

Camden County Planning Board
Minutes
February 20, 2008, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present: Chairman Rodney Needham,
Vice Chairman Terri Griffin,
Members Calvin Leary,
Michael Etheridge, John Aydlett,
And Fletcher Harris (present but
not voting)

Absent: Ray Albertson

Call to Order & Welcome

Rodney Needham called to order the February 20, 2008 meeting at 7:00 PM.

Others Present at Meeting

Present were staff members Dan Porter, Director of Planning, and Amy Barnett, Planning Clerk. Present for purposes of presenting information relevant to their special use permit application was Christy Saunders of the Pasquotank/Camden/Elizabeth City Emergency Management Agency.

Election of Chairman and Vice Chairman

Dan Porter opened the floor for nominations for Chairman. Calvin Leary nominated Rodney Needham for Chairman. Michael Etheridge seconded the nomination. Hearing no further nominations, a vote was taken. By a vote of 5-0, with one member absent, and one member not voting, Rodney Needham was elected to the position of Chairman.

Dan Porter then opened the floor for nominations for Vice Chairman. Michael Etheridge nominated Terri Griffin for Vice Chairman. Rodney Needham seconded the nomination. Hearing no further nominations, a vote was taken. By a vote of 5-0, with one member absent, and one member not voting, Terri Griffin was elected to the position of Vice Chairman.

Consideration of Agenda

Chairman Rodney Needham called for the consideration of the agenda. Terri Griffin made a motion to approve the agenda. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; 1 not voting.

Consideration of the Minutes- January 16, 2008

Chairman Rodney Needham called for the consideration of the minutes from the January 16, 2008 meeting. Michael Etheridge made a motion to approve the minutes from the January 16, 2008 meeting as written. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; 1 not voting.

Comments from the Public.

None.

Old Business

None.

New Business

Item#1: Special Use Permit Application (UDO 2008-01-30) from Division of State Highway Patrol for a 480' Telecommunications Facility.

Special Use Permit (Findings of Fact)
UDO 2008-01-30
Camden County

1. **Name of Applicant:** Department of Crime Control and Public Safety,
Division of State Highway Patrol
2. **Agent for Applicant:** Christy Saunders, Pasquotank/Camden/Elizabeth City
Emergency Management Agency
3. **Address of Applicant:** P. O. Box 130, Elizabeth City, NC, 27907-0130
4. **File Reference:** UDO 2008-01-30
5. **PIN:** 01-7071-00-67-6843
6. **Street Address of Property:** County owned property located off McPherson Road.
8. **Location of Property:** South Mills Township
9. **Flood Zone:** X
10. **Zoning District(s):** General Use District
11. **Is a Zoning Change required for the Proposed Use?** No.
12. **General Description of the Proposal:** Erect a 480' Tele Communications Facility for the
State Highway Patrol VIPER network.
13. **Use Classification:** Article 151.334 (Use#18.300)
14. **Date Application Received by County:** January 2, 2008
15. **Received by:** David Parks, Permit Officer
16. **Application Fee Paid:** Waived
17. **Completeness of Application:** Application appears to be complete.
A. Items Needed: None
18. **Proposal to be completed in phases:** No

19. Documents Received Upon Filing Application or otherwise included:

- A. Land Use Application
- B. Site Plan
- C. Copy of Lease Agreement between Camden County and State Highway Patrol
- D. Tower Plans
- E. Agent for Applicant letter (email)

20. Adjacent Property Use: Residential / agricultural

21. Existing Land Use: Spray Field for Camden County Sewer District

22. Lot Size: 360 acres (Easement approx .23 acres)

23. Utilities: None

24. Landscaping

- A. Is any buffer required? Type A landscaping
- B. Is any landscaping described in application: Yes, applicant proposes an eight (8) foot fence to surround tower.

