

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

**Camden County Planning Board
Regular Meeting
October 19, 2016 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Planning Board was held on October 19, 2016 in the Historic Courtroom, Camden, North Carolina. The following members were present:

I. CALL TO ORDER & WELCOME

Chairman Calvin Leary called the October 19, 2016 meeting to order at 7:01 PM.

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:45 PM
Patricia Delano	Vice Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:45 PM
Rick McCall	Board Member	Present	6:59 PM
Michael Etheridge	Board Member	Absent	
Ray Albertson	Board Member	Absent	

Planning Staff Present:

Dan Porter	Planning Director	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

Also Present List

Present for the purpose of providing information pursuant to his application for special use permit was Garry Meiggs of B&M Investments of NC.

Present for the purpose of voicing concerns with the special use permit application for Mining Operations by B&M Investments of NC (Garry Meiggs) were the following persons:

- Jeremy Rosenberger, Resident, Ponderosa Drive, South Mills Township
- TJ White, Resident, Heritage Drive, South Mills Township
- Teri Mize, Heritage Drive, South Mills Township
- Chris Coleman, Business Owner, Camden Yard Materials, Ponderosa Drive, South Mills Township

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

II. CONSIDERATION OF AGENDA

1. Motion to Approve: As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Patricia Delano, Vice Chairman
SECONDER:	Fletcher Harris, Board Member
AYES:	Leary, Harris, Delano, McCall
ABSENT:	Etheridge, Albertson

III. CONSIDERATION OF MINUTES

1. Minutes 8-17-16

2. Motion to Approve: As Written

RESULT:	PASSED [UNANIMOUS]
MOVER:	Fletcher Harris, Board Member
SECONDER:	Rick McCall, Board Member
AYES:	Leary, Harris, Delano, McCall
ABSENT:	Etheridge, Albertson

IV. PUBLIC COMMENTS

None.

V. OLD BUSINESS

None.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

VI. NEW BUSINESS

A. UDO 2016-8-10 Mining Operations B & M Investments of NC SUP

1. UDO 2016-8-10 Findings of Facts

UDO 2016-08-10
Special Use Permit
Findings of Facts

PROJECT INFORMATION

File Reference: UDO 2016-08-10
Project Name: Mining Operation
PIN: 01-7082-00-68-8936-0000
Applicant: B&M Investments of NC, LLC
Address: 1075 N. Hwy 343
South Mills, NC
Phone: (252) 771-5634
Email:

Agent for Applicant:
Address:
Phone:
Email:

Meeting Dates:

10/19/2016 Planning Board
Board of Commissioners

Application Received: 8/18/2016
By: David Parks, Permit Officer

Application Fee Paid: \$400 Check # 6322

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A. Land Use/Development Application
- B. Mine Development Plan
- C. Aerial/Zoning Map
- D. Copy of expired SUP issued July 16, 2007
- E. NCDENR Mining Permit No. 15-12
- F. U.S. Army Corps of Engineers Permit

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

Project Location:

Street Address: End of Ponderosa Drive

Location Description: South Mills Township

REQUEST: Mining Operation (Use # 14.300). Owners were granted a Special Use Permit (UDO 2007-05-15) for the mining operation which was approved by the Board of Commissioners on July 16, 2007. With the length of time to obtain NCDENR / Army Corps permits and down turn in the economy the Special Use Permit has expired.

SITE DATA

Lot Size: Approximately 113 acres in size

Flood Zone: X

Zoning District(s): Light Industrial (I-1)

Existing Land Uses: Woodland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning:	State of VA	Light Industrial (I-1)	Light Industrial (I-1)	Light Industrial (I-1)
Use & Size:	Woodland	Woodland/Farms Over 23 acres	Woodland - approximately 95 acres	Single Family Dwelling - 10 acres

Proposed Use(s): Mining Operation

Description of Property:

Property is a wooded parcel located at the VA/NC Border.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall:

Nearest outfall is Dismal Swamp Canal

Soils:

Predominant: Hyde (HyA)

Other: Belhaven Muck (BaA)

INFRASTRUCTURE

There are currently no utilities servicing the property.

Traffic: There will be a significant increase of traffic flow on Ponderosa Drive.

