

BOARD OF COMMISSIONERS

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Assistant to the Manager

Camden County Planning Board
Record of Proceedings
August 16, 2006
7:00pm
Upstairs Courtroom
Camden County Courthouse

Chairman James Burnham
Vice Chairman Rodney Needham
Members Terri Griffin, Ray Albertson, Calvin Leary,
Robert Woodrow, Michael Etheridge

Also present: Planning Director Dan Porter, Permit Officer/ Flood Plain Administrator
Dave Parks, and Clerk to the Planning Board Lori Tuss

Chairman James Burnham called to order the meeting of the August 16, 2006 Planning Board meeting at 7:10 PM.

Consideration of Agenda:

Chairman Burnham called for a consideration of the agenda. Staff requested that the Board consider amending the agenda to add a Special Use Permit under Old Business #1 (Blackwater's request for extended hours of operation) and move Proposed Amendments (Water/ Fire Protection) to Old Business #2.

Hearing no further amendments, Vice Chairman Rodney Needham made a motion to approve the Agenda with amendments. Michael Etheridge seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, Robert Woodrow and Michael Etheridge voting aye; none voting no; none absent ; and none not voting.

Consideration of the minutes of the July 19, 2006 Regular meeting:

Staff requested clarification from the Board in order accurately reflect the intentions of the Board concerning the hours of operation for Blackwater USA Firing Ranges. After discussion between staff, applicant and Planning Board Members, Terri Griffin made a motion to defer approval of the minutes until the end of the meeting. Robert Woodrow seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, Robert Woodrow, and Michael Etheridge voting aye; none voting no; none absent; none not voting.

Old Business:

Item #1 Blackwater USA Proposed Amendments

Staff presented an updated request from Blackwater based on new information found in the UDO brought back to the board for consideration. An updated request to change the number of personnel on site to the number of shooters on site at any given time was presented to the Board. Staff stated that ordinances only permit the county to regulate land uses and not personnel. Furthermore, staff informed the Board that the way to control the number of shooters was to regulate the number of shooting ranges. Jim Dehart, representing Blackwater, was present and provided staff with a current list of the number of firing ranges on site which totaled 47, and he stated the need for more firing ranges. Staff stated restricting the number of ranges is a way to regulate and keep up with what Blackwater is doing on site. After further discussion, Calvin Leary made a motion to recommend deletion of the original condition on the Conditional Use Permit on the number of shooters on site and to permit 60 shooting ranges on site, as well as, any future requests for additional ranges would be issued in blocks of 10. Terri Griffin seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Ray Albertson, Robert Woodrow, and Michael Etheridge voting aye, none voting no; none absent; none not voting.

On the request for the increase in time from 10:00 PM to 12:00 midnight, staff informed the board that in accordance with article 151.337 (S) of the UDO it restricts the hours of operations for shooting ranges, and that if the board was to consider Blackwater's request, that it would have to be a request for amendment to the ordinance. Staff stated if the board was to consider an amendment that some items of possible concern was property owners who could hear the noise. Further more, the increase in time could affect school children by not getting enough sleep. After further discussion on the possible language, Terri Griffin made a motion to amend the ordinance to read that the hours of operations for shooting ranges be made as a condition of the Special Use Permit. Calvin Leary seconded the motion and the motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Ray Albertson, Robert Woodrow, and Michael Etheridge voting aye; none voting no; none absent; none not voting.

After further discussion on Blackwaters request for increased hours to midnight, Dan Porter stated that it should be tied into daylight savings time. Robert Woodrow made a motion to amend Blackwater's permit to include a condition that hours of operations be extended to 12:00 midnight during daylight savings time. Mike Ethridge seconded the motion and the motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, and Calvin Leary voting aye; none voting no; none absent: none not voting.

Item # 2 Proposed Amendments (Water/ Fire Protection)

Articles 151.171, 151.182, and 151.183, was brought before the Planning Board by the staff. After reviewing all the changes in wording presented at the meeting, Robert Woodrow made a motion to approve all the amended changes to the UDO. Terri Griffin seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Ray Albertson, Calvin Leary and Michael Etheridge voting aye, none voting no; none absent; none not voting.

The Following are the approved changes approved by the Planning Board

§ 151.171 MAJOR ALL SUBDIVISIONS TO INSTALL WATER LINES.

~~(A) Whenever it is legally possible and practicable in terms of topography to connect to a county water line by running a connecting line not more than the distance set forth below, then the subdivider shall install water lines in the major subdivision so that all lots to be developed will be able to connect to the county water system. All major Subdivisions shall install water lines. The developer shall provide all the necessary pipes and accessories for installation of the water lines as set forth herein and all materials and pipes so provided must meet or exceed the requirements established for the county water system. Individual lots within a subdivision having been given a minimum of preliminary plan approval prior to November 4, 1996, which remains valid, shall not be required to connect to the county water system. Individual lots within a subdivision given initial sketch plan approval after November 4, 1996, shall be required to connect to the county water system.~~

~~(1) Major subdivision applications submitted after November 4, 1996, shall be required to install water lines in accordance with this section:~~

~~(a) If the tract in question is proposed to be developed for residential purpose, then the distance within which connection must be made shall be as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units within the development. If the tract in question is proposed to be developed for non-residential purposes, then the distance within which connection must be made shall be determined by transposing the projected demand of the proposed non-residential use into the demand created by an equivalent number of average residential units and using the foregoing formula:~~

~~(b) In determining units in a development, tracts proposed to be subdivided and not using multi-family subdivisions shall have their total unit potential determined by calculating the maximum number of units allowable for each proposed lot. The total number of units proposed on other developments shall be as shown on the proposed site plan:~~

~~(c) In determining the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project:~~

~~(2) If a public water supply system is to be provided to the area within a five-year period, as indicated in the county's long range water extension plan, official map or other official document, the county may require installation of a capped system or dry lines (mains only), within the road right-of-way; or the county may require a payment in lieu of the improvement. This provision shall apply to all major subdivision initial sketch plans submitted after November 4, 1996, when the subdivision is within a distance of proposed water lines as follows: 100 feet per unit for the first ten units, plus 20 feet for each unit in excess of ten units.~~

~~(B) Connection to such water line is not legally possible if, in order to make connection with the line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained:~~

~~(E B) All water systems installed having 15 or more connections must meet the standards of the State Commission for Health Services, Division of Environmental Management.~~

~~(D) If the public water system is available or is to be available and the subdivider is developing new lots under the standards set forth hereinabove, the subdividers shall construct a water system that complies with the standards and specifications of the public water system with jurisdiction where the subdivision is located and connect it to the system serving the area in which the subdivision is located.~~

(E C) If the developer is developing new lots within any area served by a public water system in the county, the subdivider shall construct a water system and connect it to the system owned and operated by the water system that serves the area where the subdivision is located, subject to the following conditions.

