

Camden County Planning Board

November 18, 2015

7:00 P.M. – Regular Meeting

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on November 18, 2015 in the Historic Courtroom, Camden, North Carolina.

I. CALL TO ORDER & WELCOME

Chairman Rodney Needham called the meeting to order at 7:00 PM.

Planning Board Membership Attendance:

Attendee Name	Title	Status	Arrived
Rodney Needham	Chairman	Present	6:50 PM
Calvin Leary	Vice Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Patricia Delano	Board Member	Present	6:50 PM
Michael Etheridge	Board Member	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Absent	

Staff Member Attendance:

Dan Porter	Planning Director	Absent	
Dave Parks	Permit Officer	Present	6:30 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

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Others Present:

Also present for purposes of providing supporting information for agenda item 6-1 was Camden County Sheriff Tony Perry.

Present for purposes of expressing concerns relating to agenda item 6-1 were James and Phyllis Wright, adjacent property owners, living on N. Sandy Hook Road, Shawboro, NC.

II. CONSIDERATION OF AGENDA

Motion: Approve Agenda As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Etheridge, Board Member
SECONDER:	Patricia Delano, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall
ABSENT:	Albertson

III. CONSIDERATION OF MINUTES

Motion: Approve 9-16-15 Minutes As Corrected

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Michael Etheridge, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall
ABSENT:	Albertson

Motion: Approve 10-21-15 Minuts as Written

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Michael Etheridge, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall
ABSENT:	Albertson

IV. COMMENTS FROM PUBLIC

None.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

Item #1 - UDO 2015-10-08, Special Use Permit, Law Enforcement Outdoor Shooting Range

Dave Parks described this agenda item:

- Sheriff Tony Perry has requested a law enforcement shooting range facility for the purposes of providing needed training and certification for law enforcement personnel only.
- Property is located at 480 Trotman Road.
- A few months ago an amendment was made and approved to the UDO to allow law enforcement shooting ranges in the general use district.
- Property contains a large amount of wetlands.
- Chester Bigalow of the Army Corps of Engineers examined the area, and a permit was subsequently issued for modifications to the area.
- Sheriff Perry is here tonight and will speak in reference to this.

Sheriff Tony Perry provided the following information:

- NC Sheriffs Training and Education Standards Commission requires a mandated annual firearms qualifications and certification training for all sworn deputies within the Sheriff's Office and across the state of NC.
- Required to shoot 50 rounds during daylight, 50 rounds after dark, and anywhere from 6-12 rounds in a simulated combat situation (combat course).
- Both Rifle and Shotgun are utilized.
- Rifle shots are at a range of 100 yards
- Pistol shots are at a range of 3-25 yards
- Shotgun shots are at a range of 40 yards
- Range that has been utilized in the past is on the property that was previously owned by FP Wood and Son, that property has been recently sold. New owner gave until the end of 2015 for Sheriff Office to find another location wherein to shoot.
- After an exhaustive search for an appropriate new location for a range, and having come up short, Commissioner Michael McLain offered to let the county use a portion of property he owns for this purpose.
- Army Corps of Engineers has examined the property and has issued a wetlands permit for 1.6 acres, and to allow a tenth of an acre to be filled in.
- Eddie Hyman provided the survey of the area in question
- Both Military Standards and the UDO for Camden County are to be followed for this range
- Range will be for law enforcement personnel only, public is NOT allowed to use this. It is for law enforcement only.
- Overhead baffles will be utilized on the firing line with 15 foot berms. The baffles will not allow sunlight to be seen. When a shooter aims straight ahead, he/she is aiming at the berm, if he/she aims higher the baffle is what will be aimed at. The baffle or the berm are the only things that can reasonably be considered to be targets of shots.