1. Utilities:

- A. Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Applicant requesting use of portable toilet.
- B. Does the applicant propose the use of public sewage systems?** No
- C. Does the applicant propose the use of public water systems?** No
- D. Distance from existing public water supply system:** Approximately 4.5 miles (Camden ECO Park)
- E. Is the area within a five-year proposal for the provision of public water?** No
- F. Is the area within a five-year proposal for the provision of public sewage?** No

2. Landscaping

- A. Is any buffer required?** Yes. Indicated on site plan.
- B. Is any landscaping described in application:** N/A

3. Findings Regarding Additional Requirements:

- A. Endangering the public health and safety:** If ingress/egress is proposed off Ponderosa Drive (Private) staff feels that with the width of Ponderosa Drive (30' easement) and current road conditions, proposed use will have an impact on the residents that utilize the road if not kept up to drivable standards.
- B. Injure the value of adjoining or abutting property:** Staff's opinion is that the proposed use will not injure the values of adjoining properties.
- C. Harmony with the area in which it is located:** Yes. The property is zoned for the proposed use. There was a Special Use Permit issued (attached) by the County for the same use.
- D. Conformity with the Plans**
 - (1). Land Use Plan** - Area is consistent with County's Future Land Use Map for the proposed use.
 - (2). Thoroughfare Plan** - Only access to site is off Ponderosa Drive (Private 30' easement).
 - (3). Other Plans Officially adopted by the Board of Commissioners** - N/A
- E. Will not exceed the county's ability to provide public facilities**
 - (1). Schools** - No impact
 - (2). Fire and rescue** - Little impact
 - (3). Law Enforcement** - Little impact
- F. Other County Facilities** - N/A

Planning Staff is recommending approval to re-issue a new Special Use Permit with the following conditions (taken from previous Special Use Permit):

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved plans contained in the file titled UDO 2016-08-10.
3. Applicant shall aid in maintaining the upkeep of Ponderosa Drive to current conditions.
4. Applicant shall retain the cut over trees that lay within the buffer area indicated on site plans.
5. Hours of operations shall be: April 1 - October 31, 7:00 AM - 6:00 PM, Monday through Friday; and November 1 - March 31, 7:00 AM - 5:00 PM, Monday through Friday.
6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

Planning Director Dan Porter described this application for Special Use Permit and went over the Staff Report / Findings of Facts contained herein above.

- Staff recommends approval with the same conditions as existed on the prior Special Use Permit, which is now expired.
- Applicant has an active mining permit from the State of NC, which expires July 15, 2020
- Applicant has an Army Corps General Permit Verification
 - Application date was July 28, 2016
 - Expiration Date is March 18, 2017
- Notices were sent out to surrounding property owners
- Northwest Annex personnel sent an email to staff requesting a 30 day continuance of this agenda item in order to obtain information relating to the potential impacts (electro magnetic effects) that this project will have with regards to the radar operations at the annex. Copy of email provided to Board members.
- This Special Use Permit will require a public hearing at a Board of Commissioners meeting.
- If postponed, public hearing will probably not take place until after January 1, 2017.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

2. Motion for denial of continuance request as requested by Northwest Annex

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick McCall, Board Member
SECONDER:	Patricia Delano, Vice Chairman
AYES:	Leary, Harris, Delano, McCall
ABSENT:	Etheridge, Albertson

Mr. Garry Meiggs was present to answer any questions.

At this time, Mr. Porter opened the floor for public comments.

Jeremy Rosenberger of Ponderosa Drive, South Mills, NC, had the following concerns:

- The road is not wide enough for vehicular traffic to pass one another when travelling in opposing directions
- Who has right of way? Residential traffic or the commercial traffic this will generate?
- Residents are the ones who maintain this 3.5 mile road, feels the proposed project will cause the deterioration of the roadway

Chairman Calvin Leary observed that condition # 3 in the staffs recommendations stipulate that B&M Investments shall be required to aid in the maintenance of the roadway.

Mr. Rosenberger asked what would happen if B&M Investments failed to aid in the maintenance of the roadway.

Planning Director Dan Porter stated that the following would happen in that event:

- Staff would contact B&M Investments and advise them of the needed work
- If B&M Investments fails to carry out the needed work, the next step is code enforcement
- If, after code enforcement efforts, B&M Investments still has not carried out the needed work, the permit will be suspended pending the completion of the work.

Mr. Rosenberger reiterated his question of who has right of way. Mr. Porter replied that in his experience, trucks pull over. The applicant will need to aid in maintaining the roadway at reasonable standards. If there is a problem, staff will notify the applicant.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

Garry Meiggs, Applicant, of North 343, South Mills, NC replied to Mr. Rosenberger's concerns:

- Had a previous permit, which is now expired, this is for re-issue of previous permit
- State issued mining permit allows more time
- Ponderosa Drive front to back is in better shape from his mine to the gate
- Meiggs has done the road maintenance
- With regard to the radar (Northwest Annex), Mr. Meiggs stated that he already holds a state issued mining permit
 - Has had conversation with radar personnel as well as other agencies
- Promises that he will keep up the road as he is wanting to do business at that location

Mr. Rosenberger commented that the area near the first pit on Ponderosa Drive is not maintained very well.

Rick McCall asked how many trucks per week would be travelling the road if this project went forward. Mr. Meiggs replied that there would be 12-15 loads per day, which means anywhere between 84 - 105 truck loads per week.

Mr. Rosenberger commented that he feels the added traffic will cause the roadway to become muddy.

Chairman Calvin Leary stated that Mr. Meiggs will be required to work on the road when it needs maintenance, and that if he doesn't do it, then concerned parties should file a report with the County.

Mr. Meiggs commented that he is listed in the phone book, and that if there are any problems with the roadway needing maintenance to call him.

Mr. Rosenberger further commented that due to the width of the road, if 2 vehicles are travelling the road in opposing directions, one of them will have to back up all the way down the road because there is no room to pull over or turn around.

Rick McCall asked what was on the other side of the road. Mr. Meiggs replied that trees are on one side of the road, and a ditch and farmland was on the other side. Close to the front of the road (near to the highway), is farmland, the further back you travel on Ponderosa Drive, the less farmland it is, and is more wooded (about ½ of the land north of the road is farmland, the other ½ is wooded). Trees line the side of the road near the proposed project site.

Mr. Rosenberger added that from the edge of the trees to the road is only about 2-5 feet, and that some areas have more of an edge than others making 2 way traffic on Ponderosa Drive impossible.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

TJ White of Heritage Drive, South Mills, NC voiced the following concerns:

- Does not know why another sand pit is necessary
- Feels that the proposed project will tear up the roadway
- Concerned with the potential for a large number of dump trucks travelling the road back and forth, tearing up the road
- Asked "Why do we need a sand mine?"

Mr. Meiggs answered Mr. White's last statement by stating that he "wants to be in the business".

Mr. Porter stated that staff is only concerned with land use regulations. The area is an industrial area, it is zoned industrial. It is not the Planning Department's business to evaluate the market for such a project, only determine if the project is consistent with the land use regulations.

Terry Mize of Heritage Road, South Mills

- Against proposed project
- Ponderosa Road is horrible
- Has seen dump trucks fail to stop at stop sign, concerned that more of the same will occur
- Has seen speed limit not observed by commercial traffic
- Concerned for safety
- Used to have good buffer, lost 16 or so trees, no buffer now
- People on Deer Trail had to put up private fence to cut down on amount of dust produced by existing mining facility
- Trees are not maintained, they are growing over the roadway
- Proposed project affects her at the part of the road that is concrete
- Trucks tear up the intersection
- Questioned board on whether or not any board members had been down the road.

Chris Coleman, Manager of Camden Yard Materials, Ponderosa Road, South Mills

- Camden Yard Materials' mine borders Meiggs proposed mine
- Right of Way - 30 foot right of way is not in road, it's other side of canal
- Has lost dump truck in canal in the past due to narrowness of road
- Has done everything they can to try to maintain the road
- Feels Ponderosa Road can not handle 2 mines
- Was not notified first time this came up before the board
- Has spent \$300,000 on DOT Right of Way
- Bought Sawyer property for Right of Way for passing traffic
- Road is only 10 feet wide
- Commercial traffic can't use the right of way
- 2 way traffic is a big problem

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

- Has been held to a high standard and spent a lot of money to get there
- County has some duty to commerce
- Camden Yard Materials shut down due to economy but will open back up when economy improves
- Doesn't feel that 2 mines are needed on Ponderosa Road
- Feels that too much sand will be taken out of the area
- Feels that from a legal standpoint, Meiggs doesn't have access to property

Dan Porter commented on Mr. Coleman's last statement saying that the history of easements on Ponderosa Road, where the boundaries are, has been debated in the past.

Mr. Coleman showed a schematic to the board of land he purchased and of the canal, the easement doesn't allow for 2 way traffic.

Mr. Meiggs asked Mr. Coleman to repeat what he stated. Mr. Coleman reiterated that the land he purchased and that of the canal does not allow for 2 way traffic. The 30 foot easement, the road he built, and where the easement is, limits the lane (roadway) to less than 10 feet, not enough for 2 way traffic.

Mr. Porter stated that the board can't decide on that, it's more of a civil issue.

Mr. Meiggs commented on the status of Camden Yard Materials, and that it's not currently in operation and has not been for many years, and that the mine itself is now filled with water.

Mr. Coleman added the following to his comments:

- Thinks this project should be deferred.
- 200-300 trucks will be traveling the road weekly if both mines are open
- Wonders who is going to govern the amount of traffic
- Mr. Coleman has an agreement with the county for him to maintain the road as part of his operation's special use permit
- Is concerned that a new mine and all that comes with it would be detrimental to his efforts to maintain the roadway
- Questioned why the staff's recommended conditions for the proposed mine are different than the staff's recommended conditions were for his mine when he received his special use permit.

Calvin Leary asked if staff received different materials to base their recommendations on. Mr. Leary asked Mr. Coleman if he had a copy of his special use permit paperwork showing the requirements. Mr. Coleman replied that he had them but just not with him at the meeting.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

Rick McCall asked Mr. Coleman what date he received his special use permit. Mr. Coleman replied that it was back in 2002, he obtained the land in 2001 and received his permit in 2002.. Dan Porter added that in 2007 or 2009 there was an extension to the permit. Mr. Porter added that one of the conditions was that there be a buffer comprised of trees.

Mr. Coleman added that the trees at the end of Ponderosa Road are his responsibility. He also stated that when he received his extension he added about 200-300 feet of buffer.

Mr. Porter stated that he had spoken with Mr. Coleman about Ponderosa Road and what needed to be done, and that Mr. Coleman has done what was needed. Mr. Porter stated that he would expect the same type of responses from the proposed project as well.

Mr. Coleman added that the problem with having 2 mines next to each other is that it becomes uncertain who is responsible for what and who should be the one to fix any problems.

Mr. Porter stated that problems could be discussed with both parties and that some things could be shared responsibility. Mr. Coleman stated his opinion is that there has to be a set rule on how it is going to be maintained.

Rick McCall asked if there could be a condition added that the responsibility for maintenance be a shared responsibility.

Jeremy Rosenberger of Ponderosa Drive, South Mills, NC, added the following to his concerns:

- The road is a dirt road and very narrow
- Concerned about getting stuck in the mud or worse when it rains
- Ponderosa Road is a single lane road with only one access
- Posed a question "Road is too narrow for two way traffic, so who backs up because passing on the road is not possible".

Mr. Coleman added that at some time in the future, his mine will open back up because there are a few of what he called "mega projects" coming to the tidewater area and he will be competing for the ability to supply the sand for those projects. He stated that those projects will likely cause a lot of dump truck traffic to be on the road.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

Terry Mize of Heritage Road, South Mills added the following to her concerns:

- If Mr. Meiggs wants to obtain a special use permit for a mine, then please make him widen the road
- Concerned over safety of those who drive the road. She stated that there has been tragic events on the road wherein a youth, while driving, went off the road and into a ditch and was killed.

At this time, Chairman Calvin Leary asked if there were any further comments or questions from the Board. Hearing none, he entertained a motion.

3. Motion to Table UDO 2016-8-10 Mining Operations B&M Investments of NC SUP

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick McCall, Board Member
SECONDER:	Fletcher Harris, Board Member
AYES:	Leary, Harris, Delano, McCall
ABSENT:	Etheridge, Albertson

This agenda item has been tabled and will be brought back as Old Business at the next Planning Board meeting, on November 16, 2016.

VII. INFORMATION FROM BOARD AND STAFF

Dan Porter reminded the board about the Joint BOC-PB-BOA meeting regarding the update of the UDO. The meeting is set for October 24, 2016 at 1:00 PM at the Camden County Public Library in the community room.

Mr. Porter also added that Dave Parks was attending a conference in Cherokee to obtain all his re-certification credits as a Certified Floodplain Administrator.

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – October 19, 2016

VIII. CONSIDER DATE OF NEXT MEETING - NOVEMBER 16, 2016

IX. ADJOURN

1. Motion to Adjourn

RESULT:	PASSED [UNANIMOUS]
MOVER:	Fletcher Harris, Board Member
SECONDER:	Patricia Delano, Vice Chairman
AYES:	Leary, Harris, Delano, McCall
ABSENT:	Etheridge, Albertson

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett
Planning Clerk*