25. Findings Regarding Additional Requirements

- A. Endangering the public health and safety: Staff feels that there is no threat to public health and safety as tower will sit approximately 900 feet off McPherson Road.
- B. Injure the value of adjoining or abutting property: Staff feels that this would have no affect on adjoining or abutting property.
- C. Harmony with the area in which it is located: Yes, proposed use is in harmony with the area.
- D. Conformity with the Plans
 - (1). Land Use Plan - Yes.
 - (2). Thoroughfare Plan - County has no adopted thoroughfare plan.
 - (3). Other Plans officially adopted by the Board of Commissioners - N/A
- E. Will not exceed the county's ability to provide public facilities
 - (1). Schools - No
 - (2). Fire and rescue - No
 - (3). Law Enforcement - Will further law enforcement capabilities.
- F. Other County Facilities - No

Staff recommends approval with the following conditions:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
 2. The applicant shall complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO 2008-01-30.
 3. No construction shall take place until the Planning Department receives approval letter from the National Environmental Communications Commission (NEPA) and letter regarding non-ionizing emitted radiation (NIER), quantifying the level of radiation exposure.
 4. Fence shall be constructed so a person cannot see through it; visually opaque.
 5. No construction shall take place until Lease Agreement between both parties is signed.
 6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect.
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Dan Porter introduced Christy Saunders, Emergency Management Coordinator for the Pasquotank / Camden / Elizabeth City Emergency Management Agency. He also pointed out the location of the proposed tower: on property owned by the county, on the corner of the spray field close to the corner / back corner of the retention pond. It is well off the road and towards the back of the property. The plan is to erect a 480 foot telecommunications facility for the Highway Patrol VIPER System, staff understanding is that there will also be some county and other emergency communications equipment on it. There is a buffer required - landscape type A, and applicant has proposed an 8 foot fence. With regard to public health and safety, the tower will sit about 900 feet off of McPherson Road, so there should be no negative effect on adjoining or abutting property. Staff recommends approval with the conditions as listed on the Findings of Fact for this Special Use Permit. The lease agreement must be reviewed by the county attorney, one item in the lease with regards to the description to the premises, it does not have a physical street address, so we will require there to be a meets and bounds description of the property. As soon as that condition is met, it will be submitted to the Board of Commissioners to be on their next agenda for their consideration.

At this time, Dan Porter invited Ms. Saunders to the podium. Ms. Saunders stated: "The 480 foot tower will not only be for the VIPER network, which at this time is an 800 megahertz system, at this time we are not able to go to that radio system, but the infrastructure will be in place if we ever can, but it will also be for us to put our radio equipment on that we presently have, that's all our emergency services, and any other emergency service that we [cooperate] with and also any volunteer agencies that we work with. It's all paid for with a grant, and all maintenance is done by the Highway Patrol."

Dan Porter asked if she had any problems with the opaque buffer zone. Ms. Saunders indicated that they would probably go with trees as a buffer since they are using a grant, it would cost them \$5-6000 extra for slats in the fence, so trees would be more economical. Also she indicated that FEMA would be looking very closely at what the grant money was paying for. FEMA and Homeland Security will be reviewing everything to ensure the grant money is being spent wisely.

John Aydlett asked if we have a list of suggestions for plant material for buffers for fences. Dan Porter replied that there is somewhere in our UDO at the very back there are some suggestions, some requirements in terms of height, etc., 6 or 8 feet at planting height, anything that would basically buffer a fence.

Rodney Needham asked 'In regards to the height of the tower, how does that fit in with our UDO?' Dan Porter responded 'That's the reason we require a special use permit, anything over 35 feet requires a SUP so it does fit with our UDO. They also have a letter from the FAA that they have looked over the application and they are fine with it, which is why it is 480 feet and not 500 feet.'

Rodney Needham asked if there are no other buildings other than the equipment shelter. The answer was no. He also asked if they will need a building permit for the shelter. The answer was Yes. He then questioned the fall zone / fall line area of the tower. Response: This tower is designed to collapse within itself, and it is to be positioned with the standard buffer so the fall line will not fall on any other property.