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- Berms will be extended around the sides of the range facility as well as at the back
- Erosion and sedimentation plan is being prepared by Eddie Hyman
- Stressed importance of ability to be self reliant with regards to ability to train and obtain certification. In the past, Camden has relied on other jurisdictions to assist in this need, would like to be self-sufficient on this.
- Blackwater / Xe / US Training Center has been approached in an effort to meet this need, but they have not returned any phone calls, and at this point they are not an option.
- An informal public meeting was held at the Camden County Courthouse on the evening of Thursday, November 12, 2015, regarding this issue. Adjacent property owners were in attendance.
- Adopted an internal policy that the range would only be used Monday through Thursday from 8:00 AM to 8:00 PM.
- Other law enforcement agencies may use the range, but not public.
- Range would likely only be used about 10 days out of the year, sufficient to obtain certifications / re-certifications. Time of year it will be used will likely be late fall, winter, or early spring when time is on eastern standard time so that day and night time training can be done in one session (daylight at about 3pm, night at about 5 or 6 pm depending on sunset).
- Some of the equipment to build this range has been donated by the military, and much of the work is to be done locally in an effort to save as much money as possible.

Vice Chairman Calvin Leary asked if Sheriff Perry had thoroughly investigated Blackwater / Xe / US Training Center as an option. Sheriff Perry responded that he did and it is not an option.

Vice Chairman Calvin Leary asked if other law enforcement agencies who may use the range would share in the cost of the range. Sheriff Perry responded that the only other law enforcement agency who would potentially be using it would be Pasquotank and they would share in the cost of building and in maintaining the range (cleaning it).

At this time, Dave Parks went over the Staff Findings of Facts as incorporated herein below:
(see next few pages)

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STAFF REPORT

**UDO 2015-10-08
Special Use Permit
Findings of Facts**

PROJECT INFORMATION

<p>File Reference: UDO 2015-10-08 Project Name: Shooting Range - Law Enforcement PIN: 03-8964-00-39-4075 Applicant: Sheriff's Office, Camden County Address: P.O. Box 57 Camden, NC 27921 Phone: (252) 338-5046 Email:</p> <p>Agent for Applicant: Address: Phone: Email:</p> <p>Current Owner of Record: Michael P. McLain</p> <p>Meeting Dates: Planning Board Board of Commissioners</p>	<p>Application Received: 10/7/2015 By: David Parks, Permit Officer</p> <p>Application Fee paid: \$400 Check #</p> <p>Completeness of Application: Application is generally complete</p> <p>Documents received upon filing of application or otherwise included:</p> <ul style="list-style-type: none"> A. Land Use / Development Application B. Site Plan / Aerial Photo / Deed C. Sheriff Perry's letter request D. Sheriff's Office Policy #3.30 entitled Shooting Range Facility E. Proposed Lease Agreement F. Letter from Twiford Law Firm - John Morrison G. Letter from Army Corps of Engineers H. Proposal from Albemarle Septic Service
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PROJECT LOCATION:

Street Address: 480 Trotman Road

Location Description: Shiloh Township

REQUEST:

Request for Shooting Range for Law Enforcement (Use # 6.310)

SITE DATA:

Lot size: Lease portion of tract approximately 194 acres in size

Flood Zone: X

Zoning District(s): General Use District (GUD)

Existing Land Uses: Cut over woodland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)	General Use District (GUD)
Use & Size	Houses - 10 Acre Tracts (nearest dwelling is over 2200 feet away)	Woodland/Farms over 23 acres	Woodland - 87 acres	Woodland/Farms over 50 acres

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Proposed Use(s): Outdoor shooting range for Law Enforcement Only

Description of property:

Property is located off Trotman Road and contains approximately 194 acres of cut over woodland.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall:

Nearest outfall is North River

Soils:

Predominant: Hyde (HyA)

Other: Nimmo (NoA); Portsmouth (PtA)

INFRASTRUCTURE

There are currently no utilities servicing the property.

Traffic: Minimal increase of traffic flow on Trotman Road

1. Utilities:

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Applicant requesting use of portable toilet.
- B. Does the applicant propose the use of public sewage systems?** No.
- C. Does the applicant propose the use of public water systems?** No.
- D. Distance from existing public water supply system:** Approximately 2000 feet from Trotman Road to location of range.
- E. Is the area within a five-year proposal for the provision of public water?** Yes.
- F. Is the area within a five-year proposal for the provision of public sewage?** No.

2. Landscaping:

- A. Is any buffer required?** Natural buffer exists (cut over woodland)
- B. Is any landscaping described in application:** Yes

3. Findings Regarding Additional Requirements:

- A. Endangering the public health and safety**

The UDO requires firing ranges meet the standards of the Military Handbook which present the highest safety standards for firing ranges, including a Surface Danger Zone (SDZ) under the facility's direct ownership or control. The SDZ is a fan shaped area that extends at a 10 degree angle from the ends of the firing line to a distance equal to the farthest possible range for the caliber of weapon and round fired. This distance is 7086 feet (1.34 miles) for a .357 caliber pistol and 10,170 feet (1.93 miles) for 5.56 caliber rifle. These distances can be reduced by 50% if properly constructed overhead baffle is placed at the firing line, which results in a SDZ of 3,543 (.67 mile) for pistol and 5085 feet (.96 mile) for rifle.

The proposed firing range indicates that for pistol firing 2,944 feet of the required 3,543 foot SDZ (with use of a baffle) within the limits of the property ownership on which the range will be located. It also shows the nearest house within the SDZ to be 4,227 feet. Likewise the site plan shows only 580 feet of the required 5,085 foot SDZ within the limits of property ownership and the distance to the nearest house is 6,330 feet.

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The staff recommendation for approval includes consideration that the range will be used exclusively by trained and licensed professional safety personnel, using overhead baffles, and that the property surrounding the range under the same ownership remain wooded.

The range will also result in noise which will be baffled by surrounding woodland and limited by hours of operation.

- B. Injure the value of adjoining or abutting property:** Staff considers that the range will not injure the values of adjoining woodland or farm land.
- C. Harmony with the area in which it is located:** Yes. The range is located in a secluded area of the county with surround woodland and farmland. Nearest housing is over 2000 feet away.
- D. Conformity with the Plans:**
 - (1). Land Use Plan - Shooting Ranges are not addressed in the Land Use Plan or Comprehensive Plan
 - (2). Thoroughfare Plan - N / A
 - (3). Other Plans officially adopted by the Board of Commissioners - N / A
- E. Will not exceed the county's ability to provide public facilities:**
 - (1). Schools - N / A
 - (2). Fire and Rescue - No.
 - (3). Law Enforcement - No.
- F. Other County Facilities** - N / A

Staff recommends approval with the following conditions:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
 2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2015-10-08.
 3. Shooting Range shall be utilized by duly sworn law enforcement personnel only.
 4. Applicant shall adhere to all requirements of their policy 3.30 entitled Shooting Range Facility dated October 2015.
 5. Hours of operations shall be Monday - Thursday from 8:00 AM - 8:00 PM EST.
 6. Utilization of the caliber of weapons shall be limited to a .357 caliber hand gun and 5.56 caliber rifles.
 7. In view of the contour of the land outside the shooting range (wooded), the site plan reflecting the utilization of berms, portable overhead baffles, and with the experience of the individuals utilizing the range (law enforcement), staff is recommending approval to deviate from the requirement for the down range safety areas not encompass land not owned by the owner be waived so long as the land remain wooded and the construction of the portable overhead baffles meet minimum design and construction standards.
 8. In accordance with the information listed in condition 3 staff also recommends approval of a reduction from 900 feet to 550 feet that all shooting stations and backstops are from any property lines. The wooded area around the range should provide adequate buffer for noise.
 9. Applicant shall post No Trespassing signs every 100 feet along property line that faces Trotman Road and every 250 feet along the remaining perimeter of the property.
 10. There shall be no training on the small arms ranges while training is being conducted on rifle range.
 11. The range policy manual shall include for any round fired that leaves the immediate firing range, targets, or berms, a log book will be kept indicating the date, time, direction of travel, caliber of round, and person firing at the time.
 12. Prior to any land disturbing activity, applicant shall provide an approved Sedimentation & Erosion Control Plan & Stormwater Permit from NCDENR.
 13. Applicant shall maintain a log of all personnel utilizing the range listing day and times on range.
 14. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
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After Mr. Parks read condition # 7, Rick McCall asked what a baffle is. Mr. Parks responded that it is an overhang on the pole barn / shoot house that the shooter shoots from. It prevents the shooter from shooting any higher than the berm. Either the shooter will shoot the berm or the baffle. Line of sight will not allow a shooter to see anything but berm or baffle. There are specific design standards for baffles.

