

Camden County Planning Board

Minutes

August 15, 2007

7:00pm

Upstairs Courtroom

Camden County Courthouse

Chairman James Burnham

Vice Chairman Rodney Needham

Members Terri Griffin, Ray Albertson,

Michael Etheridge, Calvin Leary, and John Aydlett

Call to Order & Welcome

Chairman James Burnham called to order the August 15, 2007 meeting at 7:02 PM.

Consideration of Agenda

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

Consideration of the Minutes- July 18, 2007

Chairman Burnham called for the consideration of the minutes from the July 18, 2007 meeting. Calvin Leary made a motion to approve the minutes from the July 18, 2007 meeting as written. Ray Albertson seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none voting no; none absent; none not voting.

Comments from the Public.

1. Dan Porter introduced Amy Barnett, the new secretary for the Planning Department, and new clerk to the Planning Board.
2. On behalf of the Planning Board, Chairman James Burnham expressed the appreciation of the board to Lori Tuss for outstanding service rendered.

Old Business

Amendment to Chapter 151 of Camden County code, Wind Turbines

Copy of ordinance was included in the board packet for the August meeting. Also, Ted Vogel, the Alternative Energy Officer with Blackwater, was present.

Dan Porter provided a copy of an email he received related to wind turbines. Dan spoke about the permissible use table, where to allow turbines to be located, which zone. The recommendation before the board is that they be included as an 'as of right' type of use in the GUD and industrial zones, and for larger turbines to require a special use permit to give the Planning Board the ability to place conditions on specific use and location.

Dan further recommended that if the board considers allowing turbines in residential zones, that a special use permit be required and acreage restrictions be put in place so as to regulate the building of these structures and to prevent haphazard placement by any and all persons who may wish to place these in residential zones.

Dan recapped the three key issues with regard to wind turbines: (1) height of turbine tower, (2) size threshold cutoff between large and small turbines, and (3) setback requirements.

Terri Griffin asked if construction of turbines will be inspected in stages as they are being built. Dan Porter responded that those wishing to erect a turbine will have to apply for and obtain a building permit prior to construction. Planning Department will inspect for setbacks and location, but not engineering issues. The engineering report will be relied upon for that.

Questions were raised regarding dismantling and disposal of turbines. Dan Porter stated that in some cases the manufacturer can suggest plans for and approximate costs regarding dismantling of a wind turbine system. Rodney Needham stated he would like that to be included in the ordinance, that the manufacturer would have to provide plans for how to build the system, how to dismantle the system, and the associated costs.

Another concern was the amount of time allowed for a dysfunctional system prior to requiring dismantling. The question of 'who is going to police the dismantling requirements' was raised. Dan Porter stated that neighbors would probably start to complain if there was a system in disrepair. Also, Planning Department inspectors ride the county daily and would most likely see a system that has ceased operation.

Ray Albertson questioned line 100 of the ordinance, regarding the surety bond for removal: 'drop it to ground or dispose of it off site?'. Dan Porter said his interpretation is an off site disposal. Chairman James Burnham agreed and added that the site should be restored to the condition it was in prior to the installation of any wind system.

Terri Griffin asked if there was any portion of the ordinance that addressed disclosure of any remnants from the dismantling or disposal of a wind system to a prospective property buyer. Dan Porter responded to this stating that this type of situation would be a civil issue between the buyer and seller, and is not a regulatory issue.

At this point, Dan Porter introduced the gentleman from Blackwater who was in attendance. Mr. Ted Vogel, Alternative Energy Officer, Blackwater, spoke about towers in other locations and provided some further “real world” insight about these systems and the types of systems that might be used in different kinds of areas. He mentioned that the wind in Camden County is not good enough to support a 300-350 foot tower, so we wouldn’t have to worry about many of these going up. He did say, however, that the smaller “home use” ones are relatively small and can be put up and taken down by 1-3 persons about 3 or 4 times in an 8 hour time period.

