

**Camden County Planning Board
Minutes
December 19, 2012, 7:00pm
Historic Courtroom
Camden County Courthouse Complex**

Members Present:	Absent:
Chairman Rodney Needham	Fletcher Harris
Vice Chairman Calvin Leary	Ray Albertson
David Bundy	
Michael Etheridge	
John Aydlett	

Call to Order & Welcome

Chairman Rodney Needham called to order the December 19, 2012 meeting at 7:05 PM.

Others Present at Meeting

STAFF PRESENT

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

OTHERS PRESENT

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

Consideration of Agenda

Chairman Rodney Needham called for consideration of the agenda.

Motion to approve the agenda as presented made by: Michael Etheridge.

Motion Seconded by: David Bundy.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Members Fletcher Harris and Ray Albertson absent, and none not voting.

Consideration of Minutes: July 18, 2012

Chairman Rodney Needham called for consideration of the minutes from July 18, 2012.

Motion to approve the minutes as written made by: John Aydlett.

Motion Seconded by: Michael Etheridge.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Members Fletcher Harris and Ray Albertson absent, and none not voting.

Comments from the Public

None

Old Business

None

New Business

New Business, Item #1

Amendment to Camden County Code of Ordinances

Dave Parks introduced and read through this proposed change to County Ordinance:

Ordinance No. 2012-11-01

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

Camden County, North Carolina

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

Article I: Purpose

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

Article II: Construction

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

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

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.244 MAINTENANCE OF DEDICATED AREAS UNTIL ACCEPTANCE.

(A) All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until the offer of dedication is accepted by the appropriate public authority.

(B) The developer of any development containing streets intended for public dedication shall post a cash bond to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the State Department of Transportation.

(1) This maintenance guarantee may be combined with any provided under § 151.242.

(2) The amount of the security shall generally constitute ~~15%~~ 30% of the cost of the improvements. The developer shall provide information sufficient to determine the cost of the improvements.

(C) The Board may relieve the developer of the requirements of this section if it determines that a property owner's association has been established for the development and that this association has assumed and is capable of performing the obligations set forth in division (A) above.

§ 151.245 ACCEPTABLE BOND TERMS AND METHODS.

The following types of bonds/guarantees will be acceptable to the Board for the purpose of satisfying maintenance (30%) and performance guarantees (125%) prior to recording of the final plat:

(A) Surety bonds by a licensed surety bond company;

(B) Cash Bond with the Finance Officer named as trustee; and

(C) Irrevocable letters of credit, on forms approved by the County Attorney, with a banking institution insured by the FDIC or other reputable institution, to be renewed annually until released by the county.

§ 151.404 Mandatory Standards for Land Disturbance Activities

(A) The provisions of this section shall apply to any land disturbance activity regardless of the size of disturbed area. A fill permit is required when filling / grading above any adjacent grade is proposed.

(B) Land disturbing activities, excluding clearing, grubbing and vegetable gardens, shall not be permitted within ten feet from any property line with the exception of drainage and stormwater improvements and underground utilities. Landscaping and fences located within this area are permitted as long as they do not impede the flow of stormwater. Land disturbance on front (street) property lines for driveways shall be limited to culvert, drainage, and driveway improvements and shall comply with all provisions of this ordinance.

(C) Fill is not allowed within ten feet of any side or rear property line. Fill is not allowed within ten feet of the front (street) property line except for driveway improvements and as approved by the County.

(D) Stormwater ponds, either wet or dry, shall not be located within the ten foot no fill zone, except as approved by the County.

(E) A lot shall not be filled/graded higher than the adjacent grades except for the following:

1. When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function properly, the fill area shall be limited to the septic system and drainfield areas and the maximum fill shall not exceed 24 inches.
2. An additional 12 inches of fill above the septic system and drainfield fill may be allowed for the house pad to ensure adequate flow from the building to the septic system.
3. When fill is required to raise the lot elevation to the base flood elevation.
4. When fill is essential to meet the required pad elevation as shown on an approved preliminary plat / grading plan.

(F) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten foot setback requirement from all property lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:

1. Prior to issuance of the certificate of compliance for construction projects; or,
2. For projects where land disturbance activity has ceased for more than six months, whichever occurs first.

(G) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection and as otherwise permitted by the County. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

(H) Any lot requiring a fill permit shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.

(I) In the cases of natural grade differences greater than nine (9) inches between adjoining lots of the subject property, the County may require (based on size and shape of lot) a stormwater management plan prepared by a North Carolina licensed engineer, land surveyor, or landscape architect that deviate from these requirements. The stormwater plan shall verify that the proposed development will not create flooding or nuisance conditions on the lower adjacent lots. In no case shall the rear and side yard no fill zones be encroached upon with fill.