(1) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the public water system, as prepared by the water system's engineer, that serves the area where the subdivision is located and submitted with the preliminary plat to the Planning Board and public water system that serves the area where the subdivision is located and all appropriate state agencies.

(2) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.

(3) All water mains, laterals, meter boxes and easements shall be dedicated to the public water system. Water lines shall be installed within street rights-of-way, where possible.

(F D) (1) The water system where the subdivision is being developed may require installation of certain oversized facilities, such as water mains in excess of eight inches in diameter, when it is in the interest of future development.

(2) When this is required, the water system where the subdivision is located shall pay for that portion of the improvement that exceeds the standards set forth in this chapter.

~~(G E)~~ For Major Subdivisions, all connection fees shall be paid by the developer for each lot required to be connected to the county water system prior to submission of final plat approval.

§ 151.174 WATER SUPPLY SYSTEM REQUIRED.

Every principal use and every lot within a subdivision shall connect to a county-owned water system or a private/public central water system. ~~be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.~~

§ 151.182 FIRE HYDRANTS.

(A) Every major subdivision that is served by a county-owned water system or a private/public central water system with at least six-inch lines shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development.

(B) The presumption established by this chapter is that to satisfy the standard set forth in division (A) above, fire hydrants must be located so that not more than 500 linear feet, measured along the centerline of the street right-of-way, separates a property within the development and a fire hydrant. However, the permit issuing authority may authorize or require a deviation from this standard if another arrangement more satisfactorily complies with the standard set forth in division (A) above.

(C) The permit issuing authority, after consultation with local fire officials, shall determine the precise location of all fire hydrants. Preferably, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and must be placed within ten feet of a public or private road or street.

(D) The permit issuing authority shall, after consultation with local fire officials, determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified, all hydrants shall have two 2½-inch hose connections and one 4½-inch hose connection. The 2½-inch hose connections shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(E) Water lines that serve hydrants shall be at least six-inch lines and, unless no other practicable alternative is available, no lines shall be dead-end lines and they shall be looped where practical.

(F) When served by a county-owned or a private/public central water system, all conversions of existing structures to non-residential uses and all new construction projects, excluding single-family and two-family dwellings, that are less than 1,000 feet from an existing fire hydrant shall be required to extend the line and install a new fire hydrant within 500 feet of their parcel.

(G) Fire hydrants shall flow a minimum five hundred (500) gallons per minute with a residual of twenty (20) PSI (pounds per square inch).

~~(G H)~~ Subdivisions of five lots or less shall be exempt from this requirement, provided all five lots are within one parcel/tract of land. Additional lots subdivided from the one parcel/tract of land shall comply with the fire hydrant requirement.
(Ord. passed 12-15-97)

§ 151.183 WATER SUPPLY FOR FIRE PROTECTION IN DEVELOPMENTS NOT SERVED BY THE PUBLIC WATER SUPPLY SYSTEM.

Every major residential development ~~containing 20 or more lots~~ and every non-residential subdivision ~~containing ten or more lots~~ shall provide a supply of water that is sufficient to provide adequate fire fighting capability with respect to every building that is reasonably expected to be constructed within the development.

~~(A) The Administrator shall determine the types, sizes, dimensions and spatial relationships of buildings anticipated within the development by using the best information available, including, without limitation, market experience, the developer's plans and the list of permissible uses in § 151.334 and other requirements set forth in this chapter.~~

~~(B) The developer may provide the required water supply by resort to ponds, wells, cisterns, above ground storage tanks, water lines, where a community water supply system is installed, any combination of the foregoing, or any other means, so long as the facilities satisfy the requirements of this section.~~

~~(C) The water supply facilities may be located on or off the site of the development. However, off-site facilities shall be acceptable only if the developer has a sufficient legal interest in the facilities to ensure that the facilities will be available to serve the development as long as they are needed.~~

~~(D) The water supply facilities must be of the size and so located that within 2,500 feet of every anticipated building in the development a sufficient volume of water is available at all times of the year to supply the water flow needed to suppress a fire on each building~~

~~(E A) In determining needed water flow for anticipated buildings, the Administrator shall be guided by the standards promulgated by the Insurance Service Office, which standards shall be available in the office of the Administrator. However, the Administrator may modify these standards warranted upon the advice of the Chief of the applicable Volunteer Fire Department to the end that the basic objective of this section set forth above might most reasonably be satisfied.~~

~~(F) Water supply sources shall be so located so that fire-fighting vehicles will have ready access to the sources at all times. A hard surfaced roadway shall be provided to the water source as well as a hard surfaced, turnaround area of sufficient dimensions to facilitate access by fire-fighting vehicles to and from the water source.~~

~~(G) Water supply sources shall be provided with the necessary equipment and connections (such as, dry hydrants in ponds) to ensure that fire-fighting equipment can draw water from the sources in the most efficient manner reasonably possible.~~

~~(H) The developer or his or her successor shall be responsible for ensuring that all water supply sources, access roadways and other facilities or equipment required under this section are maintained.~~
(Ord. passed 12-15-97)

New Business

Item #1 Proposed Amendments – Major Subdivision Procedures

Staff presented the Board with a compressed Design Standards procedure developed from the Planned Unit Development and Subdivision that were listed separately under Articles 151.069, 151.230, 151.234, 151.235, 151.236, 151.237, 151.292, and 151.298.