After Mr. Parks finished reading the staff report, he opened the floor for questions from the Board.

Michael Etheridge asked if the installation of the facility would be inspected by Camden County Building Inspector. Dave Parks responded that the facility would be built according to the military handbook for shooting ranges, and that the county would inspect it when finished.

Michael Etheridge asked who would be responsible for making sure the property was used properly. Dave Parks responded that Sheriff Perry has that responsibility.

Rick McCall asked if the berms can be extended, given that on paper it says that if a bullet goes beyond the berm, that records would be kept and given that Sheriff Perry has said that the berms would be larger than what's written on paper. What if accidents or misfires occur?

Dave Parks responded saying that the plans for the range show a down range surface danger zone for safety (SDZ). There is no guarantee that accidents will never happen, but there are precautions that can minimize the possibility of accidents.

Rick McCall asked about the noise levels that would be generated by the range. Dave Parks responded that the range would be buffered by surrounding trees and landscape, but that it may not muffle all of the noise.

Sheriff Perry commented that it is hard to judge how much noise would be generated at present because there are no berms or facilities at present, it's just open land right now. When the trees are planted and growing again, and berms are up, will know more then.

Rick McCall asked if there would be "No Trespassing" or "Sheriff Department Only" signs. Sheriff Perry responded that the site is 2000 feet off the road and there is a locked cable gate across the road so that you can not go onto the property without a key to open the cable gate. It also will be fenced around the range with a chain link fence.

Rick McCall then asked about adjacent counties law enforcement potential use of the range and how that would be handled. Dave Parks responded that one of the conditions of the Special Use Permit is that the Sheriff's Office must keep a log book of who ever uses the range. Other law enforcement agencies would have to go through Sheriff Perry, they won't have a key, Camden Sheriff's Office would have to go down and unlock it for them and lock it back when they were done.

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Rick McCall then asked for clarification about how much use the range will receive. The hours of operation state Monday - Thursday from 8:00 AM to 8:00 PM, his concern was that there are members of the public that will see the hours of operation and think that there is always someone out there and will call and complain every time they hear a gunshot. Dave Parks responded to this saying that there are folks that do shoot on their properties, also hunters, etc., and sound does carry and may sound like it is coming from that property. That is when staff will go to Sheriff Perry and ask if anyone was out at the range on that day. Staff expects there to be phone calls from the public as a result of this.

Patricia Delano asked if there would be a Sheriff's Deputy from Camden County out at the range when other law enforcement agencies are using the range. Sheriff Perry responded that there would not be, but that there must be a certified instructor with the group using the range.

Sheriff Perry added that most other law enforcement agencies in the area have their own range, and their own procedures. He added that there are a lot of carry / conceal instructors in the area and that they would not be allowed to use the range. Professional law enforcement use only at this range. The total number of days that the range is likely to be used, including other agencies, is 10 days out of the year. Daylight training and certification can be done from 3PM to sunset, and night time training and certification from sunset to 8PM.

Chairman Rodney Needham expressed concerns about curious children who might wander onto the property. He feels there should be rules to keep children from gaining access to the area. Also, he asked if there would be a printed schedule for the range outlining when the range would be in use. Sheriff Perry responded that the hours of operation will be Monday - Thursday from 8 AM to 8 PM, but that 8 AM does not mean there would be someone there at that time unless he had a deputy who needed some additional training. Typically the training starts about 3pm and goes into the night. Sheriff Perry added that probable use would likely occur in late fall, winter, and/or early spring when it gets dark earlier in the day so that the night time training can be accomplished, depending on the weather.

Chairman Needham asked if there would be a member of the Camden Sheriff's Office at the range when other law enforcement agencies are using the range. Sheriff Perry responded that there would not be, that there would be a certified instructor required to be in whatever group of professional law enforcement persons who would be using the range.

Chairman Needham then asked if there would be an age limit on any children should a member of any law enforcement agency want to bring their son or daughter along with them to the range. Sheriff Perry responded that there would be no children allowed and that he would write that into his policies if need be. Anything can happen, and it is too dangerous to have children at the range while training is taking place.

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At this time, Dave Parks opened the floor for comments from the public.

James Wright, Adjacent Property Owner, North Sandy Hook Road

- Lives in area near where range is to be located
- Is concerned about the 15 foot baffle that Sheriff Perry says will contain stray shots
- Is concerned that the baffle won't prevent strays from happening
- Is concerned with the noise that will be generated from the range. He raises trees and will be clear cutting and replanting, and when his property is clear cut it will make the noise even greater.
- Considers it a hazard to the public
- Realizes the Sheriff's Office has a need for training and qualification, but thinks there must be a better way to obtain training and qualification
- Is concerned about the range area already being used for training
- Spoke of roadside hunting
- Is concerned with being in the line of fire as his home is down range from the range location.
- Was never informed that training and qualification was going to be taking place until the noise prompted him to inquire about it.

Sheriff Perry addressed Mr. Wright's concerns regarding the range being in use:

- Deputies did use the range area one night
- There was a lot of noise, apologized for that
- There were no berms in place for that session, only a pile of dirt that was being shot into
- Deputies needed to get their qualifications in and this was the only way to do it and meet the deadline they were faced with.

Dave Parks asked Mr. Wright how many acres of land were to be clear cut. Mr. Wright responded that he would be clear cutting about 20-30 acres, and that when it is done it will cause the noise level to rise. Mr. Wright re-iterated his concern about being in the line of fire due to his home being along a straight line with the range.

Phyllis Wright, Adjacent Property Owner, North Sandy Hook Road

- Appreciates the way Sheriff Perry is researching and planning this, however feels the best laid plans can go astray

At this time, Chairman Rodney Needham called for a motion (see below).

Rick McCall asked how the county would handle situations if something were to happen. Sheriff Perry responded saying that complaints can be made and that the Planning Department can check to ensure that the rules laid out in the Special Use Permit are being followed. If a member of the public who makes a complaint is not satisfied with the information received from the Planning Department, and if they think the noise is too great, then other avenues to pursue the matter would be taking the matter to the magistrate or the court system if they believe there is a noise violation.

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Rick McCall asked that the motion include that Sheriff Perry will amend his policy to include a statement that no children will be allowed on the range be added to the motion.

Below are the motion, and the results of that motion.

Motion: Approve UDO 2015-10-08, Special Use Permit, Law Enforcement Outdoor Shooting Range with conditions as stated in the Staff Findings of Facts, and with condition that Sheriff Perry amend his policy such that no children be allowed on the shooting range property.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Fletcher Harris, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall
ABSENT:	Albertson

VII. INFORMATION FROM BOARD AND STAFF

Dave Parks provided the following:

- Regarding the easement agreements that were discussed at the last meeting, staff did not get them in time to have them placed on this meeting, they will be on the next meeting.

VIII. CONSIDER DATE OF NEXT MEETING

- *Next Meeting: December 16, 2015*

IX. ADJOURNMENT

Motion: Adjourn the November 18, 2015 Planning Board Meeting

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Etheridge, Board Member
SECONDER:	Fletcher Harris, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall
ABSENT:	Albertson