

**Camden County Planning Board
Special Meeting
May 22, 2024; 7:00 PM
Camden County Library - Board Room
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Planning board was held on May 22, 2024 in the boardroom at the Camden County Library in Camden, North Carolina.

ITEM 1. CALL TO ORDER & WELCOME

The meeting was called to order by Chairman Steven Bradshaw at 6:58 PM. Also Present: Vice-Chairman Nathan Lilley, Board Members Lee Powell, Roger Lambertson, Tom White, Ray Albertson, and David Bundy.

Administration Staff Present: Planning Director Amber Curling, Clerk to the Board Macey Carver and Public Works Director Chuck Jones.

ITEM II. CONSIDERATION OF AGENDA

Motion to approve the Agenda as presented.

RESULT:	PASSED [7-0]
MOVER:	Tom White
SECONDER:	Roger Lambertson
AYES:	Steven Bradshaw, Nathan Lilley, Lee Powell, Roger Lambertson, Tom White, Ray Albertson, and David Bundy

ITEM III. CONSIDERATION OF MINUTES

Motion to approve minutes from May 15, 2024 as written.

RESULT:	PASSED [7-0]
MOVER:	Nathan Lilley
SECONDER:	Tom White
AYES:	Steven Bradshaw, Nathan Lilley, Lee Powell, Roger Lambertson, Tom White, Ray Albertson, and David Bundy

ITEM IV. OLD BUSINESS

A) 30-month Moratorium on new subdivisions and multifamily developments as a result of limited water production and wastewater treatment capacity that was **tabled** at the May 15, 2024 Planning Board meeting.

- Planning Director Amber Curling presented the staff report (incorporated herein after as attachment A) which included the following:
- A revised moratorium memorandum that was produced by the county manager, Erin Burke.
- Chairman Bradshaw stated that he has reviewed the revised memorandum however, he did not see where it covers what the plan of action is to get the water that the county needs.
- Chuck Jones, Public works director, was introduced to the planning board by Amber Curling

- Mr. Jones stated that the reason they focused more on the sewer than the water in the proposed Moratorium is because what has already been promised to the South Mills area for sewer is going to outstrip the plant in South Mills. We only have 100,000 gallons a day of capacity and we are treating 10,000 gallons a day in between South Mills Landing Phase 1 and Camden Lakes 1B. So, combined, it is about 80,000 gallons a day of capacity.
- The water, relatively speaking, we are in a little bit better shape. We are developing a new set of wells and we are going to try to take some of the money that we received from the state and develop more wells, which will give us more volume of water. We will be able to run the plant we have longer. Right now on average, we are treating about 500,000 gallons a day or so on water alone. I will be able to put out 720,000 gallons a day once I have the raw water capacity.
- What prefaced all of this is South Mills Water Association agreeing to sell, all of these new subdivisions are now ready to go because there is nothing stopping them. We do have the water capacity to serve them. All residents of Camden County are currently getting South Camden Water and Sewer.
- Tom White asked if this has caused a big increase in demand and Mr. Jones stated that it is an additional 30,000 gallons a day or so.
- David Bundy asked how much capacity do we have right now with one of the systems running and Mr. Jones stated that we have two tranes. The way that the water plant is designed, there are two tranes that can do 720,000 gallons each a day running for 24-hours while alternating each. Technically, If I have the raw water capacity, I can put out more by running them both but don't have the water to feed them for right now. You are really supposed to only run a well for 12 hours and then you have to let it rest for 12 hours, which is why we need more water wells. The only reason we sometimes run both tranes is to make the water faster.
- We are taking part of the \$10,000,000.00 that we received from the state and are going to try to build a clear well that way if we do run the plant longer, we have a place to store excess water. Right now, I am only relying on system demand because we only have the two elevated tanks.
- Amber Curling asked Mr. Jones how the South Mills Water Association Infrastructure is. Mr. Jones that in the village there is going to be some infrastructure upgrades as far as galvanized pipe, asbestos concrete pipe, etc. but we really will not know until we start exploring.
- Mr. Bundy asked what the estimate is that we will use a day with everything that has been approved? Mr. Jones responded by saying about 100,000 a day.
- The state requires us to design based on a 360 gallon per day per resident.
- Chairman Bradshaw stated that we are basing a Moratorium off water, when we have the water. Septic is only provided to a very small portion of the county but you are going to put a Moratorium based on a shortage that only that area has.
- Nathan Lilley stated that regardless of the issue causing the Moratorium, state law requires it to be county wide.
- Amber Curling asked Mr. Jones how many wells the county has and he responded by saying five and by the end of the year we should have two more. Mr. Jones stated that the main reason they are asking for the Moratorium is so that all systems can catch up and get the new systems in so we can run comfortably. Once this is done, we will be able to build another water tank.
- The problem with the sewer is the way that the UDO is written, all of those subdivisions in the north end of the county have been promised sewer and we do not have the capacity to give it to them.
- The only other alternatives are to go back to the UDO and take out the offer/requirement for sewer and put all citizens on on-site systems which could cause the county to be sued.
- The Moratorium is only aimed at new subdivisions. Stand alone single-family dwellings will not be impacted.

Motion for recommendation to approve the 30-month Moratorium on new subdivisions and multifamily developments as a result of limited water production and wastewater treatment capacity.

- **RESULT:** Passed [6-1]
- **MOVER:** Nathan Lilley
- **SECONDER:** Tom White
- **AYES:** Nathan Lilley, Lee Powell, Roger Lambertson, Tom White, Ray Albertson, and David Bundy
- **NAYES:** Steven Bradshaw

ITEM V. NEW BUSINESS

None.

ITEM VI. INFORMATION FROM BOARD AND STAFF

None.

ITEM VII. DATE OF NEXT MEETING

The next meeting is scheduled for July 17, 2024.

ITEM VIII. ADJOURN

Motion to adjourn.

RESULT:	Passed [7-0]
MOVER:	Ray Albertson
SECONDER:	David Bundy
AYES:	Steven Bradshaw, Nathan Lilley, Lee Powell, Roger Lambertson, Tom White, Ray Albertson, and David Bundy

Attachment A



MEMORANDUM

To: Chair Bradshaw & Planning Board Members

From: Erin Burke, County Manager

Date: May 22, 2024

RE: Consideration of Establishing a Moratorium

BACKGROUND

The Board of Commissioners received information from Chuck Jones, the Camden County Public Works Director at a work session on March 19, 2024 outlining current water and waste water usage and allocation to meet the needs of approved development. Following the presentation and discussion the Board, by consensus, agreed to “Research possible implementation of a 24-month moratorium to allow the County to procure funding and permitting and to ensure that County water and sewer facilities are adequate for impending growth.”

At the May 6, 2024 Board of Commissioners meeting, the Board directed staff by a vote of 4-1 to begin the process of establishing a moratorium due to limited waste water treatment capacity. At the same meeting, the Board of Commissioners also approved a contract with Timmons Group for planning services for wastewater, particularly in the South Mills service area. This contract will outline the entire permitting, design, and construction process and provide an estimate of overall project cost and schedule. A breakdown of all permitting, design, construction, and owner responsible costs will be provided. This will be an estimate as not all steps and costs can be predicted. Initial steps toward the permitting and design for a new waste water treatment plant (WWTP) to serve the northern end of the County will take two to two and a half years.

GENERAL STATUTE REQUIREMENTS

NCGS§160D-107 outlines the law associated with Moratoria in North Carolina. It outlines local governmental authority to adopt moratoria, the hearing process required, the projects which are exempt from moratoria, required findings, limit of renewal and extension, and the judicial review proceedings should a moratorium be challenged. A copy of both the statute and the referenced hearing requirements are attached to this memo.

FINDINGS

In accordance with NCGS§160D-107(d) Required Statements, staff has identified the following findings:

A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

According to a March 2024 review of current water & waste water usage and projected allocations for vested developments, the ability to provide adequate water & waste water services will be quickly outpaced by the construction of new residential properties. Given the condition of lands in Camden County according to the Albemarle Regional Health System, the use of traditional septic systems are difficult to permit. Additionally, septic systems have proven to be a health and safety concern when they are not maintained properly and fail. The use of central sewer protects the health, safety, and

welfare of current and future residents. Additional production capacity at the water plant will be needed as well. Built in capacity can be created with the construction of clear well storage, but the water plant will need to increase production to keep up with future demands. The County is obligated to provide services to vested properties and needs time to construct adequate facilities before considering additional users.

A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

Staff proposes stopping approvals on any new subdivisions and multifamily developments. These users have traditionally been the highest users of waste water in Camden County, and by pausing review and approval of these types of uses, the County will be able to build facilities to meet approved and future needs. Staff notes in accordance with NCGS§160D-107 (c) Exempt Projects, “Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.”

A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

Staff projects that the time period for addressing permitting and construction of a new WWTP will take approximately two to two and a half years. Construction of clear well storage will be a similar time frame, while water plant expansion would likely be longer. Staff would request the moratorium be effective for 30 months from the date of approval, noting that it could be rescinded earlier should conditions allow.

A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

Camden County has invested substantial funding in preparing documents for the construction of a new WWTP. The plans were developed using Rural Ready grant funds, and are at 65% completion. The remainder of the engineering is contingent upon the location of a new plant and the method of disposal. The Board of Commissioners approved a contract at their May 6, 2024 meeting to outline the entire permitting, design, and construction process and provide an estimate of overall project cost and schedule. In the deliverables for this contract, the County will receive a breakdown of all permitting, design, construction, and owner responsible costs. This breakdown will be an estimate as not all steps and costs can be predicted. The County has identified the need for “South Mills Waste Water Expansion and Disposal (Plant)” in the Capital Improvement Plan (CIP) for a number of years, and will in the

2024-2029 CIP move it from the Unfunded to Funded category. At the March 19, 2024 meeting staff were instructed to begin the investigatory process for the construction of clear well storage at the water plant. This will need to include design, bid and construction and would likely take two to two and half years.

RECOMMENDATION

It is staff's recommendation that the Planning Board recommend to the Board of Commissioners approval of a 30-month moratorium on new subdivisions and multifamily developments as a result of limited water production and waste water treatment capacity.

§ 160D-107. Moratoria.

- (a) Authority. As provided in this section, local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.
- (b) Hearing Required. - Except in cases of imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 1600-60 I.
- (c) Exempt Projects. - Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to G.S. 1600-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 1600-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium,

G.S. 1600-108(b) applies when permit processing resumes.

- (d) Required Statements. - Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:
 - (I) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

- (2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

(e) **Limit on Renewal or Extension.** - No moratorium may be subsequently renewed or extended for any additional period unless the local government has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

G.S. 1600-107

(f) **Expedited Judicial Review.** - Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government has the burden of showing compliance with the procedural requirements of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 4, 51(a), (b), (d).)

G.S. 160D-107

Article 6.

Development Regulation.

§ 160D-601. Procedure for adopting, amending, or repealing development regulations.

- (a) **Hearing with Published Notice.** - Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- (b) **Notice to Military Bases.** - If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or

amendment with military operations at the base, the governing board of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance.

- (c) Ordinance Required. - A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.
- (d) Down-Zoning. - No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
 - (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
 - (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

G.S. 160D-60 I

Camden County North Carolina



Water and Sewer current and proposed needs

Synopsis:

The county is experiencing unprecedented growth, and the demand for services will quickly outstrip what is currently available, both potable water and wastewater.

Water Treatment

Currently the water treatment facility is rated for 720 000 gallons per day. That number is based on one train running 24 hours per day. The facility could, theoretically produce 1.44 million gallons per day with both trains running 24 hours per day. This scenario would require 1.9 million gallons per day of raw water drawn from the ground. This would require at least four wells to run to produce this amount of water. The county currently has five wells and three more in development.

Wastewater Treatment

Currently the County has two wastewater treatment plants. The Courthouse Area Plant is rated for 50,000 gallons per day, the South Mills Plant is rated for 100,000 gallons per day. The current average at the Courthouse area is approximately 25,000 gallons per day and the South Mills plant is approximately 15,000 gallons per day. The County has plans in hand to expand the Courthouse Area plant and replace the South Mills plant.

