voting no; 2 absent; and none not voting.

A subsequent motion was made:

Motion: Have the County Attorney examine the documents and put them in a form that conforms to state and local laws, and then for the Planning Director to bring the documents back to the Planning Board at a later date. Also to have County Attorney look into the escrow issue.

Motion Made By: Michael Etheridge

Seconded By: Rick McCall

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, Patricia Delano, Michael Etheridge, and Rick McCall voting aye; none voting no; 2 absent; and none not voting.

Information from Board and Staff

NONE

Consider Date of Next Meeting - November 18, 2015

Adjournment

At 8:15 PM, Michael Etheridge made a motion to adjourn the meeting. Patricia Delano seconded the motion. The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, Michael Etheridge, Rick McCall, and Patricia Delano voting aye, none voting no, 2 absent, and none not voting.

Date: _____

Approved: _____
Vice Chairman Calvin Leary

Attested: _____
Amy Barnett, Planning Clerk