(J) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.

(K) A fill permit issued by the US Army Corps of Engineers shall be required to fill any 404 wetlands.

Adopted by the Board of Commissioners for the County of Camden this ____ day
of _____, 2012.

County of Camden

Sandra Duckwall, Chairman
Board of Commissioners

ATTEST:

Ashley Honaker
Clerk to the Board

Mr. Parks stated that the first part of this proposed change in ordinance is to increase the amount of security the developers are to provide from 15% to 30%. This change was proposed and approved a few months ago by the Board. Since then, additional items have been added to this proposed ordinance for the board's consideration. To avoid having 2 public hearings, staff put these changes all in one proposed ordinance.

Mr. Parks stated that the purpose of the proposed changes is to curtail land disturbing activities with regard to fill on properties by requiring a fill permit. Such permit would limit the height of allowable fill, and would have the effect of possibly reducing the amount of flooding via stormwater runoff on properties which are adjacent to any properties wherein fill is applied.

Board member John Aydlett asked for clarification as to who has to apply for the fill permit. Mr. Parks responded that it would be the developer's responsibility. Dan Porter, Director of Planning, added that the fill permit would be applied for at the building permit stage.

Mr. Aydlett then asked if other counties have this kind of ordinance. Dan Porter responded saying that Currituck's ordinance was very similar to this.

Vice Chairman Calvin Leary asked if this ordinance included driveway improvements. Dan Porter responded that things like driveways, gardens, and so forth were exempted from this ordinance. These things are exceptions.

Board member Michael Etheridge put forth a hypothetical scenario: If there is an empty lot, and the owner applies fill to the empty lot, then later comes in for a building permit, would that owner be able to add more fill to it?

Dan Porter responded saying that at the building permit stage, staff would inquire if any fill had been applied to the property.

Dave Parks re-iterated the purpose of this is to make sure there are no adverse effects with regard to flooding and stormwater drainage / runoff.

Dan Porter stated that with regard to section (I) this proposed change to ordinance will give staff some discretion in that if the natural grade difference is less than 9 inches, a stormwater plan may not be required.

Member Michael Etheridge inquired regarding septic system permits... would they now require a stormwater plan? Dan Porter stated that it may require an engineer to determine how it would be handled.

Mr. Porter continued stating that build up of lots (wherein excess fill has been applied) has been causing problems for runoff, drainage, and impervious surfaces. Mr. Parks added that it is to be expected that after a 4 inch rain, there will be flooding, but controlling the amount of fill, and how it is utilized may curtail some of the flooding.

Vice Chairman Calvin Leary asked if the fee would be the same regardless of the amount of fill being placed on a property. Dan Porter responded saying that the fee covers review by staff, and the determination of whether or not an engineered stormwater plan would be required.

Chairman Rodney Needham stated that he sees this proposed change as too restrictive. He stated that it does not protect the individual whose property is adjoined by high lots on both sides... the individual would not be able to fill his lot to level out without going through a long and drawn out process.

Chairman Rodney Needham suggested re-writing section (C) to protect the individual.

Member John Aydlett pointed out that there is a saving grace, you would not need to get a fill permit unless you were building on the lot.

Dan Porter agreed adding that in section (A) the words "at building permit" could be added to clarify this point. Also, CAMA, Corps of Engineers, etc., would be involved for wetlands permits.

Mr. Aydlett asked if CAMA or Corps of Engineers permits would supersede the fill permit. Dave Parks stated that the fill permit will let staff know what an applicant is planning in the front end, so that if CAMA or the Corps of Engineers are needed, staff can direct the applicant as appropriate. It also lets staff determine if the proposed amount of fill will impact any adjacent properties.

Mr. Etheridge asked if this would apply to existing problems brought about by excess fill. Mr. Porter responded stating that only properties going forward would be checked.

Dave Parks once again stated that the whole purpose is to prevent a neighbor from building up his property in such a way that it affects his neighbors drainage/flooding/runoff.

Mr. Parks went on to say, with regards to section (I), that the county would not be saying that it cannot be more than nine inches, just show how the stormwater is going to be handled by providing a stormwater plan.

Mr. Porter added that this ordinance gives staff some discretion as to whether or not to require a stormwater plan. If a property is 2-5 acres with a house sitting in the middle of it, calculations can easily be done to determine if it is going to affect adjacent lots, but when it comes down to the smaller lots like are in the core areas, 9 inches becomes significant in terms of runoff affecting adjacent lots, and at that point staff would request a stormwater plan to be prepared by an engineer to show how the runoff will be handled.