Some discussion took place regarding the fall zone and setbacks. After much discussion, the following changes to the ordinance were recommended by the board:

1.
Turbines in residential areas will require a special use permit.
2.
Line 71: Clarify what the term ‘Analysis’ refers to. Dan Porter stated that it is for analysis of wind and ice loading, however Rodney Needham voiced concerns that this still may be too vague.
3.
Line 71: Change the wording to ‘supporting tower’
4.
Line 88: Needs to be changed so as to read ‘other than manufacturer logos, safety, etc.’

A motion was made by Rodney Needham to send “*Amendment to Chapter 151 of Camden County Code, Wind Turbines*”, to the Board of Commissioners, with the recommended changes. The motion was seconded by Mike Etheridge. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none voting no; none absent; none not voting.

New Business

Special Use Permit UDO # 2007-07-26; Tarheel Mats, Inc.

Staff presented the finding of facts (see below) and asks for approval with conditions and modifications stated in the finding of facts.

Findings of Facts
Special Use Permit
UDO 2007-07-26
Tarheel Mats, Inc

1. **Name of Applicant:** Tarheel Mats, Inc.
2. **Agent for Applicant:** Gary Sawyer
3. **Address of Agent:** 654 North Highway 343
Camden, NC 27921
4. **PIN:** 02-8916-00-48-3937
5. **Name(s) of Current Owner(s) of Record:** W.L. Sawyer & Gary L. Sawyer
6. **Street Address of Property:** 654 North Highway 343
7. **Location of Property:** Courthouse Township
8. **Flood Zone:** X
9. **Zoning District(s):** General Use District (GUD)
10. **Is a Zoning Change Required for the Proposed Use?** No.
11. **General Description of the Proposal:** Commercial Business – Tarheel Mats
(Logging mats and custom sawing)
12. **Table of Permissible Use #:** 4.110
13. **Date Application Received by County:** July 24, 2007
14. **Did the Applicant participate in a pre-application Conference?** Yes
15. **Received by:** Dave Parks, Permit Officer
16. **Application fee paid:** \$400.00 by check # 5188
17. **Completeness of Application:** Application is generally complete.
18. **Documents received upon filing application or otherwise included:**
 - A. Land Use/Development Application
 - B. Deed
 - C. GIS Map w/aerial photo
 - D. Proposed Commercial Site Plan
 - E. Photo's (12) of Site
19. **Soil Classifications:**

Predominant: Tomotley (ToA) Severe wetness; percs slowly
Other: Altavista (Aa) Severe wetness
20. **Adjacent Property Uses:**
 - A. **Predominant:** Farm Land
 - B. **Other:** Residential
21. **Existing Land Uses:** Business
22. **Lots size:** 1.53 acres

23. Open Space:

A. Is open space proposed? No.

24. Utilities:

A. **Does the application include a letter or certificate from the District Health Department regarding septic tanks?** No. Applicant to utilize port-a-john at this time.

B. **Does the applicant propose the use of public sewage systems?** No.

C. **Does the applicant propose the use of public water systems?** Well on site.

D. **Distance from existing public water supply system:** Adjacent to property.

E. **Is the area within a five-year proposal for the provision of public water?**
Existing.

F. **Is the area within a five-year proposal for the provision of public sewage?**
Yes.

25. Landscaping:

A. Is any buffer/landscaping required? In accordance with Article 151.339 proposed use requires Broken Landscaping Type C. A landscaping composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken landscaping is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation.

26. Findings Regarding Additional Requirements:

A. **Endangering the public health and safety:** Due to location adjacent to Highway 343, caution sign's stating "Logging Trucks entering and exiting highway" shall be posted by the business north and south from the business.

B. **Injure the value of adjoining or abutting property:** The application does not appear to injure the value of adjoining or abutting property.

C. **Harmony with the area in which it is located:** Yes.

D. Conformity with the Plans:

1. **Land Use Plan:** Yes. Policies 22 & 23 states Camden County supports industrial development located adjacent to major thoroughfares and that are accessible to county water and sewer services.

2. **Thoroughfare Plan:** Property abuts North Highway 343.

3. **Other plans officially adopted by the Board of Commissioners:**
None

E. Will not exceed the county's ability to provide public facilities:

1. **Schools:** Proposed development will have no impact on schools.

2. **Fire and Rescue:** No.

3. **Law Enforcement:** No.

Other County Facilities: None.