After a careful review by the Planning Board, Calvin Leary made a motion to accept the changes in the above mentioned articles to the UDO. Michael Etheridge seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, and Robert Woodrow.

§ 151.069 DESIGN STANDARDS.

(C) The following design standards shall apply to all modular homes erected, constructed, installed, placed or otherwise located in R-3 and GUD districts:

(1) No modular home may be constructed or installed that does not have at least a porch at the front entrance of the structure. Such porch shall have a minimum area of 54 square feet, and the calculation of such area shall not include any steps. ~~The steps to the front porch shall be not less than six feet from the front entrance to the structure. The front porch shall have a width of not less than nine feet.~~

(3) All porches shall have a roof attached to the modular home and shall extend over the entire porch. ~~The minimum roof depth shall be six feet. Where a porch is recessed into the modular home and where the structure serves as part of the roof of the porch, then that part of the structure extending over the porch may count as the roof of the porch so long as the porch is covered by not less than six feet of the structure, or a combination of the structure and a separate roof.~~

MAJOR SUBDIVISION/PLANNED UNIT DEVELOPMNETS (PUD) DESIGN REQUIREMENTS; REVIEW PROCEDURES AND APPROVAL PROCESS

§ 151.230 LANDS SUBJECT TO SUBDIVISION REGULATIONS WITHIN THIS CHAPTER.

(E) In order to promote the preservation of existing natural resources (i.e. trees, water, drainage) any land disturbing activity prior to preliminary plat approval by the Board of Commissioners, may delay the approval process of the subdivision.

§ 151.231 GENERAL.

(C) The County may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

(1) Three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under county regulations governing development from the tract of land for which the permit or approval is sought.

(2) Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under county regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the county regulations.

(~~E~~ D) Concurrent submittals of initial sketch, preliminary and/or final plats will not be accepted for review. However, concurrent submittals of preliminary and final plat may be allowed by the Planning Department when no improvements are required.

§ 151.234 CERTIFICATION BLOCKS REQUIRED FOR MAJOR SUBDIVISIONS.

(A) The appropriate certificate blocks as set forth below shall appear on all copies of the preliminary/final plat or any other plats, as required by § 151.232:

(B) It is suggested in order to eliminate confusion that all certification blocks and other detail or design information be grouped on a separate single sheet of the plat plans.

(3) *Approval notation.* The developer shall place in a conspicuous manner upon the final plat of the subdivision prior to final plat approval a notation containing the following words:

Open space, drainage facilities, reserved utility open space, and ponds required to be provided by the developer in accordance with Ch. 151 of the code of ordinances shall not be dedicated to the public, except upon written acceptance by the County, but shall remain under the ownership and control of the developer (or his or her successor) or a Homeowner's Association or similar organization that satisfies the criteria established in § 151.198 of the county's code of ordinances.

(4) *Certificate of Survey and Accuracy.*

(a) *Certificate.*

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, of the County registry (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____, that the ratio of precision as calculated is _____; that this plat was prepared in accordance with G.S. § 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____.

(Seal or Stamp)

Surveyor

Registration Number

§ 151.235 SKETCH DESIGN PLAN PROCEDURES.

(A) The purpose of the, sketch plan application is to give the developer the option of securing approval for the design concept before committing substantial funds to the development of engineering detail for the preliminary plat application. The developer shall submit the application to the Administrator. The application will address natural features, existing conditions and proposed development plan in terms of number and types of units and general location.

(~~A~~ B) Applicants shall estimate the legally permitted density on the basis of a yield plan. The yield plan shall consist of conventional lot and street layouts and must conform to this chapter's conventional development standards governing lot dimensions, land suitable for development (for example, not including CAMA wetlands), street design and parking. Although the plans shall be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic and not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

(~~B~~ C) In order to prepare a realistic yield plan, applicants generally need to first map the primary conservation areas on their site. Typical yield plans would include, at minimum, location of wetlands, topographic information from at least a USGS map and soils suitable for septic systems, as indicated on the county soil survey published by the USDA Soil Conservation Service or other more detailed mapping.

(~~C~~ D) On sites not served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The planning staff and Health Department shall select 10% of the lots to be tested in areas considered to be marginal. Costs for the tests shall be the responsibility of the applicant. If tests on the sample lots pass the soil test as conducted by the local Health Department, the applicant's other lots shall also be deemed suitable for

septic systems for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others of the county's choosing shall be tested until all the lots in a given sample pass.

(A ~~E~~) A pre-application conference between the subdivider and the Administrator shall occur prior to any presentation to the Planning Board. Any effort to secure this conference is the sole responsibility of the subdivider or his or her agent. The primary purpose of this conference is to provide assistance and guidance to the subdivider for the swift and least uninterrupted review of the proposed subdivision. To ensure an equal understanding, this conference will provide a mutual exchange of basic information that is needed to facilitate and clarify the requested review process for all major subdivisions.

(B ~~E~~) To carry out the purpose of the pre-application conference, the subdivider and the Administrator shall be responsible for the following actions:

(1) *Actions by the subdivider.*

(a) The subdivider shall present an outline, drawing, sketch or draft of the area to be subdivided that will accurately provide site information for reasonable discussion.

(b) The subdivider shall provide general site information regarding water supply, sewage disposal, surface and subsurface drainage, flood hazard areas, street dedications and soil erosion and sedimentation control requirements for the development of the tract.

(c) The subdivider shall conduct a public meeting with adjacent property owners within 500 feet (as measured from property lines) of proposed subdivision for community input. Planning Office can assist in providing the list of names and addresses of current residents.

(e ~~d~~) Any further supportive plans or information that may be required for the determination of this review status.

§ 151.236 SKETCH DESIGN PLAN REVIEW PROCESS.

(A) The subdivider/developer shall submit a completed application form and all supplementary materials to the Planning Department no later than 40 working days prior to the next regularly scheduled Planning Board meeting date. A fee shall be charged upon submission of the sketch design plans application as specified in the adopted fee schedule of the county.