Mr. Needham then questioned the height of the fence. Dan Porter responded that the applicant has proposed an 8 foot fence.

Michael Etheridge made a motion to approve the special use permit with the conditions set forth by the Planning staff. John Aydlett seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; 1 not voting.

Information from Board and Staff

Dan Porter presented the following reports to the Planning Board:

- Regarding Wharf's Landing Re-Zoning:
 - Item failed to be approved by the Board of Commissioners due to a lack of motion for a vote to be taken.
 - As such, the associated sketch plan was pulled from BOC agenda
 - Wharf's Landing most likely will now submit an amended sketch plan for the portion of their property that is zoned R-3-1.
 - Staff recommended simply accepting and reviewing the amended sketch plan without the need for it to go before the Technical Review Board or the Planning Board, instead, send it directly to the Board of Commissioners after review unless there are significant changes. Planning Board members agreed to this.
- Table of Permissible Uses:
 - Item was approved with modifications.
 - One of the commissioners amended our proposal to not make any changes in those zoning districts that are residential. Recall, there were just a few changes, mostly addressing the issue of allowing accessory structures on parcels in R-1, R-2 districts and some additional changes with regard to multi-family housing. It was felt that the reason they asked for it to be brought to them was to deal with commercial businesses and ease of approving commercial businesses. So they did not want to touch the residential zoning districts at this time.
 - Dan Porter sent a note to the Board of Commissioners making suggestion and they agreed to re-hear the issue of allowing home occupations to go from a Special Use Permit to a Zoning Permit.
 - The other thing they amended was Sanitary Landfill line items (use #'s 15.300-15.302). We were recommending that these uses go from Zoning Permits to Special Use Permits. They chose to leave it as a Zoning Permit because of the pending litigations with Waste Industries and the State of NC. They are leaving it alone until such time as the litigations are resolved.

- Planned Unit Development was approved
 - Camden Plantation's text amendment was approved
 - Camden Plantation is in a position now to submit their concept plan

- Grand Parent to Grand Child Exemption was approved with modifications
 - Requirement Added: Grantor must have held the property for at least 10 years prior to the transaction
 - Exception: if the grantor received the property through a will or other inheritance

- 21st Century Community Technical Assistance Program - we (Camden County) were selected to participate in this community planning assistance program. This program assists communities with grants by giving them priority status for consideration.

- We have applied for the NC Rural Center STEP Program (Small Town Enterprise Program)

- Board of Commissioners Retreat (February 21, 2008) - Dan Porter went over some of the things that will be discussed at the retreat. They include:
 - Department of Community Assistance will provide facilitators for the meeting
 - Discussion Items:
 - Trends and Developments updates
 - 21st Century Communities Program Presentation
 - Golden Leaf Foundation - Community Initiative Program Presentation
 - STEP Program short presentation
 - Public Facilities - PowerPoint presentation to be given by Dan Porter
 - Capacity and Usage of:
 - Water
 - Sewer
 - Public Schools
 - Mental Health Program
 - Green Park Initiative - (there will be a workshop 3-13-08)
 - Other Planning Issues:
 - Design requirements for communities
 - Commercial business incentives
 - Small area plans along the Camden, South Mills, US 158, US 17 corridors
 - Storm water issues
 - Parks and Recreation
 - School Locations

Following Dan Porters comments, Vice Chairman Terri Griffin made the comment that if the commissioners are going to use economic impact as an argument against OLF, the county needs to have a firm economic plan and be able to show that the counties economic situation would suffer if the OLF is placed within Camden County. Ms. Griffin indicated that she would like for the commissioners to discuss this at their retreat. Dan Porter stated that he would bring this up, but also that she might want to voice this concern to one of the commissioners personally, asking them to discuss this.

Consider Date of Next Meeting – March 19, 2008

Adjournment

At 7:45 PM, Chairman Rodney Needham called for a motion to adjourn. Vice Chairman Terri Griffin made a motion to adjourn the meeting. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; 1 not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk