

**CAMDEN COUNTY BOARD OF COMMISSIONERS**

**CAMDEN COUNTY PLANNING BOARD**

Joint Meeting – July 18, 2018

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**Camden County Planning Board**

**Joint Meeting**

**July 18, 2018 4:30 PM**

**Senior Center, Courthouse Complex**

**Camden, North Carolina**

**MINUTES**

*A Joint Meeting of the Camden County Board of Commissioners & Camden County Planning Board was held on July 18, 2018 in the Senior Center, Camden, North Carolina. The following members were present:*

**CALL TO ORDER**

Board of Commissioners & Planning Board Members Present:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Tom White	Vice Chairman, Camden Board of Commissioners	Present	4:30 PM
Randy Krainiak	Commissioner, Camden Board of Commissioners	Present	4:30 PM
Garry Meiggs	Commissioner, Camden Board of Commissioners	Present	4:48 PM
Clayton Riggs	Chairman, Camden Board of Commissioners	Absent	
Ross Munro	Commissioner, Camden Board of Commissioners	Absent	
Calvin Leary	Chairman, Planning Board	Present	4:30 PM
Patricia Delano	Vice Chairman, Planning Board	Present	4:30 PM
Fletcher Harris	Planning Board Member	Present	4:30 PM
Ray Albertson	Planning Board Member	Absent	
Cathleen M. Saunders	Planning Board Member	Present	4:30 PM
Rick McCall	Planning Board Member	Present	4:30 PM
Steven Bradshaw	Planning Board Member	Present	4:30 PM

Staff Members Present:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Dan Porter	Planning Director	Present	4:30 PM
Amy Barnett	Planning Clerk	Present	4:30 PM
Ken Bowman	County Manager	Present	4:30 PM

Others Present:

<b>Attendee Name</b>	<b>Company</b>	<b>Purpose</b>
Chad Meadows	Code Wright Planners	Present Proposed Revised UDO
Roger Ambrose	Ambrose Signs	Voice Concerns w/ Sign Regulations
Lois Brown	RO Givens Signs	Voice Concerns w/ Sign Regulations
Scott Givens	RO Givens Signs	Voice Concerns w/ Sign Regulations

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**CONSIDERATION OF AGENDA - PLANNING BOARD**

*Motion: Approve Agenda as Presented*

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

**OLD BUSINESS:**

In the absence of and expected late arrival of Commissioner Garry Meiggs in order to form a quorum for the Camden County Commissioners, it was suggested that the Planning Board call their board to order and proceed with the Old Business Item which was the Continuation of presentation by Chad Meadows on the Proposed Revised Unified Development Ordinance.

**CONTINUATION OF PRESENTATION ON PROPOSED REVISED UDO - CHAD MEADOWS, PART 1**

Dan Porter, Planning Director described this agenda item and gave a brief background regarding the Proposed Revised UDO, after which he introduced Mr. Chad Meadows of Code Wright Planners, who began his presentation.

*Chad Meadows, Code Wright Planners*

- Reminded both boards that there are 11 issues of policy for presentation and discussion
- Will go over issues that guidance has been given on
  - Major Subdivisions - New Process
    - Change: Allow administrative review of certain elements prior to any board meetings so developer doesn't have to incur expenses without the certainty that a project will be approved.
  - Increase residential density in the R-1 district to 4.35 dwelling units per acre where there is adequate availability of both water and sewer
  - Alter the permissiveness of manufactured housing such that it is dispersed out into the county rather than concentrated in village centers.
- Will cover items that Planning Board has already heard but Commissioners have not, hope to get through to end of the 11 issues. May require additional meeting(s).

At this time, 4:48 PM, Commissioner Garry Meiggs arrived and a quorum was now present for the Camden County Board of Commissioners.