Current services already allocated

South Mills

Currently allocated Water and Sewer

South Mills Landing phase one = 47,000 gallons per day

Camden Lakes = 43,600 gallons per day

Water Only

Keeter Barn = 15,000 gallons per day

Proposed Water

South Mills Landing Phase 2,3,4 and 5 = 180,000 gallons per day

Wharfs Landing Phase 2 = 32,000 gallons per day

Current treatment capacity of the SCWSD Water Treatment Facility:

The current facility is permitted for 720,000 gallons per day. That is based on one treatment train operating at 500 gallons per minute running 24 hours. To produce that amount of water, the plant needs to bring in 1,029,000 gallons. The second train was added to allow the facility the flexibility to have one train down for maintenance and still produce water. Currently, both trains are operated at the same time in order to produce the required daily demand in as short of time as possible.

There is currently no reject water discharge limit (to the river). Water plant limits are based on well production and the ability to rest wells for an averaged 12 hours.

The facility currently produces an average of 495,000 gallons per day. With current wells and storage capacity, an operational schedule can be worked out so that the facility can produce the 720,000 gallons per day. Possibly requiring extending the operating time therefore increasing staff, or investing in a more robust SCADA system to allow the plant to run unattended.

Current Capacities:

One treatment train: 500 gallons per minute

Both trains: 950 -1000 gallons per minute (some loss in efficiency due to shared piping and pumping)

With an adequate water source and sufficient storage, the current facility could possibly produce close to 1.44 million gallons per day. This would take both trains running 24 hours per day.

Well yields:

Current Wells

Well 1 Shallow: 370 gallons per minute

Well 1 Deep: 350 gallons per minute

Well 2 Shallow: 370 gallons per minute

Well 2 Deep: 350 gallons per minute

Well 3 Shallow: 400 gallons per minute

Proposed Wells

Well 4 Shallow: 370 gallons per minute

Well 4 Deep: 350 gallons per minute

Well 3 Deep: 400 gallons per minute

Current storage:

Clear well (at the plant): 500,000 gallons

Burnt Mills tower: 300,000 gallons

Shiloh tower: 200,000 gallons

Future Needs:

- Larger clear well at the water plant to store finished water (at least 1 million gallons)
- Larger raw water reservoir to allow a buffer between the wells and the plant

- Another elevated tank in the northern end of the county to provide adequate storage for growth
- Another elevated tank at the southern end of the county for storage and pressure
- Start to add another set of treatment trains (increase building size to add 4 more)
- Aggressively pursue wellfield expansion

Current wastewater treatment

The Courthouse Area treatment facility is currently operating in the 50% average range of its permitted capacity. The South Mills treatment plant is operating at about 15% of its capacity. The South Mills facility can be brought back to potentially treat 100,000 gallons per day. That is the amount it is permitted for. The state requires that when a treatment facility reaches an annual average of 80% of capacity, plans are drawn up to expand the facility. At 90% capacity, construction is to start. The County currently has plans for this facility to be expanded on land that the county owns. The proposal is to build a treatment plant that can be done in phases, with a buildout of 1 million gallons per day. This would ultimately include a discharge to surface waters. There is also the possibility of utilizing land that is currently under cultivation for more spray field and constructing a high rate infiltration filter to dispose of treated wastewater.

The Courthouse Area facility already has plans, permitting and room to expand to 100,000 gallons per day. There is the possibility that it can be upgraded to approximately 250,000 gallons per day with the purchase of more land.

Solutions

Nothing this would put the county behind and unable to provide promised services. Deny some services to future subdivisions, i.e. sewer. Start increasing storage for treated water and small upgrades to wastewater treatment (kicking can down the road). Start massive increase in services immediately, procuring money by whatever means available (loans, bonds etc.). Actively pursue public/private partnerships, requiring money from developers to pay for expansion, beyond capacity fees. Small treatment plants scattered throughout the county, these would serve only one subdivision.

Moratorium 24 Months. This would allow the county to procure funding and permitting to ensure that the facilities are adequate for the foreseeable future.