# 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 |

## CONSIDERATION OF AGENDA

***Motion to Approve Agenda as Presented***

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

## CONSIDERATION OF MINUTES FROM MAY 16, 2018

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

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

## OLD BUSINESS

None.

## NEW BUSINESS

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

Dan Porter described this agenda item:

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

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

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

**Overview:**

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

**Project Objectives:**

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

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

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

- Currently has 17 steps including but not limited to:
    - Application Submittal
    - Community Meetings
    - Sketch Plan Review by Technical Review Committee
    - Stormwater Engineering Documents Submitted
    - Planning Board Review of Preliminary Plat
    - Public Hearing before Board of Commissioners
    - Obtain State and Federal Permits
    - Apply for Special Use Permit
    - Construction
    - Final Plat

- 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.

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

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

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

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

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

- Proposing a series of district changes or new districts to focus growth potential in 4 districts:
    - Village Residential (VR, currently R-1)
    - Crossroads Commercial (CC, currently NCD)
    - Village Commercial (VC, currently CCD)
    - Mixed Use (New zoning district)
    - Some other districts are being renamed and redefined
- Albemarle Regional Health Services (e.g. Health Department) decides how big a lot must be and how many residential or commercial units can be on the lot if there is no county sewer line available to the lot
    - Availability of sewer lines and water hook up removes any issues relating to lot size and supports higher density
- Suggest that inside Village Centers and also Crossroad Commercial areas higher density be allowed
    - These areas are intended to be small nodes of commercial and mixed use development which allow residents to meet some needs without need for much travel
- 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) |

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

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

Dan Porter commented the following:

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

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

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

Mr. Porter further commented:

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

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

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

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

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

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

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

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

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

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

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

Board consensus seemed to agree with higher density in areas where water and sewer are available, and in areas without availability of sewer as long as Health Department approval can 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 ····· "-" = Prohibited

| USE CATEGORY<br>Use Type<br>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) | PD (NEW) | |
| Manufactured Home | | - | P | P | S | - | - | - | - | - | - | - | - | - | A | <4.402.> |
| Manufactured Home or Mobile Home Park | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| Mobile Home | | - | S | S | - | - | - | - | - | - | - | - | - | - | - | <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

**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

- Building articulation standards
  - Designed to increase visual interest
  - Avoid solid monolithic sides without windows etc
- Fenestration (Windows)
  - The more windows the better
  - Creates light in spaces
  - Adds value
  - Opportunity for window shopping
- Rain and Sun Protection (Awnings etc)
  - Encourages shoppers to park and walk to establishments
  - Economic benefit
    - Window shopping

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

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

Mr. Meadows responded:

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

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

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

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

Mr. Meadows responded:

- Idea of way to deviate from standards is a good idea
- Administrative Adjustment process is built into the code
    - Not a variance
    - Adjustment that is made administratively
- Suggest 2 things
    - Scale the design standards so that smaller buildings have lower requirements
    - Allow staff to administratively reduce some of the requirements

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

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

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

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

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

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

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

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

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

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

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

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

- Happened 2 or 3 years ago
- Affected all state and local governments throughout the US
- 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
- No longer allowed to have different regulations for different kinds of signs, all must be treated the same
- Content may NOT be regulated, goes against First Amendment to do so
- Timeframe / duration of signage, kind of use, what a sign is in front of may not be regulated
- Regulating based on use is not allowed because to determine the use, the content must be read, and regulating content is not allowed.

Mr. Meadows then spoke about what is being proposed:

- Signage Budget for a lot
    - Based on:
        - District lot is located in
        - Regulations for physical attributes (not content) such as height, width, square feet of the sign area
        - Location on the lot
        - Electrical or not (lights)
    - All uses allowed in any particular district have to be allowed to have the same amount of signage
    - Only types of regulation allowed pertain to the physical attributes of a sign
    - Means that those who under the current ordinance do not have much sign permissiveness will be allowed more based on district
- Proposed ordinance suggests:
    - An established regulation based on district:
        - Commercial
        - Mixed use
        - Everywhere else
    - Limitations on
        - Height
        - Sign face area (sq ft)
        - Location on building or lot
- Complies with what the Federal law is understood to be

Mr. Meadows then spoke about political signs:

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

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

Mr. Meadows responded:

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

Mr. Roger Ambrose of Ambrose Signs commented:

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

Mr. Meadows stated that what Mr. Ambrose was referring to was those billboards that had been approved in the past, put in place, and would be considered legal non-conforming uses when this ordinance is approved. The question with regard to legal non-conforming uses is this: Is it fair to require them to be taken down at some point in the future, or if damaged, not allow them to be repaired. This is a typical non-conforming use issue.

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

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

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

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

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

Mr. Meadows stated that while there may be situations where the appropriateness of signs may come into question, the US Supreme Court's ruling has pre-empted the ability to regulate such. 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 ongoing issue for a long time.

***(5) Farmland Compatibility Standards***

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

- 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.

**Board and Staff Discussion on (5) Farmland Compatibility Standards**

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

- 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Steve Bradshaw stated he is also in favor of dropping the exemption, and added that he would like to see the wording "adequate water supply" added to the water hook up criteria so that water pressure does not become an issue in areas where there is inadequate water pressure.

Patricia Delano expressed agreement that it should only be a requirement if there is an adequate water supply / water pressure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***(7) Fire Hydrants***

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

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

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

Mr. Meadows added:

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

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

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

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

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

Mr. Meadows spoke about the policy issues:

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

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

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

Mr. Porter responded by explaining:

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

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

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

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

Mr. Porter then spoke about South Mills Water Association:

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

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

Mr. Porter responded:

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

Mr. Bradshaw asked if the requirement should be removed.

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

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

***(8) HOA & Escrows***

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

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

**Board and Staff Discussion on (8) HOA & Escrows**

Patricia Delano inquired as to the number of homes that have to be completed prior to the transfer of responsibility from developer to HOA regarding maintenance of infrastructure and common areas.

Mr. Meadows replied with the following information:

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

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

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

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

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

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

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

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

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

Patricia Delano reminded the board that what was at topic was trying to put code in place that would avoid situations in a development where an HOA is in place but no covenants.

Dave Parks commented that some developers create covenants but never turn them over to the HOA.

Mr. Meadows stated that the ordinance would specify that at 75% of total buildout those covenants and associated responsibilities would be transferred, and that the developer is responsible until that happens.

Dan Porter added that it is easier to deal with the developer, so the county wants the developer to be responsible as long as possible. The 75% rule is the way to do that.

Cathleen Saunders asked at what point would covenants, proof of escrow, etc., be required. Would it be at final plat or before?

Mr. Meadows replied that the covenants must be reviewed prior to the final plat. When the final plat is issued, the county's leverage is gone in terms of requiring things.

Ms. Saunders then asked if an Affidavit of Escrow would be a good thing to get prior to final plat. Mr. Meadows stated that it would require the developer to put money into escrow up front. He suggested that it might be better to embed some kind of agreement into the final plat that says at some certain point an escrow will be seeded with funds.

Ms. Saunders expressed an opinion that it might be better if the county were to inspect the stormwater systems, and if one was found to not be properly maintained the county could report it to the state who could then compel the HOA to perform the needed maintenance. She then expressed disagreement with the suggestions offered by Mr. Bradshaw regarding assessments for stormwater maintenance and the idea of county performance of the work. She does not believe it would be a good idea, others might have issues paying fees for work that will not directly benefit them or their property.

At this time, Mr. Porter suggested scheduling another meeting to continue the presentation. He suggested it be a joint meeting with the Board of Commissioners, and could be on one of 3 dates: July 11, 16, or 18 (18 is the regular meeting night for the Planning Board). Mr. Porter stated he would check with the BOC and let the Planning Board members know which date would be selected.

## INFORMATION FROM BOARD AND STAFF

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

## CONSIDER DATE OF NEXT MEETING - JULY 18, 2018

## ADJOURN

**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 |

The meeting adjourned at 9:50 PM.

*Chairman Calvin Leary*
*Camden County Planning Board*

*ATTEST:*

*Amy Barnett*
*Planning Clerk*