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**BOARD OF COMMISSIONERS CALL TO ORDER - 4:50 PM**

CONSIDERATION OF AGENDA - BOARD OF COMMISSIONERS

*Motion: Approve Agenda as Presented*

(Agenda consists of Hazard Mitigation Reconstruction [Grant and Associated Budget Amendments] and Presentation of Revised UDO)

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Garry Meiggs, Board Member
<b>AYES:</b>	White, Krainiak, Meiggs
<b>ABSENT:</b>	Riggs, Munro

HAZARD MITIGATION RECONSTRUCTION, 2018 HAZARD MITIGATION GRANT AGREEMENT (FEMA DR-4285-010-R), & BUDGET AMENDMENTS 2018-19-BA001 AND 2018-19-BA002

Vice Chairman Commissioner Tom White called for consideration of the Hazard Mitigation Reconstruction Grant Agreement (FEMA DR-4285-010-R) and associated Budget Amendments 2018-19-BA001 & 2018-19-BA002. The aforementioned grant agreement and associated budget amendments are for the purpose of assistance to be granted to 2 homeowners (one on Bingham Road, the other on NC 343 N) for making much needed repairs due to hurricane flooding.

*Motion: Approve Hazard Mitigation Reconstruction, 2018 Hazard Mitigation Grant Agreement (FEMA DR-4285-010-R), & Budget Amendments 2018-19-BA001 and 2018-19-BA002*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Garry Meiggs, Board Member
<b>AYES:</b>	White, Krainiak, Meiggs
<b>ABSENT:</b>	Riggs, Munro

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CONTINUATION OF PRESENTATION ON PROPOSED REVISED UDO - CHAD MEADOWS,  
PART 2

Vice Chairman Commissioner Tom White opened the floor for Public Comments so that Roger Ambrose, Lois Brown, and Scott Givens could comment regarding the proposed new sign regulations that are a part of the Revised UDO.

Roger Ambrose, Ambrose Signs

- Believes the "No new billboards in Camden County" clause of the proposed revised UDO to be restrictive and also believes it would hurt his business as well as any other sign business
- State of NC regulates signage and defines fairly well what can and can not be done
- Billboards that are already in place are said to be grandfathered
  - Wants to be able to repair billboards if needed and not be required to take them down if cost of repair exceeds 50% of billboards worth
  - Wants to be able to tear down and re-build billboards if needed
  - Wants section that speaks of the "50% of value" to be removed so that is not a consideration
- Businesses rely on signage for advertising, both on and off premise signs
- Sign companies rely on the businesses who buy signage
- Signs need to be able to be seen in order to be effective advertising
- Wants county to look at how signs (billboards) are regulated instead of saying no new ones
- There are at least 15 businesses in Camden County that currently rely on billboards for a portion of their advertising
- Opposed to "No New Billboards"
- Believes there should be a balance between the rural character of the county and the needs of the business community.

Lois Brown, RO Givens

- Has land, wants to be able to put signs on her land if she wants to. Doesn't want someone telling her she can't put it on her own piece of property
- Most of the RO Givens billboards in Camden are rented, there are a few that are not rented, and if a business wants to advertise, they should be able to do so with a billboard.

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At this time, Dan Porter, Planning Director, made the following comments:

- With regards to prohibition of signs, that is a policy decision
- Regarding repair of billboards, such repairs can get very expensive very quick.
  - Agrees 50% rule is restrictive
- Recommends that if there are to be no new billboards, that no limits be placed on ways to repair and / or replace existing billboards with the following exceptions:
  - Size cannot be changed
  - Height cannot be changed
- Thinks type of billboard changes should be allowed (ex: Paper billboard to Electronic) also types of pole / foundation changes should be allowed.

Commissioner Randy Krainiak questioned why there would be a prohibition on billboards. Commissioner Krainiak voiced concerns relating to the effect of prohibition on employees of such businesses.

Dan Porter stated that prohibition is only a recommendation. Mr. Porter added that if they are not prohibited that the county would need to rely on the current ordinance to regulate billboards. Vice Chairman Commissioner Tom White suggested that a committee consisting of County Manager, representatives of the sign companies, and any other necessary person(s) get together to work on this issue and bring their suggestions back to the Board of Commissioners at a later date. Planning Board Chairman Calvin Leary expressed agreement with what Mr. Porter had stated earlier regarding not limiting the repairs to 50% as a means to determine permissiveness.

Chad Meadows commented:

- Agrees with Mr. Porter that the 50% damage threshold may not be suitable for billboards
- Regarding the prohibition:
  - Hwy 17 is an interstate, it is designated as US Interstate 85
  - Within 660 feet of the right of way of any interstate, local government cannot prohibit a billboard.
    - Federal Government made this rule.
  - There are between 15-20 billboards in the county, and no billboards on Hwy 17.
  - Proposal to prohibit is because of the landmark Supreme Court case which has modified how local governments are allowed to regulate signage.
    - Outdoor, off premise advertising is an issue which is still 'cloudy' as far as the Supreme Court ruling goes
    - Question of whether or not the Supreme Court intended local government to be able to regulate off premise signs is not known, not clear. Suggest a more conservative position because it is not known. It will become more clear in the future
    - If Board of Commissioners wants to continue with the existing ordinances / regulations for billboards, fine.
    - Agree that some adjustments with regard to repair of billboards is in order
- Would be helpful to know where BOC stands with regard to policy standpoint on whether to allow new billboards or not outside the Hwy 17 corridor.

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Vice Chairman Commissioner Tom White repeated his earlier suggestion to let the committee meet on this and bring their suggestions back to the Board of Commissioners at a later date.

Steve Bradshaw asked if by prohibiting billboards, is a problem being fixed. Is there such an abundance of billboards that a prohibition is warranted. If not, why does government need to be involved? Mr. Bradshaw went on to describe other areas where he feels additional regulation is in his opinion excessive. One particular area of concern was parking regulations. Mr. Bradshaw was concerned that the way the code was written that it would require parking facilities for farm buildings. Mr. Porter stated that farms and agricultural facilities / uses are exempt from the zoning regulations.

Mr. Meadows stated that the rationale behind the sign regulations is to protect the county from law suits. Mr. Bradshaw asked how would the county be protected. Mr. Meadows responded saying that at this point, it is unknown whether or not there will be any legal challenges to county regulations as they relate to the Supreme Court ruling on signage. As such, the recommendation is to limit signage.

County Manager Ken Bowman stated that even after the UDO revision is approved, it can be amended if and when necessary. With regard to signage regulations, Manager Bowman suggested a review of current regulations to see if alterations are in order or not.

Dan Porter commented on the billboard issue saying it is pretty much straight forward, and suggested that rather than prohibiting them, that they be allowed to be replaced or repaired without placing a value on the work performed to that effect, and simply go by what the current rules are for placement of new billboards.

Mr. Roger Ambrose of Ambrose signs commented that in order to place a billboard in Camden County, that the property where upon the sign is to be placed has to be zoned to allow such use. He added that before he can get a state permit, he has to secure a county permit first. He further commented that the Supreme Court ruling may change some of that, but that at this time, this is how it is done.

Mr. Porter stated he would look at setting a date to meet with both Ambrose and Givens to discuss these issues as they relate to the proposed UDO.

At this time, Mr. Chad Meadows began his presentation of the Proposed Revised UDO, Commercial Design Standards.

#### Chad Meadows, Code Wright Planners

- Section 5.1.2 of the Proposed Revised UDO
- Covered with Planning Board, who felt there were too many design standards
  - Spoke of a flexibility option to relax some of the regulations through the use of the Administrative Adjustment process
- Applied to new non-residential development in VR, VC, CC, MC, and HC districts
  - Not applied to utility, public safety, industrial, or agricultural uses

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- Overlay for Commercial Corridor has different standards (US Hwy 158 within 1000 feet of the right of way)
- Standards include but are not limited to:
  - Basic building orientation provisions
  - Building materials
  - Colors
    - The above is not designed to tell someone how to design their building or that a particular architectural style should be followed, but rather to specify the range of materials that are allowed, limitations, and prohibited materials.
      - Suggested prohibited exterior materials for non-residential development:
        - Unadorned / unfaced concrete masonry units
        - Corrugated or sheet metal
        - Smooth vinyl siding
  - Basic provisions for massing & articulation (varying building facades such that they not be one long façade of identical look)
  - Provisions for windows
  - Provisions for roof mounted equipment
- Idea is to support increased development quality and a better overall appearance of the commercial corridors.
  - Concepts come from the Comprehensive Plan approved by the Board of Commissioners
- Inside the Commercial Corridor Overlay district (1000 feet from the right of way along US Hwy 158) there is a provision whereby buildings which are screened from view of the street may be exempted from design standards
- Question is do these standards go too far? Are they OK as drafted or should they be pulled back a bit?

#### Discussion

Steve Bradshaw stated his opinion is that the proposed standards do go too far. He keyed on parking standards as an example of an area that goes too far. Mr. Bradshaw asked where these standards come from. Mr. Meadows responded that they come from the Comprehensive Plan and added that the plan calls for higher quality development, protection of community character, more intense development in certain locations properly configured so that it is compatible with the rural places that are not going to be higher density.

Mr. Bradshaw stated his opinion that buildings built with fewer windows and use some of the materials which are on the suggested prohibition list would not affect the rural character of the county. He then spoke about the different rules for parking based on the type of business and asked what the rules were based on. Mr. Meadows stated that the rules for parking are based on the uses which are adjacent to the parking area (example: parking requirements for a strip mall are based on the uses in the strip-mall).

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Mr. Meadows mentioned Currituck County's use type "Shopping Center" which has its own set of standards and added that something similar could be drafted for Camden.

Commissioner Garry Meiggs observed that what the driving force behind Currituck's Shopping Center use is the amount of traffic they get from people going to and from the Outer Banks of NC. Mr. Meadows added that Camden doesn't have any where near that amount of traffic.

Mr. Bradshaw stated that the standards can be addressed once stores begin to show adequate interest in locating to Camden.

Mr. Dan Porter stated that public opinion from the public meetings held on this had the consensus from the public that brick block / metal buildings like those in Currituck County along US 158 were not desirable for Camden County. The intent is not to keep commercial away, but rather to create a set of standards that would result in attractive commercial buildings. The question is where to draw the line with regard to standards.

Mr. Bradshaw commented that the landscaping requirements are too strict, trees specifically with regards to the requirements of having them in parking lots.

With regard to Mr. Bradshaw's earlier comment, Mr. Porter commented that while yes you can change the rules, once a building is built, it is there for the life of the building.

Rick McCall commented that he prefers to have a nice scenic drive on his way to places. He added that nice scenery is a good way to get people to come here.

Commissioner Randy Krainiak commented that facades can be added to any kind of building so it looks a particular way from the road. Commissioner Krainiak added that nice things like landscaping are desirable to make a development look good, but he doesn't know if a standard for that kind of thing is possible to where everyone has to do it a certain way.

Mr. Porter commented that the specific standards are not difficult to achieve when it comes to design of buildings. There are some limitations to materials, materials that are prohibited:

- Flat / smooth face block
- Flat / smooth sheet metal
- Corrugated metal
- Smooth vinyl siding

Mr. Meadows commented that if one or more of the material prohibitions go too far, then that material can be removed from the prohibition if that would solve the problem. He added that these standards are more than just a desire to not have certain types of materials. There are standards that say if two or more types of materials are used, that the heavier material needs to go on the bottom.



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Mr. Bradshaw asked if the prohibition on corrugated metal applies to the entire building or only to the front facade. Mr. Meadows responded saying that the intention is that the fronts and sides of buildings that are visible from streets be the first consideration, and if the Board is OK with that, then the next consideration is to look at sides of buildings that abut residential developments. The next consideration after that would be sides that abut non-residential development, corner lots, and so on.

Mr. Meadows further stated that in some parts of the county there are homes that abut commercial development. A policy question for the Board of Commissioners is whether or not to control the design standards for commercial developments that abut residential neighborhoods. Commissioner Krainiak observed that in such situations there are buffer requirements.

Mr. Porter asked Mr. Meadows to explain what fenestration is.

Mr. Meadows explained that fenestration is:

- Windows & doors of glass materials
  - The ability to see into a building
- Standards right now say
  - 25% of the first floor facade that faces the street needs to be transparent.
    - Can utilize window, glass, doors, or both.
- Another standard says cannot block windows with window signs. Must maintain at least 25% transparency.
- Easy standard to meet

Commissioner Krainiak asked what the purpose of windows is. Mr. Meadows stated that the purpose is to encourage people passing by to enter the building and shop there.

Mr. Bradshaw commented that the type of business should determine how much fenestration should be needed.

Rick McCall commented that commercial buildings facing the street or on corner lots should have to adhere to standards that would result in nice looking buildings.

There was a brief discussion regarding the amount of transparent glass fenestration for commercial buildings in the design standards. The standard is 25% of the first floor frontal facade needs to be transparent through the use of windows or glass doors and not blocked by signage.

Mr. Porter posed the question of should there be a requirement for the amount of windows / transparent space on the facade of buildings.

Rick McCall asked if a warehouse would have to meet these same standards. Mr. Meadows replied that warehouses are industrial uses and are exempt from the commercial design standards.

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Vice Chairman Commissioner Tom White commented that the use type determines whether a building is subject to the commercial design standards or not.

Mr. Porter commented that some builders may want to build to the minimum design standards and the question becomes 'is the building that would be built that way, what is desired as a commercial building?'

Patricia Delano commented that without the presence of adequate windows and the ability to see inside a building, some might have reservations against entering such a building if the type of business were not known in advance.

In answer to Mr. Porters earlier question, Commissioner Krainiak stated that there should be a minimum requirement for windows / fenestration.

Mr. Bradshaw, by way of example, commented on the "Taylor's Do It Center" located in Moyock NC. He stated that there are very few windows in that building and the nature of the type of business that it is does not necessitate much in the way of windows. His opinion was that should Camden get such a business, that the requirement for windows would be excessive given this type of business, and that the requirement for windows should be based on the type of business.

Mr. Meadows stated that the standard reads that no more than 25% of the window can be blocked with signage, but that does not mean that nothing can go in the window. (i.e. window displays). Commissioner Meiggs stated that this means that 25% of the total square feet of the window space (and doors if they are transparent) can have signage, no more.

Mr. Meadows asked the Board of Commissioner members present if the consensus is that the standards applied to building facades for buildings facing the street are acceptable. The general consensus was that they are.

Mr. Meadows added that what can be done is to add regulations that allow an application that doesn't meet all of the requirements to still be considered. He also added that if certain standards are not "on the books" that the county will not get that kind of development. Without standards in place, there is no room for negotiating.

Patricia Delano asked if there were standards that require things like smoke alarms, sprinkler systems, etc. Mr. Porter replied that those types of things are part of the NC Building Code and not as such standards. They are required by the state and the building inspector inspects them in the course of construction.

Mr. Meadows then spoke of the Administrative Adjustment process:

- Makes process of application requirements flexible so some standards are not so strict
- Must be based on real reasoning
- Reminded the Board that when standards are reduced, the ability to negotiate is limited

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Mr. Meadows added that the county doesn't or shouldn't want to strive for a lesser community than what is here today. Commissioner Krainiak agreed, saying that developers can be told "this is the kind of building we want here, these are our minimum standards".

Mr. Porter commented that there are little to no design standards for commercial development currently. The current code was written at a time when commercial development was not a big consideration for the county.

Patricia Delano asked if design standards could be based on the size of the building. Mr. Porter replied saying that there are all sorts of formulas that could be applied to determine how much of the standards to apply, but that when it comes to larger buildings, companies are familiar with having to comply with design standards and they are ok with that. Without definitive standards, it leaves staff not knowing what to approve or not approve.