(B) The subdivider must also submit a copy of the sketch plan and any accompanying material a minimum of 15 working days prior to the submittal date identified above to those public officials and agencies concerned with new development. Verification of meeting this requirement will be required. Review comments and recommendations from the technical review staff shall be submitted simultaneous with submittal to the Planning Department. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal.

(C) (1) The sketch plan shall be submitted to the Administrator prior to the Planning Board meeting at which time it will be reviewed. The staff shall review the sketch plan for general compliance with the requirements of this chapter and other official plans, ordinances and policies of the county.

(2) The technical review staff shall meet with the planning staff and other agencies as appropriate to make recommendations for the Planning Board and Board of Commissioners.

(~~D~~) (3) The technical review staff at the sketch plan stage will generally consist of the County Water Department or water authority which is to service the proposed subdivision, local Health Department, local Volunteer Fire Department, Superintendent of Schools, State Department of Transportation, Sheriff, local cable television provider, United States Postal Service postmaster for the area encompassing the subdivision, Emergency Management Services (911) and local Soil Conservation Service.

(4) The Administrator shall review the application for completeness and indicate areas of insufficient information that shall be corrected.

(5) Nothing in this report shall constitute an acceptance of the plan of development.

(6) The developer shall cure any identified deficiencies with 180 calendar days of notice of same. Failure to provide sufficient information upon application may result in postponement of the Planning Board review date. Failure to cure identified deficiencies within 180 calendar days of notice shall render the application void.

(7) The Administrator shall also investigate requirements of the state and county concerning sanitary waste disposal. The results of this review, together with the indication of sufficiency of information, shall be presented to the applicant and to the Planning Board in writing at the scheduled meeting. The Administrator shall also file a formal report addressing the plan and its impacts and alternative measures that might be used to mitigate impacts, if any.

(E D) The subdivider/developer or his or her agent must attend the Planning Board meeting and all subsequent Board meetings for presentation of the application to the appropriate boards and to answer any questions by Board members and others.

(F E) The Planning Board shall discuss, with the subdivider/developer or his or her agent, changes deemed advisable, if any, and the kind and extent of improvements to be made.

(G F) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, the Planning Board shall recommend to approve, approve conditionally, disapprove or table the application.

(H G) Within 60 days from the date of its first review of the sketch plan, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.

(I H) During the first regularly scheduled monthly meeting of the Board of Commissioners, following recommendation by the Planning Board, the Board of Commissioners will set a public meeting date to hear any and all remarks presented by the subdivider/developer, staff comments and recommendations, technical staff comments and others.

(J I) During the second regularly scheduled monthly meeting of the Board of Commissioners following recommendations by the Planning Board, the Board of Commissioners will hear any and all remarks presented by the subdivider/developer, staff comments and recommendations, technical staff comments and others.

(K J) The subdivider/developer or his or her agent must attend the Board of Commissioners meeting and all subsequent Board meetings for presentation of the application and to answer any questions by Board members and others.

(L K) The Board of Commissioners shall discuss with the subdivider/developer or his or her agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him or her.

(M L) (1) Upon conclusion of the public hearing meeting the Board of Commissioners may approve, approve conditionally, disapprove or table the request as set forth in the Board of Commissioner's rules of procedures and by state law.

(2) Because of the conceptual presentation involved this shall not constitute an official action of approval of the subdivision for recordation nor does approval of sketch plan constitute a vesting or development rights.

(N M) Receiving approval from the Board of Commissioners shall allow the subdivider/developer to proceed with submission of all materials and information required for the preliminary plat review process and to seek all permits as required under this subchapter, §§ 151.260 through 151.263 and 151.275 through 151.278.
(Ord. passed 12-15-97; Am. Ord. 2002-08-01, passed 8-5-02)

§ 151.237 PRELIMINARY PLAT PROCEDURES.

(A) The purpose of the preliminary plat application is to provide the county with sufficient, detail information to indicate exactly what the developer intends to construct so that potential consequences can be predicted and evaluated.

(A B) For every subdivision which does not qualify for the abbreviated procedure outlined in §§ 151.260 through 151.263 and 151.275 through 151.278, the subdivider shall submit to the Administrator a Special Use Permit Application for preliminary plat which must be reviewed by the technical review staff, county planning staff, the Planning Board and approved by the Board of Commissioners before any construction or installation of improvements can begin.

(B C) The subdivider shall submit copies of the preliminary plat and any accompanying material to those public officials and agencies concerned with new development. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal, but it will ultimately be the subdivider's responsibility to obtain the required permits and approvals.

(C D) The preliminary plat shall be submitted to the Administrator forty (40) days prior to the Planning Board meeting at which time it will be reviewed. The staff shall review the preliminary plat for general compliance with the requirements of this chapter and other official plans, ordinances and policies of the county. The technical review staff shall make recommendations to the planning staff and Planning Board including any recommendations received from other public officials and agencies reviewing the proposal that is concerned with new development.

(D E) The technical review staff consists of: the County Water Department or water authority which is to service the proposed subdivision; local Health Department; local Volunteer Fire Department; Postal Service; Soil Conservation Service; Division of Coastal Management; U.S. Army Corps of Engineers; Superintendent of Schools; Department of Environment, Health and Natural Resources-Division of Land Resources-Land Quality Section; Division of Environmental Management-Groundwater Section, Air Quality Section; Division of Health Services (DHS); State Department of Transportation; Emergency Management Services (911); Eastern North Carolina Natural Gas, local power company; local phone company and local cable company, as applicable; and other agencies as needed or necessary.

(E F) (1) All construction permits and approvals must be obtained by the subdivider/developer from all local, state and federal agencies requiring the approval of the development prior to submission of the preliminary plat for review by the Planning Board.

(2) The burden of obtaining all necessary permits and approvals are hereby the subdivider/developer's responsibility.

§ 151.292 ~~DETERMINING DENSITY OR YIELD:~~ *Reserved for future use.*

~~(A) Applicants shall estimate the legally permitted density on the basis of a yield plan. The yield plan shall consist of conventional lot and street layouts and must conform to this chapter's conventional development standards governing lot dimensions, land suitable for development (for example, not including GAMA wetlands), street design and parking. Although the plans shall be conceptual in nature and are not intended to involve significant engineering costs, they must be realistic and not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.~~

~~(B) In order to prepare a realistic yield plan, applicants generally need to first map the primary conservation areas on their site. Typical yield plans would include, at minimum, location of wetlands; topographic information from at least a USGS map and soils suitable for septic systems, as indicated on the county soil survey published by the USDA Soil Conservation Service or other more detailed mapping.~~

~~(C) On sites not served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The planning staff and Health Department shall select 10% of the lots to be tested in areas considered to be marginal. Costs for the tests shall be the responsibility of the applicant. If tests on the sample lots pass the soil test as conducted by the local Health Department, the applicant's other lots shall also be deemed suitable for septic systems for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others of the county's choosing shall be tested until all the lots in a given sample pass.~~
(Ord. passed 12-15-97)

§ 151.298 PLANNED UNIT DEVELOPMENT.

(D) Refer to Article 151.234 through 151.240 for required certification blocks and plat procedures.

required for planned unit development:

(1) The appropriate certificate forms, as set forth below shall appear on all planned unit development plans submitted:

(2) It is suggested in order to eliminate confusion that all certification blocks and other detail or design information be grouped on a separate single sheet of the plat plans:

(a) Certificate of Approval:

~~I hereby certify that all streets shown on this plat are within Camden County, all streets and other improvements shown on this plat have been installed or completed or guaranteed according to 151.243 and that the PUD shown on this plat is in all respects in compliance with the Camden County Unified Development, and therefore this plat has been approved by the Camden County Planning Board and signed by the Chairperson, Board of Commissioners, subject to its being recorded in the Camden County Registry within ninety (90) days of the date below:~~

Date

Chairperson, Board of Commissioners

(b) Certificate of Ownership and Dedication:

~~I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Camden County; that I hereby freely adopt this plat of subdivision and dedicate to public use all area shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any public use authorized by law when such other use is approved by the appropriate public authority in the public interest:~~

Date

Owner

~~I, _____, a notary public of _____ County, North Carolina, do hereby certify that _____ personally appeared before me this date and acknowledged the due execution of the foregoing certificate:~~

~~Witness my hand and official seal this _____ day of, _____.~~

~~Notary Public
My _____ commission _____ expires _____.~~

(c) *Notation.* The developer shall place in a conspicuous manner upon the final plat of the subdivision prior to final plat approval a notation containing the following words:

~~Open space, ponds, drainage facilities and reserve utility open space required to be provided by the developer in accordance with Chapter 151 of the code of ordinances for the county shall not be dedicated to the public, except upon written acceptance by~~

~~the county, but shall remain under the ownership and control of the developer (or his or her successor) or a Homeowner's Association or similar organization that satisfies the criteria established in § 151.199 of the aforementioned chapter.~~

~~(d) Certificate of Survey and Accuracy:~~

~~I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____, Page _____, of the County Registry) (other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____, and that this map was prepared in accordance with G.S. § 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____.~~

~~(Seal or Stamp)~~

~~Registered Land Surveyor~~

~~Registration Number~~

~~1. The plat must contain a certificate prepared by the surveyor.~~

~~2. The certificate shall be shown on the plat attesting to one of the below statements:~~

~~a. The survey creates a subdivision of land in an area covered by a subdivision ordinance;~~

~~b. The survey is of land in an unregulated area;~~

~~c. The survey is of an existing parcel or parcels;~~

~~d. The survey is of another category, such as the recombination of existing parcels or a court-ordered survey; and~~

~~e. From the information available, the surveyor is unable to make a determination of the above provisions~~

~~(e) Division of Highway District Engineer Certificate for Public Streets, if applicable.~~

~~I hereby certify that the public streets shown on this plat are intended for dedication and have been completed in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.~~

Date

District Engineer

~~(f) Engineer Certificate for Private Streets, if applicable.~~

~~I hereby certify that the private streets shown on this plat are intended for private use and will remain under the control, maintenance and responsibility of the developer and/or a homeowner's association and that they have been completed in accordance with at least the minimum specifications and standards of the State Department of Transportation.~~

~~(g) Signed statement. If the PUD is located within a North Carolina Coastal Area Management Act area of environmental concern, the preliminary plat shall contain a statement as follows; signed by the local permit officer:~~

~~This PUD (or part thereof) is located within an Area of Environmental Concern:~~

~~_____~~
~~Date~~

~~_____~~
~~District Engineer~~

~~(h) Engineer Certification of Stormwater Improvements:~~

~~In the subdivision entitled _____, stormwater drainage improvements have been installed (1) according to plans and specifications prepared by _____, or (2) according to the as-built plan submitted by _____, and approved by the Camden County Planning Board. Camden County assumes no responsibility for the design, maintenance or the guaranteed performance of the storm water drainage improvements and their effects:~~

~~_____~~
~~Registered Land Surveyor/Civil Engineer~~

~~_____~~
~~Date~~

~~Registration Number~~

~~(i) Certificate of Review Officer:~~

~~State of North Carolina
County of Camden~~

~~I, _____, Review Officer of Camden County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording:~~

~~_____~~
~~Review Officer~~

~~_____~~
~~Date~~

~~(E) Sketch design plan procedures:~~

~~(1) The procedures for PUD approval shall be as set out in this subchapter. This procedure is consistent with that provided for other special uses, yet, because of the magnitude of the expected action and the amount of discretion allowed, the county selected this procedure that would leave the final approval with the County Planning Board:~~

~~(2) Pre-application conference:~~

~~(a) A pre-application conference between the subdivider and the Administrator shall occur prior to any presentation to the Planning Board. Any effort to secure this conference is the sole responsibility of the subdivider or his or her agent. The primary purpose of this conference is to provide assistance and guidance to the subdivider for the swift and least interruptible review of the proposed subdivision. To ensure an equal understanding, this conference will provide a mutual exchange of basic information that is needed to facilitate and clarify the requested review process for all subdivisions:~~

~~(b) To carry out the purpose of the pre-application conference the~~

subdivider and the Administrator shall be responsible for the following actions:

1. Actions by the subdivider:

- a. The subdivider shall present an outline, drawing, sketch or draft of the area to be subdivided that will accurately provide site information for reasonable discussion;
- b. The subdivider shall provide general site information regarding water supply, sewage disposal, surface and subsurface drainage, flood hazard areas, street dedications and soil erosion/sedimentation control requirements for the development of the tract; and
- c. Any further supportive plans or information that may be required for the determination of this review status:

2. Actions by the Administrator:

- a. The Administrator will provide to the subdivider all necessary guidance as to the required review process for the particular tract in question based upon the information given by the subdivider and the following points of public concern:
 - i. The subdivider will be informed if a change in zoning shall be required for the subject tract or part thereof;
 - ii. The subdivider must initiate any necessary rezoning applications;
 - iii. In no event will any preliminary plat be presented for approval prior to the Board of Commissioners approval of the requested zoning change;
 - iv. Direct assistance to the subdivider to ensure full compliance with the subdivision regulations;
 - v. Outline the other public agencies that the subdivider must approach for explicit direction; and
 - vi. Any further information that will aid the subdivider to meet the requirements of the review process.

(F) Sketch design plan review process:

(1) The purpose of the sketch plan application is to give the developer the option of securing approval for the design concept before committing substantial funds to the development of engineering detail for the preliminary plat application. The developer shall submit the application to the Administrator. The application will address natural features, existing conditions and proposed development plan in terms of number and types of units and general location.

(2) The Administrator shall request of the Planning Board a date for hearing and review. A minimum of 40 working days shall be required between date of submission and the date of the hearing. A fee shall be charged upon submission of the sketch design plans application as specified in the adopted fee schedule of the county.

(3) The subdivider must also submit a copy of the sketch plan and any accompanying material on the same date as the submittal date identified in division (F)(2) above to those public officials and agencies concerned with new development. Verification of meeting this requirement will be required. Review comments and recommendations from the technical review staff shall be submitted simultaneously with submittal to the Planning and Inspections Department. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal.

(4) Technical review staff shall meet with the planning staff and other agencies as appropriate to make recommendations for the Planning Board and Board of Commissioners.

(5) The technical review staff at the sketch plan stage will generally consist of County Engineer, County Health Department, local VFD, County Water Department or water authority which is to service the proposed subdivision, Superintendent of Schools, State Department of

~~Transportation, local power company, Sheriff's Office, Emergency Management Services (911), local Soil Conservation Service, and local phone company.~~

~~(6) The Administrator shall review the application for completeness and indicate areas of insufficient information that shall be corrected.~~

~~(7) Nothing in this report shall constitute an acceptance of the plan of development.~~

~~(8) The developer shall cure any identified deficiencies with 180 calendar days of notice of same. Failure to provide sufficient information upon application may result in postponement of the Planning Board review date. Failure to cure identified deficiencies within 180 calendar days of notice shall render the application void.~~

~~(9) The Administrator shall also investigate requirements of the state and county concerning sanitary waste disposal. The results of this review, together with the indication of sufficiency of information, shall be presented to the applicant and to the Planning Board in writing at the scheduled meeting. The Administrator shall also file a formal report addressing the plan and its impacts and alternative measures that might be used to mitigate impacts, if any.~~

~~(10) The subdivider/developer or his or her agent must attend the Planning Board and all subsequent Board meetings for presentation of the application to the appropriate boards and to answer any questions by Board members and others.~~

~~(11) The Planning Board shall discuss with the subdivider/developer or his or her agent changes deemed advisable, if any, and the kind and extent of improvements to be made.~~

~~(12) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, the Planning Board shall recommend approval, approve conditionally, disapprove or table the application.~~

~~(13) Within 60 calendar days from the date of its first review of the sketch plan, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.~~

~~(14) During the first regularly scheduled monthly meeting of the Board of Commissioners following recommendation by the Planning Board, the Board of Commissioners will set a public meeting date to hear any and all remarks presented by the subdivider/developer, staff comments and recommendations, technical staff comments and others.~~

~~(15) The subdivider/developer or his or her agent must attend the Board of Commissioners and all subsequent Board meetings for presentation of the application to the appropriate Board and to answer any questions by Board members and others.~~

~~(16) The Board of Commissioners shall discuss with the subdivider/developer or his or her agent changes deemed advisable, if any, and the kind and extent of improvements to be made by him or her.~~

~~(17) Upon conclusion of the public meeting, the Board of Commissioners may approve, approve conditionally, disapprove or table the request as set forth in the Board of Commissioner's rules of procedures and by state law. Because of the conceptual presentation involved, this shall not constitute an official action of approval of the subdivision for recordation nor does approval of sketch plan constitute a vesting of development rights. The reasons for a conditional approval or disapproval shall be placed in the record of the minutes of the proceedings.~~

~~(18) Receiving approval from the Board of Commissioners shall allow the subdivider/developer to proceed with submission of all materials and information required for the preliminary plat review process and to seek all permits as required under this subchapter.~~

~~(G) Preliminary plat procedures:~~

~~(1) The purpose of the preliminary plat application is to provide the county with~~

sufficient, detail information to indicate exactly what the developer intends to construct so that potential consequences can be predicted and evaluated. Following the determination of completeness of the information and the conference to consider alternative development plans (when necessary), the developer shall submit the required information, as listed in the chart on the preceding pages, along with a PUD review fee.

(a) The subdivider shall submit copies of the preliminary plat and any accompanying material to those public officials and agencies concerned with new development a minimum of 40 working days prior to submitting the preliminary plat application to the county. The Administrator will help to advise the subdivider concerning which agencies are applicable for a given proposal, but it will ultimately be the subdivider's responsibility to obtain the required permits and approvals.

(b) The preliminary plat shall be submitted to the Administrator prior to the Planning Board meeting at which time it will be reviewed. The staff shall review the preliminary plat for general compliance with the requirements of this chapter and other official plans, ordinances and policies of the county. The technical review staff shall make recommendations to the planning staff, including any recommendations received from other public officials and agencies reviewing the proposal that is concerned with new development.