F. **Other:** None.

Staff recommends approval with the following conditions and modifications as proposed development is consistent with the Land Use Plan and meets all requirements of the Code of Ordinances.

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 approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2007-07-26.
 3. Applicant shall obtain a building permit from the Planning Office for the Office Building within five (5) business days from date of approval.
 4. Applicant shall coordinate with NCDOT in posting caution signs referring to “Logging Trucks entering/existing highway” along North and South Highway 343 within 500 feet of property.
 5. All storage and display of goods shall be kept fully concealed from view of Highway 343.
 6. Hours of operations shall be limited to Monday – Saturday from 7:30 A.M. to 5:30 P.M.
 7. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
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With regard to condition # 3, Mr. Sawyer had questions regarding the building permit requirement, J&W Farms built the office there, and the building permit is going to be in J&W Farms’ name, not Tarheel Mats. J&W Farms and Tarheel Mats will both be using the building, but Tarheel Mats has a lease agreement to operate there. Mr. Sawyer asked whose name the permit should be in? Dan Porter stated that there are building code issues that need to be addressed by the owner of the property, hence the need for building permit... The building was built without a permit... There was some discussion on whose name the building permit should be in since J&W Farms owns the property. Tarheel Mats is the Lessee not the owner. The consensus was that the property owner needs to obtain the building permit in order for inspections to be performed on the building.

With regard to condition # 5, Mr. Sawyer has asked to be allowed to store (display) just enough there to be able to ship out. Another concern he had was that if people he sold to rode by and didn’t see product displayed, they might conclude falsely that he didn’t have any product to sell or that he wasn’t in business and would take their business elsewhere. This requirement can be construed as placing a hardship on his business if this is the case. Mr. Sawyer would like to display at least 4 stacks of mats out front. Dan Porter stated that landscaping is required by code. Landscaping is required between properties and land boundaries, but not road frontages. This is to keep in harmony with the surrounding area. Mr. Sawyer agreed to put some landscaping on his property, but voiced concerns because he is “running out of room”.

With regard to condition # 6, Mr. Sawyer presented the board with a petition: He went to every adjoining land owner and asked if the hours were a problem, noise and etcetera. His general hours are from 8-5, but “if somebody comes in at 6 am or something, most of the loggers are going to be there first thing because they want to be to the work site by 7 am or come late in the afternoon.” In his petition, he words the scheduling of his excess hours as “on a need to be basis due to unavoidable circumstances.”

Mike Etheridge asked how long Tarheel Mats has been in business. Mr. Sawyer replied that he has been in business for 5 years. Mr. Etheridge further asked if in that time have there been any complaints from the surrounding neighbors due to noise? Mr. Sawyer said there have been no complaints that he is aware of.

JW Sawyer (owner of J&W Farms) spoke about J&W Farms who shares the office building with Tarheel Mats. He stated that J&W Farms will have trucks starting up all hours of the night. These are 2 different corporations, so if a truck starts up, it is most likely at J&W Farms, not Tarheel Mats.

After further discussion, Calvin Leary made a motion to approve the SUP with the following stipulations to the Staff Recommendations:

1.
Item 3: Tarheel Mats not be required to obtain the building permit, but one must be obtained by the owner of the property.
2.
Item 4: Signage. NCDOT shall have approval or denial of putting the signs out.
3.
Item 5: Storage and display of goods shall be limited as indicated by applicant with minimal landscaping. Excess debris shall be removed.
4.
Item 6: Hours of operations shall be Monday - Saturday 7:30 am - 5:30 pm, and on a need to be basis due to unavoidable circumstances.

The motion was seconded by Mike Etheridge. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none voting no; none absent; none not voting.

Information from Board and Staff

1.
Meeting with the Planning Board and the Board of Commissioners to discuss the future of development in Camden County. Meeting will be held in the historic courtroom because of the recording capabilities, 6:00 pm August 20, 2007. Dinner will be provided.

2.
Articles from staff were presented as FYI

Consider Date of Next Meeting – September 19, 2007

Adjournment

At 8:36 PM, Calvin Leary made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none voting no; none absent; none not voting.

Date: _____

Approved: _____
Chairman James Burnham

Attested: _____