Mr. Porter added that the current code only allows 16 square feet for commercial signage, and says nothing about pole signs. State law used to be that if something is not addressed in the county code, then it is prohibited. Now state law is that if it isn't in the county code, then what ever code is closest as possible to it is what the decision is based on.

Mr. McCall asked if it is better to have stricter standards and have the ability to be flexible or is it better to have more relaxed standards and still be flexible.

Vice Chairman Commissioner Tom White commented that the county is changing and that for the sake of future development, standards are necessary or the county may become stuck with whatever developers can put in place at minimum standards, and it may not be what the county wants.

Mr. Meadows stated that options are:

- Go through the standards piece by piece in detail on this topic
- The Board could decide to remove the fenestration standards
- Keep the standards that have been drafted, and create an alternative process whereby an applicant can work with the county on a case by case basis where they can follow a different set of standards which would be subject to approval by the Planning Board and the Board of Commissioners.

Mr. Bradshaw commented that a case by case scenario would open the county up to the possibility of litigation on matters relating to standards. Vice Chairman Commissioner Tom White agreed. Mr. Meadows stated that he didn't say it was a good solution, only that it was a solution.

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Mr. Bradshaw added that he doesn't want to see a county code with no design standards, but that he feels the proposed standards go too far. He further commented that standards that apply to the front of a building for aesthetic purposes shouldn't apply to the back of the building where it won't be seen. He reiterated his earlier point with regard to landscaping in parking lots as unnecessary. He observed that the proposed standards seem more like those of a larger city than a rural county.

Mr. Meadows stated that if there are sections that Board members don't like, don't agree with, then there need to be meetings to consider alternatives to those sections, not just saying that a section goes too far or disagreeing with it, alternatives need to be presented.

Mr. McCall reminded those present that the County Manager did say that the code could be amended, text added and deleted. Commissioner Meiggs added that the code is very much a "living document". Mr. Meadows agreed saying that it can be amended.

Mr. Bradshaw commented that as the document is, it is not the easiest thing to read and understand. He stated his opinion that there are too many requirements. He feels that each section needs to be gone through one at a time and discussed in order to get the code done right. He asked if the code that has already been agreed on can be added in to what is already existing.

Mr. Porter replied saying that while the existing ordinance can be amended, it is so integrated that changing one section of the existing ordinance will affect other parts which would most likely create conflicting segments of code.

Commissioner Krainiak asked if there were any particular issues that Planning Department has dealt with in regards to the ordinances that necessitate fixing the ordinances.

Mr. Porter replied that when commercial developers and others ask what the design standards are, the only answer that can be given is to say that there aren't any. Vice Chairman Commissioner Tom White reiterated his earlier comment regarding the need for standards in order to control the type of development that comes into the county.

Commissioner Krainiak asked if the state already has certain standards, and if the proposed codes are only to suite the particular needs of Camden. Mr. Meadows replied saying that the state does not regulate the appearance of buildings, and they limit the ability to regulate appearance of single family dwellings, townhomes, and duplexes, etc.

Mr. Meadows added that one option is that the standards could be turned into guidelines, but cautioned that doing so removes the requirement of an applicant to follow such guidelines. Mr. Meadows further added that with guidelines, the county has no control and cannot force an applicant to follow a guideline that is not a requirement. Standards are requirements, guidelines are not.

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Commissioner Krainiak asked if the Board of Commissioners can deny an application because a guideline was not followed. Mr. Meadows replied saying that legally if it is a guideline then the application cannot be denied, only if it were a standard that was not followed could it be denied.

Mr. Porter stated that if guidelines are used instead of standards, then applications would be back to being considered on case by case basis, and would not be able to be denied for not following guidelines. If standards are used, and are not followed, then there is a legitimate reason for denying an application.

Mr. McCall asked about the possibility of utilizing the variance process to get around some standards. Mr. Meadows replied saying that variances require an applicant to prove that there is a non-personal hardship, which was not caused by the applicant, which is the reason why a standard cannot be met. Companies looking to locate to Camden County will find a way to comply with standards.

Mr. Porter commented that even mom & pop stores should be able to comply with standards because even though the percentages are the same as they are for larger buildings, the expenses for smaller buildings are much less. Mr. Meadows suggested that there could be exceptions written into the code for smaller buildings.

Commissioner Krainiak asked if there could be a review board for situations where an applicant didn't want to comply with the standards and instead proposed their own criteria / standards.

Mr. Meadows stated that a process could be created for those who don't want to comply. Such a process would need to be Quasi-Judicial in nature, and there are legal dangers with using such a process. Mr. Meadows added that a safer alternative for a developer would be to consider using the process for a Planned Unit Development.

Commissioner Krainiak asked if there was a way to appeal standards. Mr. Meadows replied that it would go before the Board of Adjustment if there was a situation where an applicant felt a standard was misapplied either by Board or Staff. He added that the Board of Adjustment is not a review board that someone can go to if they simply don't want to follow the standards. He further added that the Planned Unit Development option, while not Quasi-Judicial, would achieve the same kind of thing where an applicant can suggest their own standards. Planned Unit Development would be less legally dangerous because it is not Quasi-Judicial. It does not carry the same limitations as the commercial design standards and is thus a more viable tool for people to use if they want to deviate from the standards.

Mr. Porter commented that many years ago, almost all commercial uses required a special use permit, even home occupations. The Board of Commissioners at that time asked staff to look at the Table of Permissible Uses and pull out things that didn't need to go before the Board. Those items then became such that they only needed a simple zoning permit.

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Mr. Porter added that the proposal here is:

- Minor Site Plans become an item for Administrative Review & Approval
- Major Site Plans go before the Planning Board but not the Board of Commissioners
- Special Use Permits go directly to the Board of Commissioners, removing the need for Planning Board to hear them.

Mr. Porter stated that the idea is to make it easier for commercial businesses to obtain the permits needed to come to Camden County. Good minimum standards are necessary so that staff can look at things and know whether or not to approve something that is an administrative decision. Businesses will not be deterred by standards.

Patricia Delano asked if there was room for negotiation regarding requirements such as the amount of glass (windows), can it be based on the size of a building in a tiered fashion.

Mr. Meadows suggested using the Administrative Adjustment process for that, allowing staff to make adjustments to certain standards such as the amount of fenestration on a frontal facade. Allow staff to make a certain amount of adjustment to the requirement by setting an allowable range of variation and if the applicant wanted to go beyond that, they would have to go to the Planning Board who would then make the decision to allow it or not. This approach could be used for any standard.

Vice Chairman Commissioner Tom White asked if that would get the county into trouble by treating one person differently from another. Mr. Meadows replied that it could create more potential for legal problems than not allowing deviation from the standards. He added that it would be a happy medium to allow some deviation.

Mr. Porter suggested that there could be a reasonable range of deviation in order to provide some flexibility. He added that there should still be a good reason provided by the applicant for needing deviation.

Vice Chairman Commissioner Tom White agreed with Mr. Porter's suggestion saying this would be less likely to result in legal issues because all applicants would be treated the same.

Mr. Meadows suggested a table listing all the standards, range of allowed deviation, and rationale for allowing deviation. He added that if there are specific commercial design standards that Board members would like to see some adjustment to, that they should provide some suggestions as to how they should be adjusted. He also added that the consensus he's hearing on the Administrative Adjustment procedure is that it be broadened to create flexibility.

Mr. Porter commented that Parking & Landscaping can be added as separate topics of discussion for a future meeting.

At this time, Mr. Meadows moved on to the next topic of discussion: Farmland Compatibility.

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#### Farmland Compatibility

- Section 5.5 of the Proposed Revised UDO
- Intent of these provisions is to protect existing farm operations from new development coming in, specifically to protect against grievances by new residential land owners against farm operations that were there first.
- Current approach is to require a 50 foot vegetative buffer between farm operations and major subdivisions.
- Proposal is the same as current, but add some specific standards as to the types and amounts of vegetation required, and the added incorporation of a fence, berm, drainage ditch, or combination of these into the buffer.

Vice Chairman Commissioner Tom White asked if there were any provisions that would protect the trees from pesticide spray when farmers are crop dusting / spraying. He added that more than likely such spray would harm if not kill trees.

Mr. Meadows replied saying that it becomes a question of balance. How far should the Farmland Compatibility standards go. While it is true that people in subdivisions that abut farmland moved to that location, the courts are supporting them when it comes to issues like noise, odor, pesticide overspray, etc., from the farm. The idea is to protect the farms from situations like that occurring in the first place by adding standards that require buffers, open space, etc.

Mr. Bradshaw asked what good a fence, as part of a buffer, would do. He observed that it would not stop odors, spray, etc. Mr. Meadows replied saying that the only thing a fence is likely to do is prevent a child from wandering into the farm field, and thus protect the child from harm.

Vice Chairman Commissioner Tom White reiterated that trees as part of a buffer are a problem to farmers where crop-dusting / spraying is concerned.

Mr. Meadows suggested a menu of choices for buffer separations, such as canals, berms, or other types of separations.

Commissioner Krainiak commented that a farmer will find a way to spray his crops if he can't use a plane. He'll use a tractor with a spray arm if he needs to.

Mr. Bradshaw suggested instead of canopy trees, that some variety of fast growing tree be utilized. Mr. Meadows replied that could be done, or even staggered rows of trees and shrubs.

Mr. Bradshaw added that if there are existing trees / woodland, that they should be used, even if they are on the farm side

Mr. Meadows clarified that the wooded area referred to would be on the developer side. He stated that what he's hearing is that if there is already vegetative material on the farm side, that the developer shouldn't be required to place a buffer.

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Commissioner Garry Meiggs stated that approach would be a bad idea because if, after the developer develops all the way to the property line, the farmer decides to clear his land, then there is no buffer at all and there is a problem then. He added that the farmer is not responsible for creating a buffer between his land and a development, that is the responsibility of the developer.

Mr. Meadows reiterated that the intent is to prevent situations which would result in complaints from residents against farmers. He added that what he is hearing is that there should be some kind of space between farm and residential uses. He asked the Board members their thoughts on the requirement of vegetative buffers. He added that canals are also an option.

Cathleen Saunders expressed agreement with Mr. Bradshaw that there should be mixed types of vegetation - understory and canopy trees, and shrubs.

Mr. Porter asked for consensus on the following:

- Does there need to be a 50 foot buffer?
- If so, can it be comprised of open space, stormwater ditch / linear pond, or does it have to be vegetative?

Mr. Meadows stated that there was a stipulation that a buffer had to incorporate a fence, berm, or a ditch, or some combination of these.

After a brief discussion regarding fences, consensus was to get rid of the fence requirement from the vegetative buffer but to leave the berm and ditch.

Consensus to Mr. Porter's questions were that there does need to be a 50 foot buffer and that it can be either vegetative, open space, or stormwater ditch / linear pond.

At this time, Mr. Porter asked for the Board to set a date for another meeting to continue this presentation. The Board chose Wednesday, July 25, 2018 at 4:30 in the Camden County Senior Center for the next meeting.



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**ADJOURN PLANNING BOARD & BOARD OF COMMISSIONERS**

*Motion to Adjourn Planning Board*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Rick McCall, Board Member
<b>SECONDER:</b>	Cathleen M. Saunders, Board Member
<b>AYES:</b>	Leary, Delano, Harris, Saunders, McCall, Bradshaw
<b>ABSENT:</b>	Albertson

The Planning Board adjourned the joint meeting at 6:45 PM.

*Adjourn Board of Commissioners*

Vice Chairman Commissioner Tom White adjourned the joint meeting of the Camden County Board of Commissioners at 6:45 PM.

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*Chairman Calvin Leary  
Camden County Planning Board*

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*Vice Chairman Tom White  
Camden County Board of Commissioners*

*ATTEST:*

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*Amy Barnett, Planning Clerk  
Assistant Clerk to the Board of Commissioners  
Clerk to the Planning Board*