(c) The technical review staff consists of County Engineer, County Health Department, local VFD, Fire Marshal, Soil Conservation Service, Water Department or water authority which is to service the proposed subdivision, Coastal Management, U.S. Army Corps of Engineers, Superintendent of Schools, Department of Environment, Health and Natural Resources-Division of Land Resources Land Quality Section, Division of Environmental Management-Groundwater Section, Division of Health Services (DHS), State Department of Transportation, Emergency Management Services (911), local power company, local phone company, as applicable, and other agencies as needed.

(2) All construction permits and approvals must be obtained by the subdivider/developer from all local, state and federal agencies requiring the approval of the development prior to submission of the preliminary plat for review by the Planning Board.

(3) Upon submission of the required information, to be referred to as the preliminary plat application, the Administrator shall request of the Planning Board a date for hearing and review. A minimum of 40 working days shall be required between date of submission and the date of the hearing. The Administrator shall review the application for completeness and indicate areas of insufficient information that shall be corrected. Nothing in this report shall constitute as acceptance of the plan of development. The developer shall cure any identified deficiencies in the report within 180 days of notice. Failure to correct identified deficiencies within the 180-day period shall render the application void. In the event that the developer does not accept the determination of insufficiency of information, appeal shall be to the Board of Commissioners for final decision.

(4) Immediately following the submission of an application, the Administrator shall take steps as are necessary to review the relevant aspects of the application regarding the completeness of the information and assessment of the anticipated impact including possible mitigation of adverse effects. The Administrator shall also investigate requirements of the state and county concerning sanitary waste disposal. The results of this review together with the indication of sufficiency of information shall be presented to the applicant and to the Planning Board in writing at the scheduled meeting.

(5) The Planning Board shall review the preliminary plan and approve, conditionally approve, disapprove or table the plan. In order to assist them in their review, the Administrator shall compile written recommendations of the county technical staff and consultants analyzing the impacts relevant to them, the extent to which the plan appears to have addressed these impacts and additional mitigation measures they recommend. The Administrator shall also file a formal report addressing the plan and its impacts and alternative measures that might be used to mitigate impacts, if any.

(6) Within 60 days from the date of its first review of the preliminary plat, the Planning Board will forward the plat along with its recommendations, including any conditions or modifications, to the Board of Commissioners. Failure to forward the plat within the allotted time shall have the same effect as a recommendation for approval.

(7) During the first regularly scheduled monthly meeting of the Board of

Commissioners following recommendation by the Planning Board, the Board of Commissioners will set a formal public hearing date to hear testimony and receive evidence presented by the subdivider/developer, staff, technical staff and others.

~~(8) During the second regularly scheduled monthly meeting of the Board of Commissioners following recommendation by the Planning Board, the Board of Commissioners will hold a formal public hearing to hear testimony and receive evidence presented by the subdivider/developer, staff, technical staff, and others. Upon conclusion of the public hearing, the Board of Commissioners may approve, approve conditionally, disapprove or table the application as set forth in the Board of Commissioner's rules of procedures and by state law.~~

~~(9) The Board of Commissioners shall review the same and approve, conditionally approve, disapprove or table the plan. The reasons for a conditional approval or disapproval shall be placed in the record of the minutes of the proceedings. Serious consideration shall be given not only to the design of the plat, but to the thoroughness with which the fiscal and environmental impact reports have identified and mitigated potential adverse effects.~~

~~(10) Upon receiving approval of the preliminary plat by the Board of Commissioners, the subdivider will receive a construction permit/letter from the Planning and Inspections Department. Construction permits/letters must be issued prior to any land disturbing activities commencing on the development. Construction permits/letters can be obtained when all required permits have been obtained by the subdivider, reviewed by the Administrator and meets or exceeds all requirements of this chapter. Failure to obtain the construction permit/letter prior to any land disturbing activities may be cause for revocation of preliminary plat approval by the Board of Commissioners. If the proposed plans substantially change, at the direction of the Administrator, modifications shall be reviewed by the Planning Board and Board of Commissioners, as a regular agenda item unless determined to be and handled as a new application; which shall require a public hearing.~~

~~(11) (A) Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this section. Prior to approval of a final plat, the subdivider shall have installed the improvements in accordance with the approved preliminary plat and the requirements of this chapter or guaranteed their installation as provided herein.~~

~~(B) If the proposed plans substantially change, at the direction of the Administrator, modifications shall be reviewed by the Planning Board and Board of Commissioners, as a regular agenda item. The Planning Board may recommend and the Board of Commissioners may determine that the change is of significant nature that requires the amendment to be and handled as a new application, which shall require a public hearing.~~

~~(12) Preliminary approval shall remain in force for two years following approval by the Board of Commissioners after which time it becomes null and void unless granted a written extension by the Board of Commissioners for a period not to exceed one year. The Board of Commissioners shall grant no more than one extension for a preliminary plat. No extension may be granted unless applied for before preliminary plat approval has expired. Renewal shall be in writing and at the option of the Board of Commissioners, with consideration given to any changes in conditions and regulations since the original approval was granted. Approval of the preliminary plat shall constitute authorization for the Administrator to issue a zoning permit to allow a temporary office trailer to be located within the PUD for the exclusive purpose of conducting the business of that development. The permit shall expire one year from the date of issuance, but may be renewed on an annual basis upon submission of evidence to the Administrator showing that the trailer is still being used as originally permitted. The unit shall be removed within 30 days of the expiration of the permit. The office trailer must not be an altered mobile or on-frame modular home.~~

~~(13) Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this subchapter.~~

~~(H) Final plat procedures:~~

~~(1) No final plat will be accepted for review by the Planning Board unless accompanied by written notice by the Administrator acknowledging compliance with division (G) above.~~

~~(2) The final plat shall constitute only that portion of the preliminary plat, which the subdivider proposes to record and develop at this time. The portion shall conform to all requirements of this chapter. No final plat shall be approved unless and until the subdivider shall have installed, in that area represented on the final plat, all improvements required by this chapter or shall have guaranteed their installation as provided in division (M) below.~~

~~(3) The subdivider shall submit the final plat to the Administrator not less than 20 working days prior to the regular Planning Board meeting at which it will be considered. Further, the plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved, otherwise the approval shall be null and void, unless a written extension of this time limit is granted by the Board of Commissioners on or before the one year anniversary of the approval.~~

~~(4) The final plat shall be prepared by a surveyor licensed and registered to practice in the state. The final plat shall substantially conform to the provisions for plats, subdivisions and mapping requirements, as set forth in G.S. § 47-30, as amended.~~

~~(5) Final plats shall be of a size suitable for recording with the County Register of Deeds. Maps may be placed on more than one sheet with appropriate match lines.~~

~~(6) Submission of the final plat shall be accompanied by a filing fee as specified in the adopted fee schedule of the county.~~

~~(I) Final plat review process:~~

~~(1) All supplementary materials required under this section and a completed application form must be submitted to the Planning and Inspections Department prior to the established cut-off date for submissions to the Planning Board.~~

~~(2) The subdivider/developer or his or her agent must attend the Planning Board and all subsequent Board meetings for presentation of the application to the Board and to answer any questions by Board members and others.~~

~~(3) Upon hearing all remarks and recommendations by the subdivider/developer or his or her agent, county staff and technical review staff, as needed, the Planning Board, shall approve, approve conditionally, disapprove or table the application. The Planning Board shall act on final plats in lieu of the Board of Commissioners in accordance with G.S. § 153A-332.~~

~~(4) If the final plat is approved or approved conditionally, it shall be noted on two copies of the plat by the Board of Commissioner Chairperson or his or her designee. One copy shall be returned to the subdivider/developer and one copy shall be retained by the Planning and Inspections Department. If the final plat is disapproved, the Board of Commissioners Chairperson or his or her designee shall specify the reasons for the action in writing. One copy will then be attached and forwarded to the subdivider/developer and one copy will be retained by the Planning and Inspections Department.~~

~~(J) Plat approval not acceptance of dedication offers. Approval of a plat does not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the county or other public agency may, to the extent of its statutory authority, accept the offer of dedication by resolution of the governing body or by actually exercising control over and maintaining the facilities.~~

~~(K) Protection against defects:~~

~~(1) Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the letter of credit or the surety that is posted pursuant hereto shall guarantee that any defects in the improvements or facilities that appear within one year after the dedication of the facilities or improvements is accepted, or within 18 months after the facilities are completed, whichever occurs first, shall be corrected by the developer. For purposes of this section, the Administrator shall determine the date of completion of the facilities.~~

~~(2) Whenever all public facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized, then the developer shall post a letter of credit or other sufficient surety guarantee that he or she will correct all defects in the facilities or improvements~~

~~that occur within one year after the offer of dedication of the facilities or improvements is accepted, or within 18 months after the completion of the facilities, whichever occurs first. For purposes of this section, the Administrator shall determine the completion date of the facilities.~~

~~(3) An architect or engineer retained by the developer shall certify to the county that all improvements have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the county of the offer of dedication of the facilities or improvements.~~

~~(4) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:~~

~~**DEFECTS.** Any condition in facilities or improvements offered for public dedication that requires the county or other public authority to make repairs in the facilities over and above the normal amount of maintenance that they would require. If the **DEFECTS** appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this chapter.~~

~~(L) *Maintenance of dedicated areas until acceptance.*~~

~~(1) 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.~~

~~(2) The developer of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the State Department of Transportation.~~

~~(a) This maintenance guarantee may be combined with any provided hereunder; and~~

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

~~(3) 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 (L)(1) above.~~

~~(M) *Acceptable bond terms and methods.* The following types of bonds/guarantees will be acceptable to the Board for the purpose of satisfying maintenance, generally 15%, and performance guarantees, generally 115%, prior to recording of the final plat:~~

~~(1) Surety bonds by a licensed surety bond company;~~

~~(2) Irrevocable letters of credit on forms approved by the County Attorney with a banking institution insured by the FDIC or other reputable institution; and~~

~~(3) Cash bond with the Finance Officer named as trustee.~~

~~(N) *Authorization to file.* Upon approval of the final plat, the subdivider shall have authorization to file the plat with the Register of Deeds. Approval shall be null and void for any plat not recorded within 90 days.~~

~~(O) *Replatting or resubdivision of land.*~~

~~(1) For any replatting or resubdivision of land, the same procedures, rules and regulations contained in § 151.515 shall apply as prescribed for an original subdivision.~~

~~(2) Lot sizes may, however, be varied on an approved plat after recording, provided that no lot or tract shall be created or sold that is smaller than the size shown on the approved plat; drainage easements shall not be changed; rights-of-way shall not be changed; street alignment~~

~~and block sizes shall not be changed; the rear portion of the lots shall not be subdivided for the front part; and the character of the area shall be maintained.~~
(Ord. passed 12-15-97; Am. Ord. passed 9-18-00)

Information from Board and Staff

Item #1) Planning Board time of meetings

Staff recommended that the board reconsider rescheduling the meeting from 7:00 PM to 6:00 PM. The Board will take it under advisement.

Item #2) Planning Board of Adjustments

The staff asked the Board for their input on combining the Board of Adjustment and the Planning Department. The Board will take it under advisement.

Item #3) Smart Growth Visit.

Staff handed out a tentative agenda for a Technical Assistance Site Visit from the Smart Growth Leadership Institute. The Board has been invited to participate in the visit from the Institute on September 10-12, 2006

Consideration of July 19, 2006 regular meeting

After Consideration of new information brought to the Board by the staff, Robert Woodrow made a motion to approve the minutes with the amended hours of operation extended for Blackwater to be changed from 11:00 PM to 12:00 Midnight. Ray Albertson seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Calvin Leary, and Michael Etheridge voting aye; none voting no; none absent; none not voting.

Consider Date of Next Meeting –September 20, 2006

Adjournment

Hearing no further business, Michael Etheridge made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Calvin Leary, and Robert Woodrow voting aye; none voting no; none absent; none not voting.

Chairman, James Burnham

ATTEST: _____
Lori Tuss, Clerk to the Board