Chairman Needham stated that he thinks this is over-regulating. Mr. Needham spoke of a situation he is involved with wherein he needs to place fill on part of his own property.

Dave Parks stated that Mr. Needham's property is adjacent to a farm on one side and swamp on another side, any fill applied by Mr. Needham would not affect his neighbors as he drains into the swamp and a farm.

Chairman Needham stated that size of the lot (section (A)) should be re-considered. Mr. Porter addressed this by stating that this section could be changed to add that it would apply to any building permit where land is disturbed.

Vice Chairman Calvin Leary stated that he is in agreement with Dan Porter and that adding that language should take care of it.

Dave Parks stated that this would not apply to people who are just improving their lot, but only for those who are seeking a building permit to build upon a lot.

Mr. Aydlett asked if a simple shed permit would require this if an owner wanted to add fill to raise the area whereupon the shed would be placed. Dan Porter responded stating that it would be addressed when the owner came in for the building permit. Mr. Porter reminded the Board of the requirement of existing systems checks from the health department, wherein the county makes sure that a land owner is not building on top of an existing septic system or the drain fields associated with such system.

Dan Porter spoke about % impervious surfaces, and how it impacts stormwater runoff.

Dave Parks added that this is an attempt to protect existing land owners. Mr. Parks added that a modification to section (A) to tie it into the building permit and change the wording from “is required” to “may be required” might be better.

Michael Etheridge asked questions regarding requirements for the fill permit. Those requirements are listed on the application form which Dave Parks handed out before this agenda item.

There was a small discussion regarding the way a septic system is placed with regard to the fill and how it allows drainage.

Mr. Aydlett asked how much a stormwater certification would cost. Mr. Porter stated it would be \$ 50 per letter.

Mr. Parks added that if the fill permit is obtained in the beginning and associated issues with regard to stormwater are handled, it will cost less than finding out later that there is a problem with an owner’s drainage, and that owner would be responsible for the costs associated with fixing any problems.

Vice Chairman Calvin Leary made a motion to approve the amendment with the following changes: Tie it into the building permit for new construction. David Bundy seconded the motion.

Chairman Needham asked if there would be an inspection point for this, also when would it go into effect, and would it be retroactive.

Dan Porter stated that it would be effective as of when the commissioners approve it, and it would not be retroactive. Existing projects would not be required to meet this ordinance.

Mr. Aydlett then inquired regarding the 9 inches mentioned in section (I) of the proposed ordinance. It is the opinion of Mr. Aydlett that 9 inches is not very much when considering the differences in natural grade between adjoining properties. Mr. Aydlett feels that this number needs to be increased to perhaps 12 inches.

Chairman Needham concurred with the opinion above, that 9 inches is not very much.

Dave Parks clarified that the 9 inches is 9 inches above the highest grade level on a subject property. Mr. Parks went on to say that section (I) is about giving the County the discretion to say whether or not a stormwater plan is or is not required. Also, Mr. Parks reminded the board that in section (I) it says that the county "may require" a stormwater plan. The words "may require" gives the county the discretion to either require or not require one as appropriate to the situation.

Chairman Needham spoke of a need to have an engineer on staff if engineered stormwater plans are going to become a standard part of the process of obtaining a building permit.

Dave Parks then went over the application for a fill permit (which he handed out at the beginning of this business item). On the application, among other things, it asks for the maximum height of fill which an applicant plans to place on a lot. Mr. Parks also went over the submittal requirements on the bottom and back of the application:



Camden County

Fill Permit Application

Date: _____

Applicant Information:

Owner(s): _____

Owner Address: _____

Phone Number: _____ Email: _____

Applicant: _____

Applicant Address: _____

Phone Number: _____ Email: _____

Fax Number: _____

Project Information:

Project Name: _____

Street Address: _____

(Obtain from GIS at 252-338-1919)

Parcel Id Number: _____

Total Tract Acreage: _____ square feet

Total Area of Land Disturbance: _____ square feet

- Total area of land disturbance is greater than 43,560 square feet; state permits required.

Maximum height of fill: _____ feet

Fill shall not exceed 24 inches for the septic area and 36 inches for house pad. Fill is defined as any material placed or graded on a lot where the material has the effect of increasing the elevation of any portion of the lot.

Description of Land Disturbance Activities: _____

Submittal Checklist Requirements:

1. Two blue line or black and white paper prints of the land disturbance plan.
2. Fill permits application fee \$50.00.
3. A copy of the Albemarle Regional Health Services site evaluation for a septic system.
4. A copy of the North Carolina Division of Water Quality certification to fill any 401 wetlands.
5. A copy of the US Army Corps of Engineers permit to fill any 404 wetlands.
6. The stormwater management plan, prepared by a North Carolina licensed professional engineer, licensed surveyor or landscape architect, shall include, but not limited to, the following information:

- Architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the property and the measures planned to comply with the requirements of the county ordinance.
- Adjacent property grades (i.e. the highest grade measured within thirty-feet from the subject property lines into the adjoining lots).
- Approximate depth of seasonal high water table.
- Existing elevations sufficient to determine the drainage patterns on-site and on adjoining sites (i.e. contours in one foot intervals).
- Locations and elevations of the adjoining street pavement, shoulder ditches, drainage systems, upstream and downstream driveway culverts.
- Proposed elevations of the top of bank, toe of slope and limits for fill necessary to construct the dwelling, including driveway access, shall be delineated. **No fill/grading shall occur within 10 feet of any property line except for driveway improvements allowed by the UDO.**
- Proposed stormwater management improvements; including methods for stabilization and maintenance. **At a minimum, property line swales shall be installed 12 inches deep and 3:1 slope.**
- Location of proposed improvements including septic systems.
- Flood zone designation, special flood hazard area, and boundary of any floodway of the proposed development area as determined on the FIRM or other flood map.
- Detention shall be provided for a four inch rainfall event from all impervious surfaces. Drainage area shall include all built-upon area on the subject lot and any runoff received from built-upon areas within 30 feet of the subject property line. All runoff from built-upon area must be directed into the stormwater management system.
- An operation and maintenance plan, including sediment removal, mowing and revegetation, immediate repair of erosion, debris removal, and unclogging of any structures.
- Certification of Stormwater Management (**certification must be on the site plan**):

On the site plan entitled _____, stormwater drainage improvements shall be installed according to these plans and specifications and approved by Camden County. Camden County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements.

Engineer/Surveyor/Architect

Date

The undersigned hereby agrees to conform to all county regulations, applicable state laws and the conditions of the fill permit. The undersigned further states that all information given herein is true and, authorize county staff to enter onto the property to ensure all applicable rules and regulations will be met. Compliance with restrictive covenants is the responsibility of the property owner which may or may not be more restrictive than the conditions of any permit approvals.

I hereby certify that I, the owner of the property, shown hereon will guarantee the maintenance of the stormwater conveyance measures shown on the approved plan as designed. Maintenance shall include, but not limited to, the following: removal of all sediment and debris to maintain intended grade and storage capacity and mowing and revegetation to control erosion and clogging. The immediate repair of erosion and the unclogging of any structures are necessary to maintain the intent of designed swales.

Property Owner

Date

Agent/Applicant

Date

Application submittals shall be filed with Camden County Planning Department located at 117 NC Hwy 343 or by mail at P. O. Box 190, Camden, NC, 27921.

Received by: _____	Date Received: _____
Permit Application Fee: _____	Reviewed by: _____
Plan Date (with revisions): _____	Approved by: _____

At this time, Chairman Rodney Needham asked if there was any further discussion. Hearing none, he asked for the motion on the floor to be repeated.

Vice Chairman repeated the motion he had made: Approve the amendment with the following changes: Tie it into the building permit for new construction. David Bundy seconded the motion. A roll call vote was taken with the following results: Chairman Rodney Needham: No; Vice Chairman Calvin Leary: Aye; John Aydtlett: Aye; David Bundy: Aye; Michael Etheridge: Aye. The motion passed on a vote of 4 in favor with 1 against.

***New Business, Item #2
Camden County Comprehensive Plan Discussion***

Dan Porter informed the board that the 2035 Camden County Comprehensive Plan has been approved and officially adopted by the Board of Commissioners.

Included in the board packet for this meeting was a list of priority action items, which Mr. Porter then went over.

Mr. Porter indicated that there is a copy of the Comprehensive Plan available online at the county's website: www.camdencountync.gov.

Mr. Porter spoke briefly regarding the previous attempt at obtaining an R4x zoning designation. Mr. Porter also spoke briefly regarding rural roadway overlays, and catalyst actions in the comprehensive plan. He also spoke very briefly regarding the South Mills Small Area Plan.

John Aydlett inquired regarding voluntary agriculture districts. Mr. Porter responded that he had been trying to get someone to come in and speak about this, but was unable to arrange it at this time.

Mr. Aydlett asked if there would be any monetary benefits to voluntary agriculture districts. Mr. Porter indicated that there might be tax advantages.

Information from Board and Staff

- None

Consider Date of Next Meeting - January 16, 2013

Adjournment

At 8:25 PM, Michael Etheridge made a motion to adjourn the meeting. David Bundy seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members John Aydlett, David Bundy, and Michael Etheridge voting aye; none voting no; Members Fletcher Harris and Ray Albertson absent; none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk