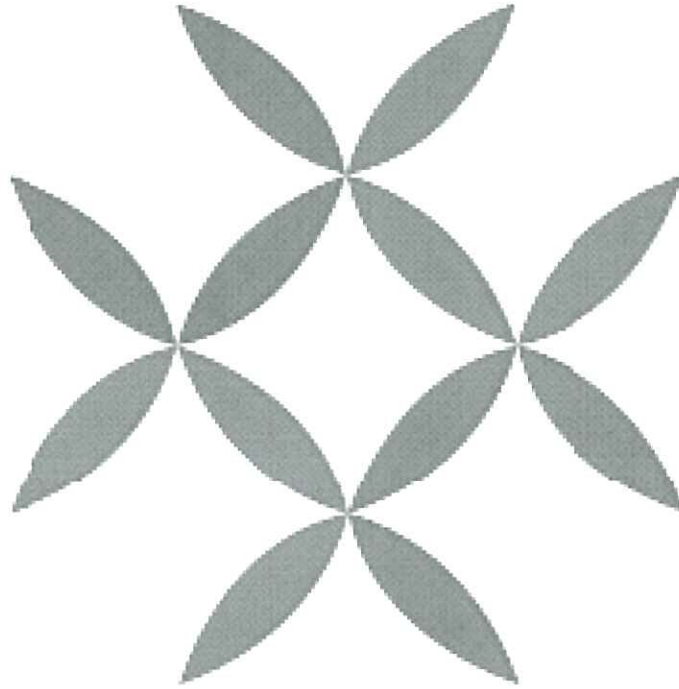


CAMDEN COUNTY
Planning Board Meeting
January 16, 2013, 7:00 PM



Camden County
NEW ENERGY. NEW VISION.

Camden County Courthouse
Historic Courtroom
Courthouse Complex



RODNEY NEEDHAM
Chairman

CALVIN LEARY
Vice Chairman

RAY ALBERTSON
MIKE ETHERIDGE
JOHN AYDLETT
FLETCHER HARRIS
DAVID BUNDY



Camden County
NEW ENERGY. NEW VISION.

Camden County Planning Board

MICHAEL RENSHAW
County Manager

DAN PORTER
Planning Director

AMY BARNETT
Clerk to the Board

Meeting Agenda, Wednesday, January 16, 2013, 7:00 PM Historic Courtroom, Camden County Courthouse

- I. Call to Order & Welcome
- II. Consideration of Agenda
- III. Consideration of the Minutes- December 19, 2012..... (Page 1-14)
- IV. Comments from the Public
- V. Old Business
None
- VI. New Business
 - 1. *Rezoning Application, Keith Nowell, 137 Pudding Ridge Rd, R-3-2 to R-3-1* (Page 15-34)
 - 2. *Final Plat, Phase II Tar Corner Village, UDO 2003-02-37*.....(Page 35-50)
- VII. Information from Board and Staff
- VIII. Consider Date of Next Meeting – February 20, 2013
- IX. Adjournment

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**CAMDEN COUNTY
PLANNING BOARD
AGENDA ITEM SUMMARY SHEET**

Item Number: III.
Meeting Date: January 16, 2013
Attachments: 1 (12 Pages)
Submitted by: Planning Clerk

ITEM TITLE: December 19, 2012 Minutes

SUMMARY: PLANNING BOARD MINUTES ARE
UNOFFICIAL UNTIL APPROVED AT
MEETING SCHEDULED FOR JANUARY
16, 2013.

RECOMMENDATION:

For your review and possible approval.

MOTION MADE BY:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
NO MOTION	_____
VOTE:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
ABSENT	_____
RECUSED	_____

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Camden County Planning Board
Minutes
December 19, 2012, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present:	Absent:
Chairman Rodney Needham	Fletcher Harris
Vice Chairman Calvin Leary	Ray Albertson
David Bundy	
Michael Etheridge	
John Aydlett	

8
9

Call to Order & Welcome

Chairman Rodney Needham called to order the December 19, 2012 meeting at 7:05 PM.

11
12
13

Others Present at Meeting

14
15
16

STAFF PRESENT

Name:	Title:
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Amy Barnett	Planning Clerk/Clerk to the Board

17
18

OTHERS PRESENT

Name/Residence:	Title:	Purpose / Representing:	Meeting Section:
NONE			

19
20

Consideration of Agenda

Chairman Rodney Needham called for consideration of the agenda.

22
23

Motion to approve the agenda as presented made by: Michael Etheridge.

Motion Seconded by: David Bundy.

25
26

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Members Fletcher Harris and Ray Albertson absent, and none not voting.

27
28
29
30

31 **Consideration of Minutes: July 18, 2012**

32

33 Chairman Rodney Needham called for consideration of the minutes from July 18, 2012.

34

35 Motion to approve the minutes as written made by: John Aydlett.

36 Motion Seconded by: Michael Etheridge.

37

38 The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary,
39 Members David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no,
40 Members Fletcher Harris and Ray Albertson absent, and none not voting.

41

42 **Comments from the Public**

43

44 None

45

46 **Old Business**

47

48 None

49

50 **New Business**

51

52 *New Business, Item #1*

53 *Amendment to Camden County Code of Ordinances*

54

55 Dave Parks introduced and read through this proposed change to County Ordinance:

56

57 -----

58

Ordinance No. 2012-11-01

59

A Ordinance

60

**Amending the Camden County
Code of Ordinances**

61

62

Camden County, North Carolina

63

64
65
66 BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

67

68 **Article I: Purpose**

69

70 The purpose of this ordinance is to amend the Article 151 of the Camden County Code of
71 Ordinances of Camden County, North Carolina, which was originally adopted by the County
72 Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated
73 into the Camden County Code.

74

75 **Article II: Construction**

76

77 For purposes of this Ordinance, underlined words (underline) shall be considered as
78 additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be
79 considered deletions to existing language. New language of proposed ordinance shall be
80 shown in italics (*italics*) and underlined.

81

82 Article III. Amend Section 151 as amended of the Camden County Code which shall
83 read as follows:

84
85 CHAPTER 151: UNIFIED DEVELOPMENT

86
87 § 151.244 MAINTENANCE OF DEDICATED AREAS UNTIL ACCEPTANCE.

88
89 (A) All facilities and improvements with respect to which the owner makes an offer of
90 dedication to public use shall be maintained by the owner until the offer of dedication is accepted
91 by the appropriate public authority.

92
93 (B) The developer of any development containing streets intended for public dedication shall
94 post a cash bond to guarantee that the streets will be properly maintained until the offer of
95 dedication is accepted by the State Department of Transportation.

96
97 (1) This maintenance guarantee may be combined with any provided under § 151.242.

98
99 (2) The amount of the security shall generally constitute ~~15%~~ 30% of the cost of the
100 improvements. The developer shall provide information sufficient to determine the cost of the
101 improvements.

102
103 (C) The Board may relieve the developer of the requirements of this section if it determines
104 that a property owner's association has been established for the development and that this
105 association has assumed and is capable of performing the obligations set forth in division (A)
106 above.

107
108 § 151.245 ACCEPTABLE BOND TERMS AND METHODS.

109
110 The following types of bonds/guarantees will be acceptable to the Board for the purpose of
111 satisfying maintenance (30%) and performance guarantees (125%) prior to recording of the final
112 plat:

113
114 (A) Surety bonds by a licensed surety bond company;

115
116 (B) Cash Bond with the Finance Officer named as trustee; and

117
118 (C) Irrevocable letters of credit, on forms approved by the County Attorney, with a banking
119 institution insured by the FDIC or other reputable institution, to be renewed annually until released
120 by the county.

121
122 § 151.404 Mandatory Standards for Land Disturbance Activities

123
124 (A) The provisions of this section shall apply to any land disturbance activity regardless of
125 the size of disturbed area. A fill permit is required when filling / grading above any adjacent
126 grade is proposed.

127
128 (B) Land disturbing activities, excluding clearing, grubbing and vegetable gardens, shall not
129 be permitted within ten feet from any property line with the exception of drainage and stormwater
130 improvements and underground utilities. Landscaping and fences located within this area are
131 permitted as long as they do not impede the flow of stormwater. Land disturbance on front
132 (street) property lines for driveways shall be limited to culvert, drainage, and driveway
133 improvements and shall comply with all provisions of this ordinance.

134
135 (C) Fill is not allowed within ten feet of any side or rear property line. Fill is not allowed
136 within ten feet of the front (street) property line except for driveway improvements and as
137 approved by the County.
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(D) Stormwater ponds, either wet or dry, shall not be located within the ten foot no fill zone, except as approved by the County.

(E) A lot shall not be filled/graded higher than the adjacent grades except for the following:

1. When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function properly, the fill area shall be limited to the septic system and drainfield areas and the maximum fill shall not exceed 24 inches.
2. An additional 12 inches of fill above the septic system and drainfield fill may be allowed for the house pad to ensure adequate flow from the building to the septic system.
3. When fill is required to raise the lot elevation to the base flood elevation.
4. When fill is essential to meet the required pad elevation as shown on an approved preliminary plat / grading plan.

(F) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten foot setback requirement from all property lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:

1. Prior to issuance of the certificate of compliance for construction projects; or,
2. For projects where land disturbance activity has ceased for more than six months, whichever occurs first.

(G) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except bulkheads established for the purpose of shoreline protection and as otherwise permitted by the County. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.

(H) Any lot requiring a fill permit shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.

(I) In the cases of natural grade differences greater than nine (9) inches between adjoining lots of the subject property, the County may require (based on size and shape of lot) a stormwater management plan prepared by a North Carolina licensed engineer, land surveyor, or landscape architect that deviate from these requirements. The stormwater plan shall verify that the proposed development will not create flooding or nuisance conditions on the lower adjacent lots. In no case shall the rear and side yard no fill zones be encroached upon with fill.

(J) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.

(K) A fill permit issued by the US Army Corps of Engineers shall be required to fill any 404 wetlands.

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Adopted by the Board of Commissioners for the County of Camden this ____ day
of _____, 2012.

County of Camden

Sandra Duckwall, Chairman
Board of Commissioners

ATTEST:

Ashley Honaker
Clerk to the Board

Mr. Parks stated that the first part of this proposed change in ordinance is to increase the amount of security the developers are to provide from 15% to 30%. This change was proposed and approved a few months ago by the Board. Since then, additional items have been added to this proposed ordinance for the board's consideration. To avoid having 2 public hearings, staff put these changes all in one proposed ordinance.

Mr. Parks stated that the purpose of the proposed changes is to curtail land disturbing activities with regard to fill on properties by requiring a fill permit. Such permit would limit the height of allowable fill, and would have the effect of possibly reducing the amount of flooding via stormwater runoff on properties which are adjacent to any properties wherein fill is applied.

Board member John Aydlett asked for clarification as to who has to apply for the fill permit. Mr. Parks responded that it would be the developer's responsibility. Dan Porter, Director of Planning, added that the fill permit would be applied for at the building permit stage.

Mr. Aydlett then asked if other counties have this kind of ordinance. Dan Porter responded saying that Currituck's ordinance was very similar to this.

Vice Chairman Calvin Leary asked if this ordinance included driveway improvements. Dan Porter responded that things like driveways, gardens, and so forth were exempted from this ordinance. These things are exceptions.

Board member Michael Etheridge put forth a hypothetical scenario: If there is an empty lot, and the owner applies fill to the empty lot, then later comes in for a building permit, would that owner be able to add more fill to it?

DRAFT

241 Dan Porter responded saying that at the building permit stage, staff would inquire if any fill had
242 been applied to the property.

243

244 Dave Parks re-iterated the purpose of this is to make sure there are no adverse effects with regard
245 to flooding and stormwater drainage / runoff.

246

247 Dan Porter stated that with regard to section (I) this proposed change to ordinance will give staff
248 some discretion in that if the natural grade difference is less than 9 inches, a stormwater plan
249 may not be required.

250

251 Member Michael Etheridge inquired regarding septic system permits... would they now require
252 a stormwater plan? Dan Porter stated that it may require an engineer to determine how it would
253 be handled.

254

255 Mr. Porter continued stating that build up of lots (wherein excess fill has been applied) has been
256 causing problems for runoff, drainage, and impervious surfaces. Mr. Parks added that it is to be
257 expected that after a 4 inch rain, there will be flooding, but controlling the amount of fill, and
258 how it is utilized may curtail some of the flooding.

259

260 Vice Chairman Calvin Leary asked if the fee would be the same regardless of the amount of fill
261 being placed on a property. Dan Porter responded saying that the fee covers review by staff, and
262 the determination of whether or not an engineered stormwater plan would be required.

263

264 Chairman Rodney Needham stated that he sees this proposed change as too restrictive. He stated
265 that it does not protect the individual whose property is adjoined by high lots on both sides... the
266 individual would not be able to fill his lot to level out without going through a long and drawn
267 out process.

268

269 Chairman Rodney Needham suggested re-writing section (C) to protect the individual.

270

271 Member John Aydlett pointed out that there is a saving grace, you would not need to get a fill
272 permit unless you were building on the lot.

273

274 Dan Porter agreed adding that in section (A) the words "at building permit" could be added to
275 clarify this point. Also, CAMA, Corps of Engineers, etc., would be involved for wetlands
276 permits.

277

278 Mr. Aydlett asked if CAMA or Corps of Engineers permits would supersede the fill permit.
279 Dave Parks stated that the fill permit will let staff know what an applicant is planning in the front
280 end, so that if CAMA or the Corps of Engineers are needed, staff can direct the applicant as
281 appropriate. It also lets staff determine if the proposed amount of fill will impact any adjacent
282 properties.

283

284 Mr. Etheridge asked if this would apply to existing problems brought about by excess fill. Mr.
285 Porter responded stating that only properties going forward would be checked.

286

287 Dave Parks once again stated that the whole purpose is to prevent a neighbor from building up
288 his property in such a way that it affects his neighbors drainage/flooding/runoff.
289

290 Mr. Parks went on to say, with regards to section (I), that the county would not be saying that it
291 cannot be more than nine inches, just show how the stormwater is going to be handled by
292 providing a stormwater plan.
293

294 Mr. Porter added that this ordinance gives staff some discretion as to whether or not to require a
295 stormwater plan. If a property is 2-5 acres with a house sitting in the middle of it, calculations
296 can easily be done to determine if it is going to affect adjacent lots, but when it comes down to
297 the smaller lots like are in the core areas, 9 inches becomes significant in terms of runoff
298 affecting adjacent lots, and at that point staff would request a stormwater plan to be prepared by
299 an engineer to show how the runoff will be handled.
300

301 Chairman Needham stated that he thinks this is over-regulating. Mr. Needham spoke of a
302 situation he is involved with wherein he needs to place fill on part of his own property.
303

304 Dave Parks stated that Mr. Needham's property is adjacent to a farm on one side and swamp on
305 another side, any fill applied by Mr. Needham would not affect his neighbors as he drains into
306 the swamp and a farm.
307

308 Chairman Needham stated that size of the lot (section (A)) should be re-considered. Mr. Porter
309 addressed this by stating that this section could be changed to add that it would apply to any
310 building permit where land is disturbed.
311

312 Vice Chairman Calvin Leary stated that he is in agreement with Dan Porter and that adding that
313 language should take care of it.
314

315 Dave Parks stated that this would not apply to people who are just improving their lot, but only
316 for those who are seeking a building permit to build upon a lot.
317

318 Mr. Aydlett asked if a simple shed permit would require this if an owner wanted to add fill to
319 raise the area whereupon the shed would be placed. Dan Porter responded stating that it would
320 be addressed when the owner came in for the building permit. Mr. Porter reminded the Board of
321 the requirement of existing systems checks from the health department, wherein the county
322 makes sure that a land owner is not building on top of an existing septic system or the drain
323 fields associated with such system.
324

DRAFT

325 Dan Porter spoke about % impervious surfaces, and how it impacts stormwater runoff.

326

327 Dave Parks added that this is an attempt to protect existing land owners. Mr. Parks added that a
328 modification to section (A) to tie it into the building permit and change the wording from "is
329 required" to "may be required" might be better.

330

331 Michael Etheridge asked questions regarding requirements for the fill permit. Those
332 requirements are listed on the application form which Dave Parks handed out before this agenda
333 item.

334

335 There was a small discussion regarding the way a septic system is placed with regard to the fill
336 and how it allows drainage.

337

338 Mr. Aydlett asked how much a stormwater certification would cost. Mr. Porter stated it would
339 be \$ 50 per letter.

340

341 Mr. Parks added that if the fill permit is obtained in the beginning and associated issues with
342 regard to stormwater are handled, it will cost less than finding out later that there is a problem
343 with an owner's drainage, and that owner would be responsible for the costs associated with
344 fixing any problems.

345

346 Vice Chairman Calvin Leary made a motion to approve the amendment with the following
347 changes: Tie it into the building permit for new construction. David Bundy seconded the
348 motion.

349

350 Chairman Needham asked if there would be an inspection point for this, also when would it go
351 into effect, and would it be retroactive.

352

353 Dan Porter stated that it would be effective as of when the commissioners approve it, and it
354 would not be retroactive. Existing projects would not be required to meet this ordinance.

355

356 Mr. Aydlett then inquired regarding the 9 inches mentioned in section (I) of the proposed
357 ordinance. It is the opinion of Mr. Aydlett that 9 inches is not very much when considering the
358 differences in natural grade between adjoining properties. Mr. Aydlett feels that this number
359 needs to be increased to perhaps 12 inches.

360

361 Chairman Needham concurred with the opinion above, that 9 inches is not very much.

362

363 Dave Parks clarified that the 9 inches is 9 inches above the highest grade level on a subject
364 property. Mr. Parks went on to say that section (I) is about giving the County the discretion to
365 say whether or not a stormwater plan is or is not required. Also, Mr. Parks reminded the board
366 that in section (I) it says that the county "may require" a stormwater plan. The words "may
367 require" gives the county the discretion to either require or not require one as appropriate to the
368 situation.

369

370 Chairman Needham spoke of a need to have an engineer on staff if engineered stormwater plans
371 are going to become a standard part of the process of obtaining a building permit.

372

373 Dave Parks then went over the application for a fill permit (which he handed out at the beginning
374 of this business item). On the application, among other things, it asks for the maximum height of
375 fill which an applicant plans to place on a lot. Mr. Parks also went over the submittal
376 requirements on the bottom and back of the application:
377



Camden County
NEW ENERGY · NEW VISION

Camden County

Fill Permit Application

Date: _____

Applicant Information:

Owner(s): _____

Owner Address: _____

Phone Number: _____ Email: _____

Applicant: _____

Applicant Address: _____

Phone Number: _____ Email: _____

Fax Number: _____

Project Information:

Project Name: _____

Street Address: _____

(Obtain from GIS at 252-338-1919)

Parcel Id Number: _____

Total Tract Acreage: _____ square feet

Total Area of Land Disturbance: _____ square feet

Total area of land disturbance is greater than 43,560 square feet; state permits required.

Maximum height of fill: _____ feet

Fill shall not exceed 24 inches for the septic area and 36 inches for house pad. Fill is defined as any material placed or graded on a lot where the material has the effect of increasing the elevation of any portion of the lot.

Description of Land Disturbance Activities: _____

Submittal Checklist Requirements:

1. Two blue line or black and white paper prints of the land disturbance plan.
2. Fill permits application fee \$50.00.
3. A copy of the Albemarle Regional Health Services site evaluation for a septic system.
4. A copy of the North Carolina Division of Water Quality certification to fill any 401 wetlands.
5. A copy of the US Army Corps of Engineers permit to fill any 404 wetlands.
6. The stormwater management plan, prepared by a North Carolina licensed professional engineer, licensed surveyor or landscape architect, shall include, but not limited to, the following information:

- Architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the property and the measures planned to comply with the requirements of the county ordinance.
- Adjacent property grades (i.e. the highest grade measured within thirty-feet from the subject property lines into the adjoining lots).
- Approximate depth of seasonal high water table.
- Existing elevations sufficient to determine the drainage patterns on-site and on adjoining sites (i.e. contours in one foot intervals).
- Locations and elevations of the adjoining street pavement, shoulder ditches, drainage systems, upstream and downstream driveway culverts.
- Proposed elevations of the top of bank, toe of slope and limits for fill necessary to construct the dwelling, including driveway access, shall be delineated. **No fill/grading shall occur within 10 feet of any property line except for driveway improvements allowed by the UDO.**
- Proposed stormwater management improvements; including methods for stabilization and maintenance. **At a minimum, property line swales shall be installed 12 inches deep and 3:1 slope.**
- Location of proposed improvements including septic systems.
- Flood zone designation, special flood hazard area, and boundary of any floodway of the proposed development area as determined on the FIRM or other flood map.
- Detention shall be provided for a four inch rainfall event from all impervious surfaces. Drainage area shall include all built-upon area on the subject lot and any runoff received from built-upon areas within 30 feet of the subject property line. All runoff from built-upon area must be directed into the stormwater management system.
- An operation and maintenance plan, including sediment removal, mowing and revegetation, immediate repair of erosion, debris removal, and unclogging of any structures.
- Certification of Stormwater Management (certification must be on the site plan):

On the site plan entitled _____, stormwater drainage improvements shall be installed according to these plans and specifications and approved by Camden County. Camden County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements.

Engineer/Surveyor/Architect

Date

The undersigned hereby agrees to conform to all county regulations, applicable state laws and the conditions of the fill permit. The undersigned further states that all information given herein is true and, authorize county staff to enter onto the property to ensure all applicable rules and regulations will be met. Compliance with restrictive covenants is the responsibility of the property owner which may or may not be more restrictive than the conditions of any permit approvals.

I hereby certify that I, the owner of the property, shown hereon will guarantee the maintenance of the stormwater conveyance measures shown on the approved plan as designed. Maintenance shall include, but not limited to, the following: removal of all sediment and debris to maintain intended grade and storage capacity and mowing and revegetation to control erosion and clogging. The immediate repair of erosion and the unclogging of any structures are necessary to maintain the intent of designed swales.

Property Owner

Date

Agent/Applicant

Date

Application submittals shall be filed with Camden County Planning Department located at 117 NC Hwy 343 or by mail at P. O. Box 190, Camden, NC, 27921.

Received by _____	Date Received: _____
Permit Application Fee _____	Reviewed by _____
Plan Date (with revision) _____	Approved by: _____

380
381

382 At this time, Chairman Rodney Needham asked if there was any further discussion. Hearing
383 none, he asked for the motion on the floor to be repeated.

384

385 Vice Chairman repeated the motion he had made: Approve the amendment with the following
386 changes: Tie it into the building permit for new construction. David Bundy seconded the
387 motion. A roll call vote was taken with the following results: Chairman Rodney Needham: No;
388 Vice Chairman Calvin Leary: Aye; John Aydlett: Aye; David Bundy: Aye; Michael
389 Etheridge: Aye. The motion passed on a vote of 4 in favor with 1 against.

390

391 *New Business, Item #2*
392 *Camden County Comprehensive Plan Discussion*

393
394 Dan Porter informed the board that the 2035 Camden County Comprehensive Plan has been
395 approved and officially adopted by the Board of Commissioners.

396
397 Included in the board packet for this meeting was a list of priority action items, which Mr. Porter
398 then went over.

399
400 Mr. Porter indicated that there is a copy of the Comprehensive Plan available online at the
401 county's website: www.camdencountync.gov.

402
403 Mr. Porter spoke briefly regarding the previous attempt at obtaining an R4x zoning designation.
404 Mr. Porter also spoke briefly regarding rural roadway overlays, and catalyst actions in the
405 comprehensive plan. He also spoke very briefly regarding the South Mills Small Area Plan.

406
407 John Aydlett inquired regarding voluntary agriculture districts. Mr. Porter responded that he had
408 been trying to get someone to come in and speak about this, but was unable to arrange it at this
409 time.

410
411 Mr. Aydlett asked if there would be any monetary benefits to voluntary agriculture districts. Mr.
412 Porter indicated that there might be tax advantages.

413
414 **Information from Board and Staff**

- 415
416 • None

417
418 **Consider Date of Next Meeting - January 16, 2013**

419
420 **Adjournment**

421
422 At 8:25 PM, Michael Etheridge made a motion to adjourn the meeting. David Bundy seconded
423 the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin
424 Leary, Members John Aydlett, David Bundy, and Michael Etheridge voting aye; none voting no;
425 Members Fletcher Harris and Ray Albertson absent; none not voting.

426
427
428 Date: _____

429
430
431 Approved: _____
432 Chairman Rodney Needham

433
434
435 Attested: _____
436 Amy Barnett, Planning Clerk

CAMDEN COUNTY PLANNING BOARD AGENDA ITEM SUMMARY SHEET

Item Number: VI. 1.
Meeting Date: January 16, 2013
Attachments: 1 (17 Pages)
Submitted by: Staff

ITEM TITLE: 1. Rezoning Application:
Keith Nowell; 137 Pudding
Ridge Road, R-3-2 to R-3-1

SUMMARY:

RECOMMENDATION:

For Discussion and Possible Approval

MOTION MADE BY:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
NO MOTION	_____
VOTE:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
ABSENT	_____
RECUSED	_____

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Findings

**UDO 2012-12-16
Minor Zoning Map Amendment**

- 1. **Name of Applicant:** Keith Nowell/Green Meadows LLC
- 2. **Agent for Applicant:**
- 3. **Address of Applicant:** 987 Swamp Road
Hertford, NC 27944
- 4. **PIN:** 01-7999-03-34-7305
- 5. **File Reference:** UDO 2012-12-16
- 6. **Name(s) of Current Owner(s) of Record:** Green Meadows LLC
- 7. **Street Address of Property:** Adjacent to 137 Pudding Ridge Road
- 8. **Location of Property:** South Mills Township
- 9. **Flood Zone:** X/AE
- 10. **Zoning District(s):** Basic Residential (R3-2)
- 11. **General Description of the Proposal:** Request rezone approximately 11 acres from Basic Residential (R3-2) to Basic Residential (R3-1)
- 12. **Date Application Received by County:** December 31, 2012
- 13. **Received by:** David Parks, Permit Officer
- 14. **Application fee paid:** \$660.00 Check # 1141
- 15. **Completeness of Application:** Application is generally complete.
- 16. **Documents received upon filing of application or otherwise included:**
 - A. Rezoning Application
 - B. Deed
 - C. Health Department soil testing results (4 lots along Pudding Ridge Road)
 - D. GIS Ariel, zoning, floodplain, and Comprehensive Plan (Future Land Use Maps)
 - E. CAMA Land Suitability Map
 - F. Site Plan
- 17. **Adjacent Property Uses:**
 - A. Predominant: Residential (abuts McPherson Estates at the rear of property)
 - B. Other: Agriculture
- 18. **Existing Land Uses:** Vacant Land
- 19. **Lot size:** approximately 11 acres
- 20. **Findings Regarding Additional Requirements:**
 - A. How will the proposed zoning change enhance the public health, safety or welfare? The proposed zoning change will enhance the public health, safety or welfare by providing higher density residential development in an area identified as Rural Residential (one acre lots) based on Camden County’s Comprehensive Plan Future Land Use Maps. (attached)
 - B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The range of permitted uses remains the same.

- C. For proposals to re-zone to non-residential districts along major arterial roads:
- (1) Is this an expansion of an adjacent zoning district of the same classification?
N/A.
 - (2) What extraordinary showing of public need or demand is met by this application? N/A.
- D. Conformity with the Plans:
- (1) Comprehensive Plan – Future Land Use Map has property identified as Rural Residential on one acre lots.
 - (2) CAMA Plan – Future Land Use Map has property identified as Low Density Residential. CAMA Plan (Policy 9) supports higher density development that is accessible to water and sewer.
 - (3) Thoroughfare Plan – Access to property is off Pudding Ridge Road.
 - (4) 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 – Will have minimal impact on Schools.
 - (2) Fire and Rescue – Will have minimal impact on Fire and Rescue.
 - (3) Law Enforcement – Will have minimal impact on law enforcement.
 - (4) Parks & Recreation – Will have minimal impact on Parks & Recreation.
 - (5) Other County Facilities –

Staff recommended approval as the requested zoning is in compliance with Camden's Comprehensive Plan Future Land Use Map as it reflects this area for higher density residential development on one acre lots.



Land Use/Development Application
County of Camden, North Carolina

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Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

Please Do Not Write in this Box
PIN: 01-7999-013-34-7305
UDO# 2012-12-16
Date Received: 12/31/2012
Received by: DP
Zoning District: R3-2
Fee Paid \$ 660.00

PLEASE PRINT OR TYPE

Applicant's Name: Keith Nowell/Green Meadows LLC

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 987 Swamp Road
Hertford, NC 27944

Daytime Phone Number: (757) 494-8713

Street Address Location of Property: Pudding Ridge Road, South Mills

General Description of Proposal: Request rezone approximately 11 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: [Signature]

Dated: 12/31/2012

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? NO

*Flood Zone (from FIRM Map): X *Taxes paid? no

Zoning Change Application Questions

The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

The proposed zoning change will enhance the public's health, safety, and welfare by providing higher density residential development in an area that the County has identified for, based on Camden's recently adopted Comprehensive Plan.

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

The range of permitted uses are the same as the zoning remains the same, but on one acre lots vice two acre lots.

(C) For proposals to re-zone to non-residential districts along major arterial roads (Article 151.586):

(1) Is this an expansion of an adjacent zoning district of the same classification?

(2) What extraordinary showing of public need or demand is met by this application?

N/A

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ALBEMARLE REGIONAL HEALTH SERVICES

46674

Applicant: NOWELL, KEITH M
987 SWAMP RD
HERTFORD, NC 27944

Owner: NOWELL, KEITH M
987 SWAMP RD
HERTFORD, NC 27944

Site Location: LOT 4 PUDDIN RIDGE RD

Texture: SCL	Mineralogy: SEXP	GPD: 360	Overall
Structure: SBK	Wetness (In.): 18	LTAR: .24	Lot Class: US

If unsuitable, the site may be reclassified to provisionally suitable with the following modification:

- Fill Area 120ft. by 60ft. with 18in. of sand

Fill Mound must be inspected before permit can be issued.

To obtain an Authorization to Construct:

- Submit a plat or scale drawing of the lot, showing location and dimensions of all property lines, proposed structures and driveways
- Pay Permit Fee of \$225.00

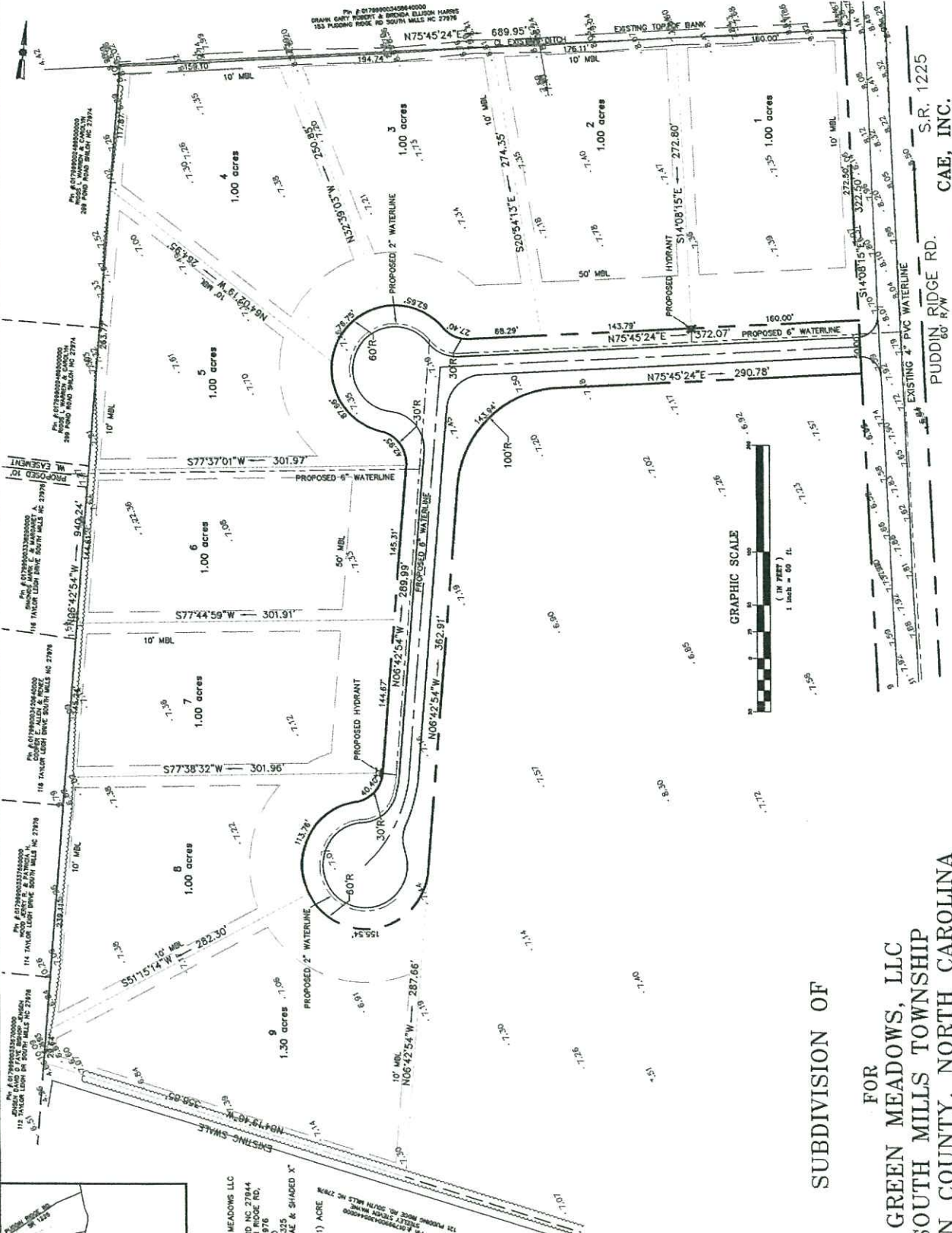
Comments: **The last 20' of each line will need to be modified with sand to 4 feet.** House pad will need to be higher than finished septic grade. Top of rock in trenches will be at top of 18 inch fill mound. Property line swales are needed to promote surface water away from home and septic system.

EHS: Kevin Carver

Date: 10/09/2012

THIS APPROVAL WILL BECOME VOID AFTER 12 MONTHS AND A NEW APPLICATION WILL BE NECESSARY

Bertie (252) 794-5303 Camden (252) 338-4460 Chowan (252) 482-1199 Currituck (252) 252-6603
 Gates (252) 357-1380 Pasquotank (252) 338-4490 Perquimans (252) 426-2100



PROJECT NOTES:

1. OWNER/DEVELOPER: GREEN MEADOWS LLC
2. GREEN MEADOWS LLC, 27844 BRITFORD NC 27844
3. PHYSICAL ADDRESS: PUDDING RIDGE RD, SOUTH MILLS, N.C. 27976
4. PLAN: 01/29/2012
5. TOTAL TRACT AREA = 10.77 ACRES
6. TRACT IS IN FLOOD ZONE "AE & SHADED X"
7. MINIMUM LOT SIZE IS ONE (1) ACRE

FOR
GREEN MEADOWS, LLC
SOUTH MILLS TOWNSHIP
CAMDEN COUNTY, NORTH CAROLINA

CAE, INC.
 ENGINEERS, PLANNERS, AND CONSTRUCTION CONSULTANTS
 101 OFFICE SQUARE LANE, SUITE 101A
 VIRGINIA BEACH, VIRGINIA 23462-3555
 TELEPHONE: (252) 582-0430 (252) 271-1009 FAX
 SCALE: 1"=60'
 DATE: 11/29/12

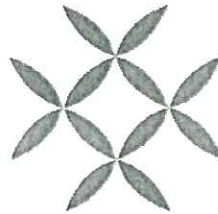
26

BOARD OF COMMISSIONERS

GARRY W. MEIGGS
Chairman

P. MICHAEL MCLAIN
Vice Chairman

SANDRA J. DUCKWALL
CLAYTON D. RIGGS
RANDY KRAINIAK



Camden County
NEW ENERGY. NEW VISION.

MICHAEL RENSHAW
County Manager

ASHLEY HONAKER
Clerk to the Board

JOHN S. MORRISON
County Attorney

January 8, 2013

Keith Nowell
Green Meadows LLC
987 Swamp Road
Hertford, NC 27944

RE: Rezoning Application (UDO 2012-12-16)

Dear Mr. Nowell:

This is to inform you that the Camden County Planning Board will hear your rezoning application to rezone your property located adjacent to 137 Pudding Ridge Road in South Mills Township from Basic Residential (R3-2) to Basic Residential (R3-1). Planning Board meeting is set for Wednesday, January 16, 2013 at 7:00 PM in the upstairs courtroom of the Historic Camden County Courthouse.

You must be in attendance for your application to be heard. Attached is a copy of staffs findings for your review.

If you have any questions, contact the Planning Office at (252) 338-1919 ext 232.

Sincerely,


David Parks
Permit Officer

cc: file

Camden Comprehensive Plan - Future Land Use Map

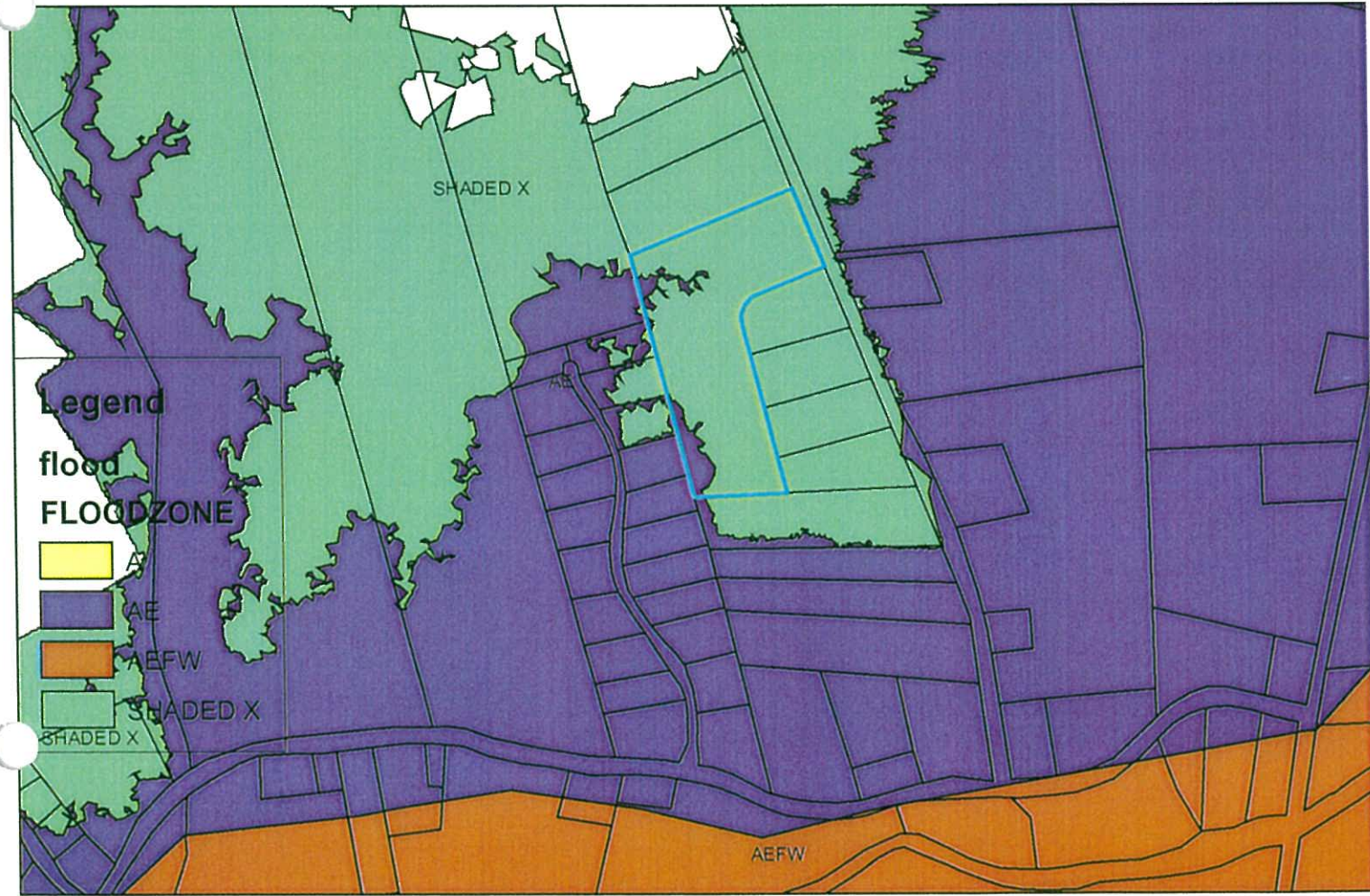
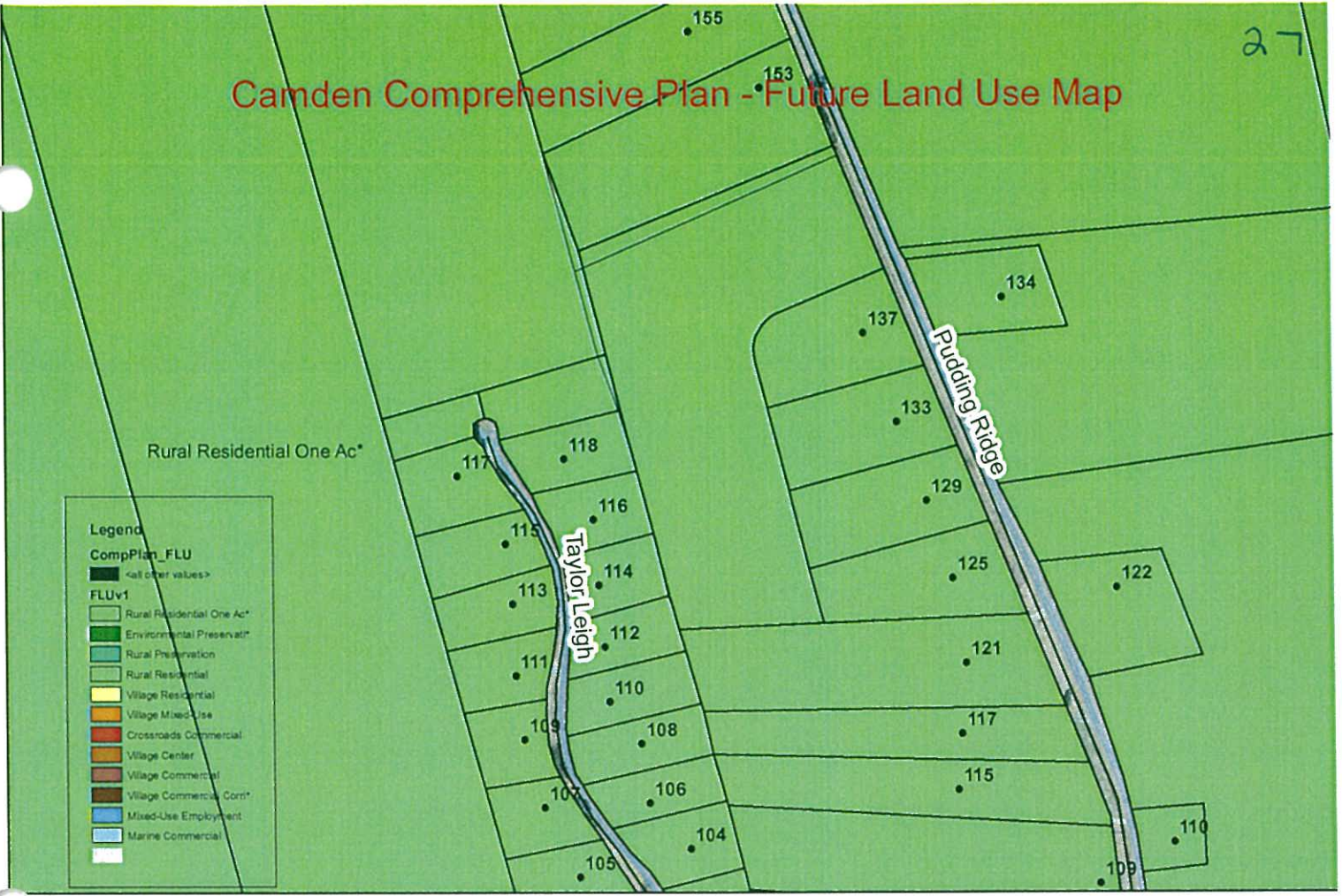


Table 3: Future Land Use Designations

Future Land Use Designations			
Future Land Use	Residential Density	Land Uses	Wastewater Service
Environmental Preservation	n/a	Protected lands Dismal Swamp / North River Gamelands	Private wastewater
Rural Preservation	Max 1 dwelling unit per 5 acres	Very low density residential Farms and support uses Forestry and mining Environmentally sensitive lands	Private wastewater
Rural Residential	Max 1 dwelling unit per 1 acre	Low density residential Open space / recreation Public uses	Private wastewater
Village Residential	Max 3 dwelling units per 1 acre	Moderate density residential Open space / recreation Public uses	Public sanitary sewer appropriate
Village Mixed-Use	Range 3-14 dwelling units per 1 acre	Mix of residential uses Neighborhood serving commercial Open space / recreation Public uses	Public sanitary sewer appropriate
Village Center	Predominantly commercial (up to 14 dwelling units per 1 acre)	Village commercial/office Live/work units Public spaces / recreation Public uses	Public sanitary sewer appropriate
Village Commercial	n/a	Community commercial Professional offices Grocery/pharmacy Regional retail Open space/recreation Public uses	Public sanitary sewer appropriate
Village Commercial Corridor	n/a	Community commercial Professional offices Grocery/pharmacy Regional retail Open space/recreation Public uses	Public sanitary sewer appropriate
Crossroads Commercial	n/a	Rural commercial Open space/recreation Public uses	Private wastewater
Mixed-Use Employment	n/a	Business parks Research and development offices Industrial Commercial serving employment uses	Public sanitary sewer appropriate
Marine Commercial	n/a	Marinas Commercial fishing Marina serving retail/commercial	Private wastewater

FUTURE LAND USE MAP

The Future Land Use Map provides guidance to decision-makers in Camden County regarding the overall pattern of development that should occur in the county, and the appropriate types of land uses and intensity of development that should occur in specific locations. This section is an update to the Future Land Use map and designations included in the 2005 CAMA Advanced Core Plan.

Future Land Use Map – Growth Vision for Community

This updated Future Land Use map and designations better reflect the current vision for the county. They provide a framework for targeted village-style development within the core village areas, and rural and environmental preservation in all other areas. Of considerable significance, is the infrastructure needed to support this new development. The pattern of development assumes that the extension of public infrastructure, particularly sanitary sewer service, would only occur within the core village areas of South Mills and Courthouse/Camden. This recommendation will limit the intensity of development in other areas – providing a framework for protecting rural character and managing public expenditures.

Purpose of Future Land Use Map

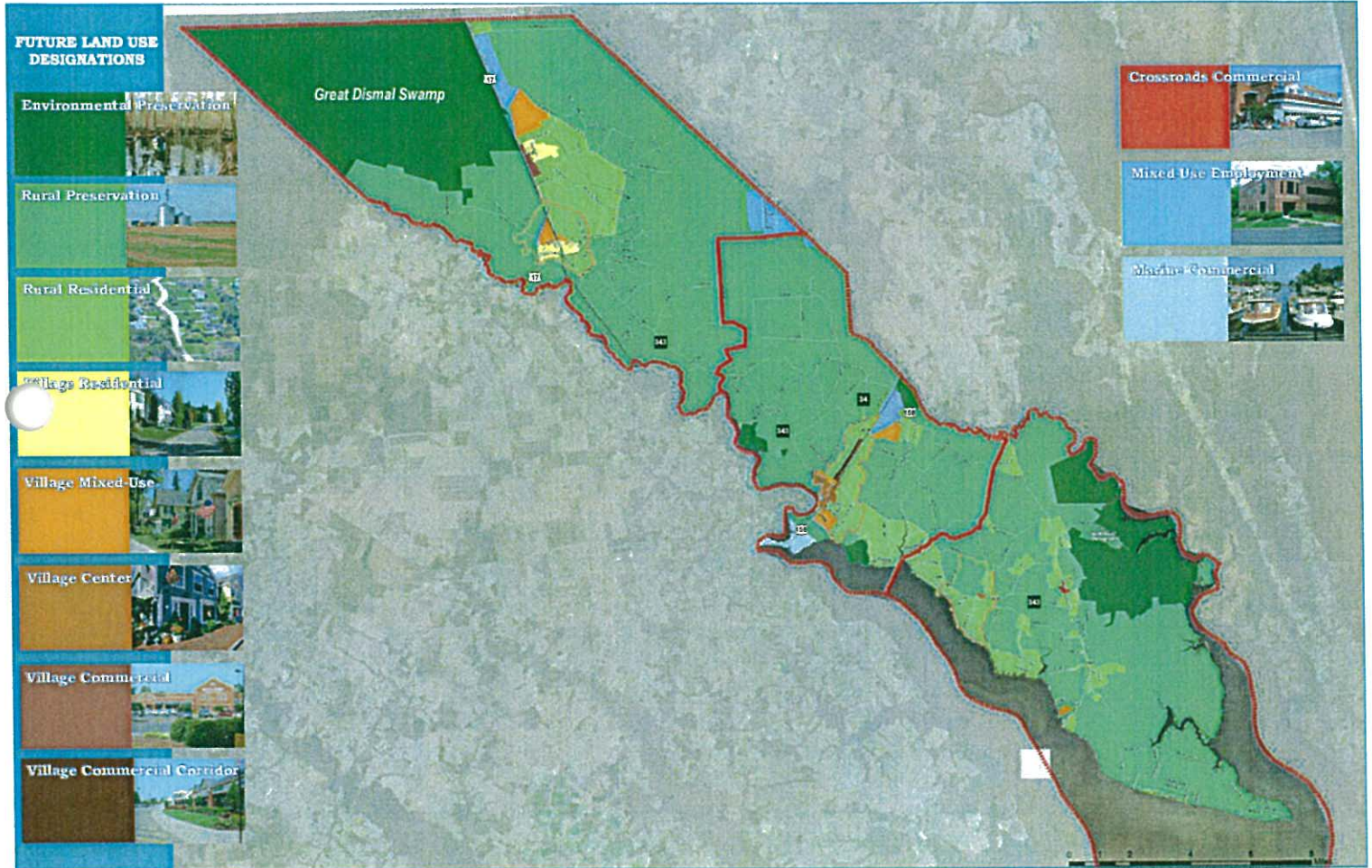
The Future Land Use map and designations are used during development review to make recommendations and decisions regarding the appropriateness of different aspects of proposed developments. The Future Land Use map and designations provide guidance when making decisions about zoning, site planning, and subdivision approvals by identifying the type of development and preferred densities that should occur in specific areas.

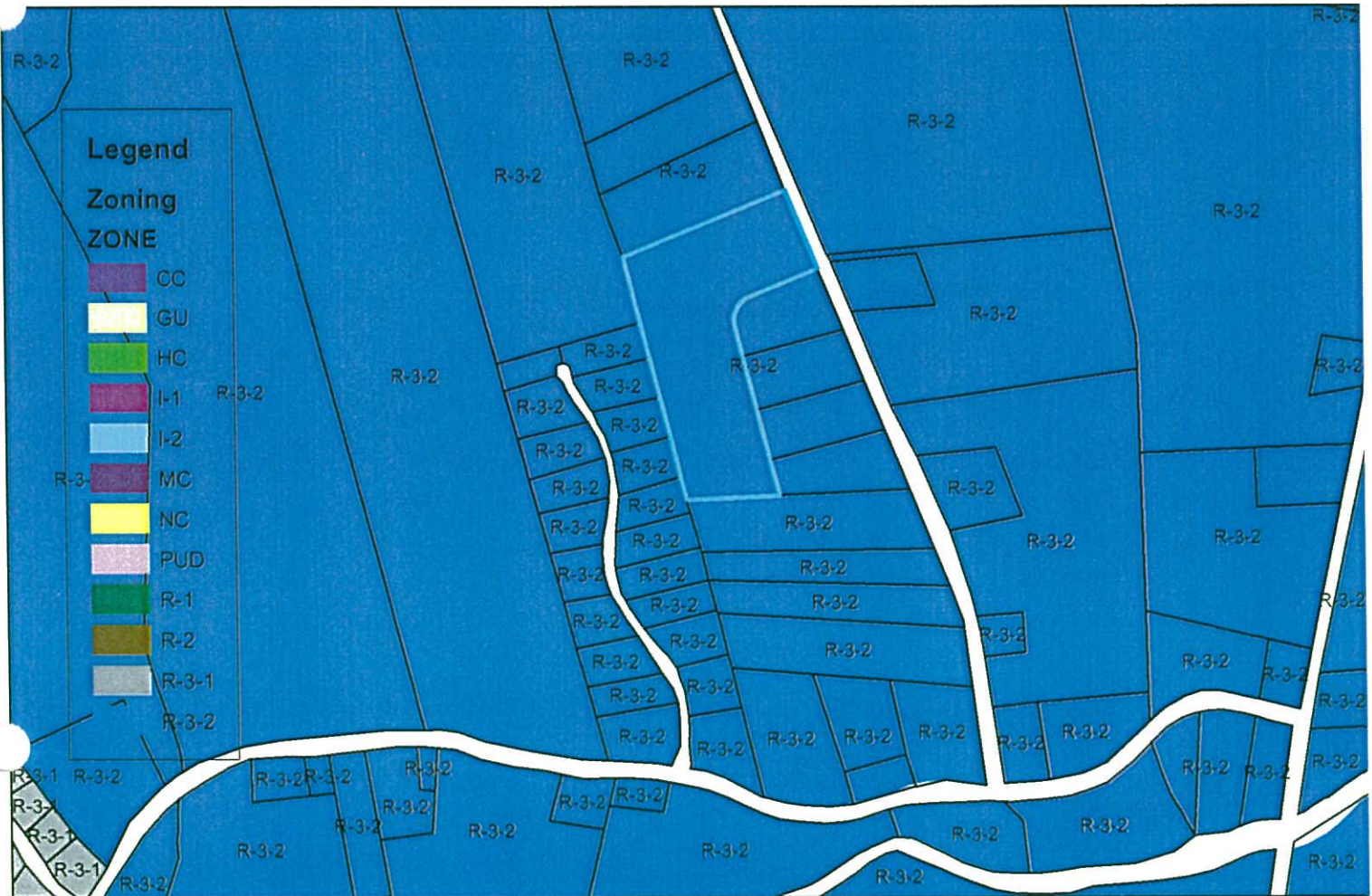
The Future Land Use designations and the Future Land Use map are provided solely with the intention of offering guidance to local decision-makers. This plan does not make formal recommendations to rezone properties to align with these Future Land use designations. Instead the Plan provides support for these Future Land Use designations during a rezoning case evaluation.

The table on the following page summarizes the 11 Future Land Use designations. A map is provided on the following pages that illustrates the locations of these designations. The color coding of the designations matches the map areas.

Future Updates to the Future Land Use Map

As decisions regarding the location of the proposed US 158 Alternate Route and Northern County Connector being developed under the Camden County Transportation Plan are formalized, these alignments should be placed on the Future Land Use Map. Adjustments to Future Land Use designations may be required to better reflect the desired land uses surrounding the two bypass routes.

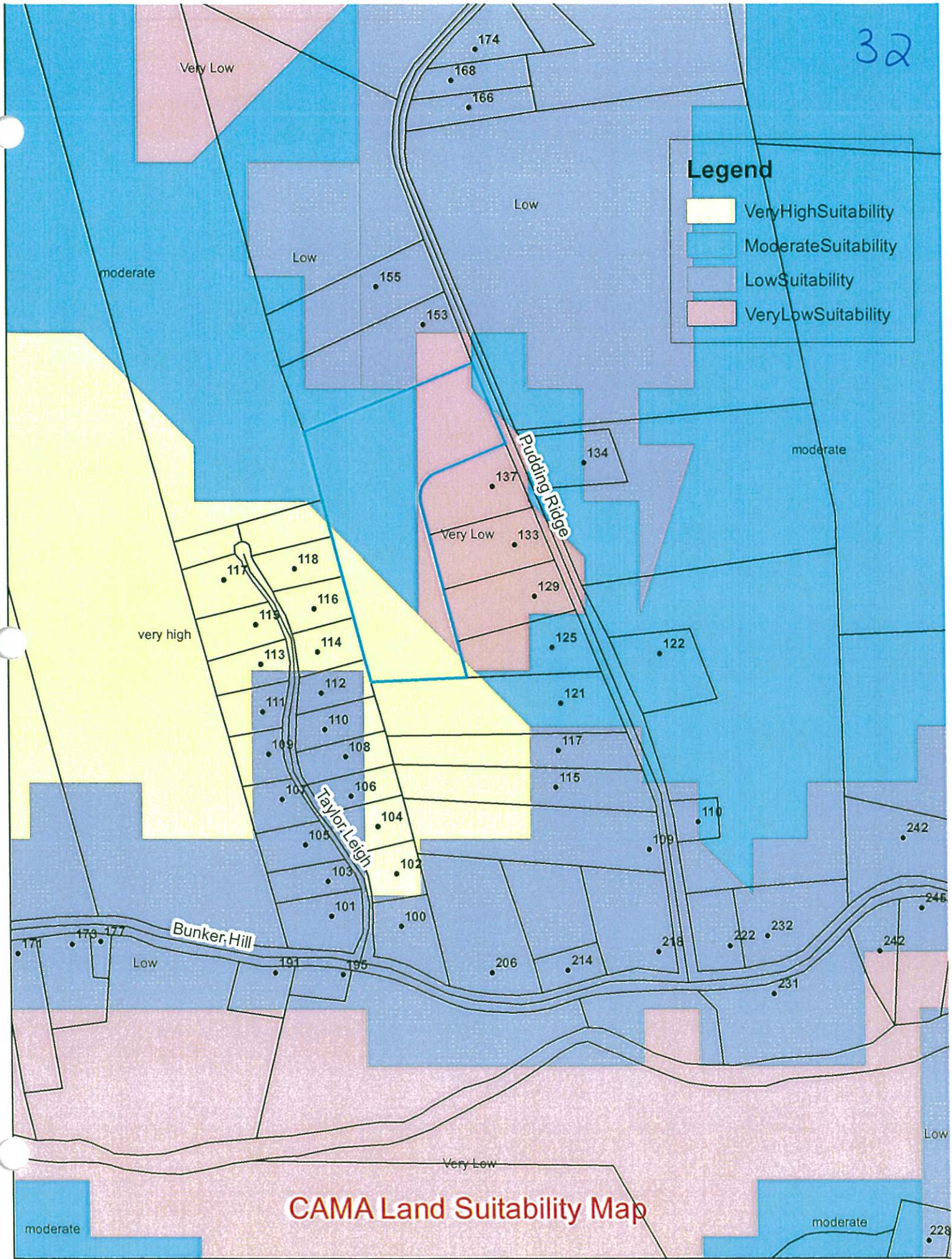




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Legend

- Very High Suitability
- Moderate Suitability
- Low Suitability
- Very Low Suitability



CAMA Land Suitability Map

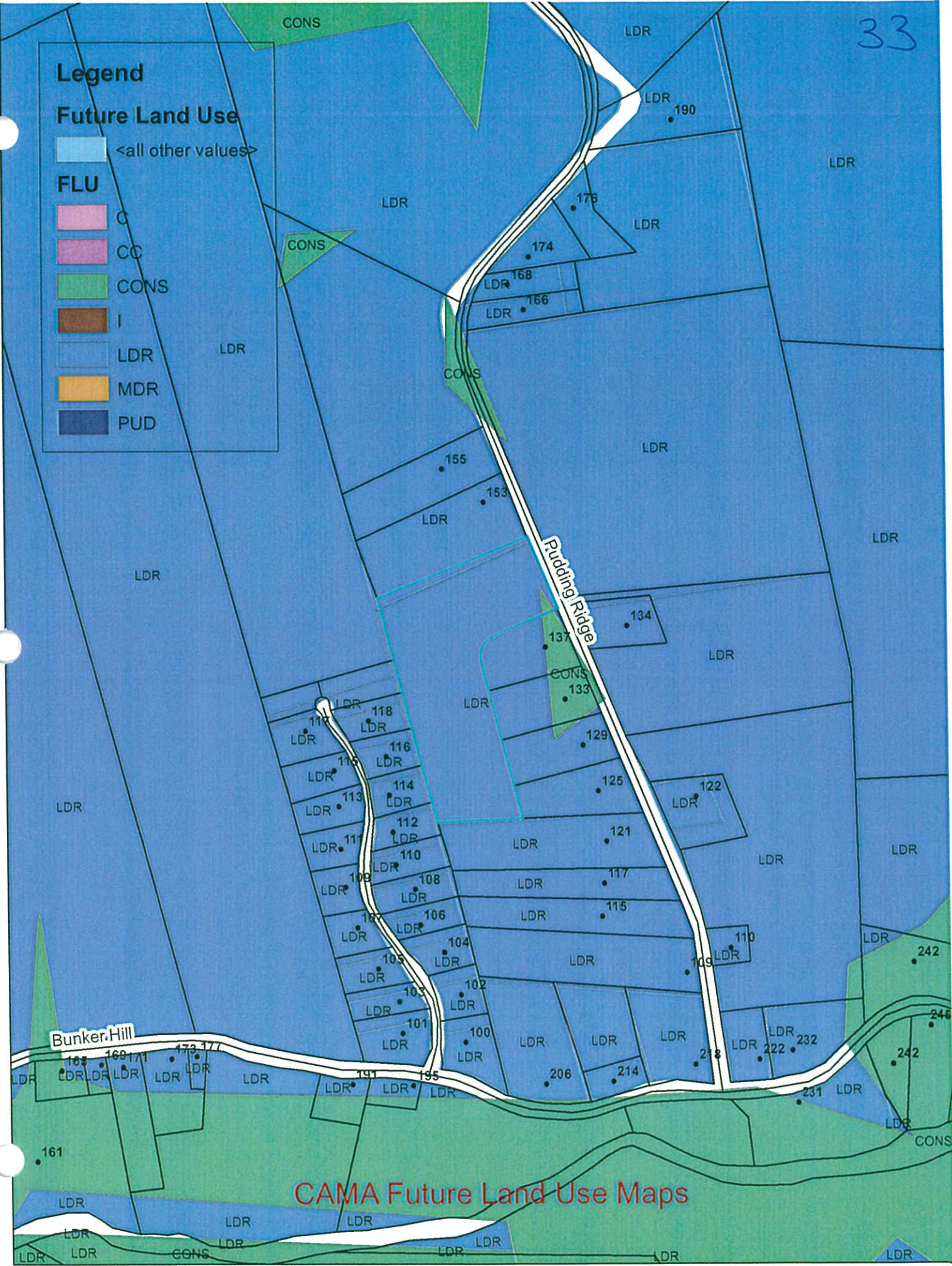
Legend

Future Land Use

<all other values>

FLU

- C
- CC
- CONS
- I
- LDR
- MDR
- PUD



**CAMDEN COUNTY
PLANNING BOARD
AGENDA ITEM SUMMARY SHEET**

Item Number: VI. 2.
Meeting Date: January 16, 2013
Attachments: 1 (10 Pages)
Submitted by: Staff

ITEM TITLE: 1. Final Plat, Phase II Tar Corner
Village, UDO 2003-02-37

SUMMARY:

RECOMMENDATION:

MOTION MADE BY:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
NO MOTION	_____
VOTE:	
R. Needham	_____
C. Leary	_____
R. Albertson	_____
M. Etheridge	_____
J. Aydlett	_____
F. Harris	_____
D. Bundy	_____
ABSENT	_____
RECUSED	_____

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C

C

C

Final Plat
Phase II Tar Corner Village
UDO 2003-02-37

1. **Name of Applicant:** Mainstay Construction
2. **Agent for Applicant:** Don Williams
3. **Address of Agent:** P. O. Box 429
Moyock, NC 27958
4. **PIN:** 01-7090-00-83-7276
5. **Name(s) of Current Owner(s) of Record:** Mainstay Construction
6. **Street Address of Property:** 109 Woodrows Way
7. **Location of Property:** Tar Corner Village Subdivision, South Mills Township
8. **Flood Zone:** X/AE
9. **Zoning District(s):** Basic Residential (R3-2)
10. **General Description of the Proposal:** Final Plat Phase II Tar Corner Village - 1 lot
(Lot 5)
11. **Date Application Received by County:** January 4, 2013
12. **Have all the requirements of the Special Use Permit for Preliminary Plat been met?** Yes
13. **Received by:** David Parks, Permits Officer
14. **Application fee paid:** Yes. \$50.00 cash
15. **Completeness of Application:** Application is generally complete.
16. **Documents received upon filing application or otherwise included:**
 - A. Land Use/Development Application
 - B. Letters of Credit for roads/improvements
 - C. Letter/receipt for Payment to schools for bus stop.
 - D. Blue Line Copies of Final Plat
 - E. Letter offering to donate 8.16 acres to County (for future recreational park)
 - F. Letter on improvement completion.

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Land Use/Development Application

County of Camden, North Carolina

Depending upon the type of proposal, the proposal may require a Zoning Permit, Conditional Use Permit, or Special Use Permit. This form is used as the start of application process. All applicants must submit a site plan (see "Minimum Site Plan Requirements") and a valid Health Department permit. Applicants for a Conditional Use Permit or Special Use Permit should review the "Requirements for Conditional Use Permit and Special Use Permit Applications".

Applicants for a subdivision must submit this form as their Special Use Permit application.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

Please Do Not Write in this Box	
PIN:	7276
	01-7090-80-83-7454
UDO#	2003 - 02 - 37
Date Received:	1/4/13
Received by:	al
Zoning District:	R3-2
Fee Paid \$	50. ⁰⁰ / ₁₀₀

CASH
al

PLEASE PRINT OR TYPE

Applicant's Name: DON S. WILLIAMS (MAINSTAY CONSTRUCTION, INC.)

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: PO BOX 429
MOYOCK, NC 27958

Daytime Phone Number: (252) 202-0741

Street Address Location of Property: WOODROW'S DRIVE

General Description of Proposal: PHASE III, LOT 5, TAR CORNER VILLAGE

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: [Signature]

Dated: 1/2/13

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? No

*Flood Zone (from FIRM Map): X

*Taxes paid? yes no

December 31, 2012

Re: Tar Corner Village

A performance bond is being placed and all work will be completed by December 31, 2013 (12 mos). If Camden County Commissioners do not accept the proposal to accept the 8.16 Ac of open space.

Thank you,



Don S Williams

Mainstay Construction

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December 27, 2012

Re: Tar Corner Village Common Area

Dear Camden County Commissioners:

Mainstay Construction, Inc would like to donate the 8.16 acres of common space area in Tar Corner Village Subdivision located in South Mills. We feel the area could be utilized by Camden County to offer recreational needs to the community.

I look forward to working with you on this project. Please feel free to call on me with any questions on this matter. I can be reached at 252.202.0741

Best Regards,



Don S. Williams

Mainstay Construction, Inc.

January 4, 2013

I, Anita Cuthrell, received a check for Camden County Schools in the amount of \$2,925.00 from Mainstay Construction for the purchase and installation (when deemed necessary) of a school bus shelter for Tar Corner Subdivision located off Old Swamp Road in South Mills Township (copy of plat attached).

Anita Cuthrell / Secretary

Name/Position

01/04/13

Date

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Dave Parks

From: Dave Parks <dparks@camdencountync.gov>
Sent: Tuesday, November 06, 2012 10:31 AM
To: 'Eddie Hyman '; 'kim@hymanrobey.com'; 'cmainstay@aol.com'
Cc: dporter@camdencountync.gov
Subject: TAR Corner Subdivision

Mr. Williams,

In order to proceed to record Phase II (whether one or the remaining lots) of Tar Corner Subdivision the following is needed:

1. Letter of Credit for maintenance guarantees for roads in the amount of \$54,585.
2. The installation of Bus Stop or providing a letter from the Superintendent of Camden County Schools indicating the satisfaction of this requirements. Some developers have issued checks for costs of the bus stop and installation to the schools and leaving the installation up to them when needed.
3. Landscaping of the pond at the entrance of the subdivision.
4. Landscaping of open space between lot 15 and future lot 16 and open space at the end of lot 14 up to the 40' drainage easement.
5. Installation of Pavilion, bbq pit, 8' asphalt road, parking, soccer multi use field and landscaping. Performance bond for these improvements may be accepted along with a written agreement with the county as to the timeframe of installation of such improvements.
6. If developer/Home owners desires to deed the 8.16 AC. of open space to the county for a future park this proposal will need to be in writing and approved by the Board of Commissioners. However the performance bond shall still be required until this is accepted by the County.

In accordance with the Camden County Unified Development Ordinance all final plat applications shall be sent to the Planning Board for approval. If you have any further questions, let me know.

Sincerely,

David Parks
Permit Officer
Camden County

IRREVOCABLE STANDBY LETTER OF CREDIT
(Automatic Extensions)

Issuance Date: January 4, 2013
Beneficiary: County of Camden
Attn: David Parks
P.O. Box 70
Camden, NC 27921
Applicant: Mainstay Construction, Inc.
P.O. Box 29
Currituck, NC 27929
Letter of Credit #: 1521097712
Amount: \$54,585.00
Expiration Date: January 4, 2014

To Whom It May Concern:

TowneBank hereby issues its **Irrevocable Standby Letter of Credit**, as numbered above, in favor of the above-named **Beneficiary** for the account of the above-named **Applicant**, for a sum not exceeding the Amount listed above.

This **Amount**, or any portion thereof, is available upon presentation of **Beneficiary's** sight draft or drafts drawn upon TowneBank, when accompanied by the following:

1. The original of this **Letter of Credit** and all amendments thereto; and
2. A signed written statement from **Beneficiary** certifying that "(a) **Applicant** has failed to satisfactorily perform all or part of **Applicant's** obligation(s) under the terms and conditions of Agreement between **Applicant and Beneficiary**, **Applicant's** performance of which is secured by this **Letter of Credit**, and (b) as a result of such failure, **Beneficiary** is entitled to the **Amount** sighted.

All drafts drawn under this **Letter of Credit** must contain the following statement: "Drawn under TowneBank's **Irrevocable Standby Letter of Credit # 1521097712** dated January 4, 2013." For partial draws under this **Letter of Credit**, TowneBank must endorse each presentation on the reverse of the original **Letter of Credit**.

This **Letter of Credit** is irrevocable and unconditional. This **Letter of Credit** is transferable and may be transferred one or more times, but in each case only in the amount of the full unutilized balance hereof to any single transferee. Transfers may be affected without charge to the transferor and only through **TowneBank** upon presentation to **TowneBank** of a duly executed instrument of transfer. Any transfer of the **Letter of Credit** as aforesaid must be endorsed by **TowneBank** on the reverse hereof and may not change the place of presentation of demands from our address below. All costs in connection with any transfer of this **Letter of Credit** shall be for the **Applicant's** account.

This **Letter of Credit**, and any and all obligations contained herein, expires at midnight of the **Expiration Date** listed above. However, it is a condition of this **Letter of Credit** that it shall be deemed automatically extended, without requirement of any amendment, for successive periods of one (1) year each unless at least ninety (90) days prior to the **Expiration Date** or any future extended **Expiration Date**, we notify **Beneficiary** that we do not intend to extend this **Letter of Credit** beyond the **Expiration Date**. In any event, however, the **Expiration Date** shall not be extended beyond five (5) years from the Issuance Date of this **Letter of Credit**.

We hereby agree with the drawers, endorsers, and holders in due course of all drafts drawn under and in compliance with the terms of this **Letter of Credit** that such drafts will be duly honored by us upon presentation. The terms of this **Letter of Credit** will be duly honored at:

TowneBank
Attn: Loan Operations Manager
6001 Harbour View Blvd.
Suffolk, VA 23435

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Letter of Credit #1521097712

This **Letter of Credit** is subject to the Uniform Customs and Practice for Commercial Documentary Credits of the International Chamber of Commerce in effect on the date of issuance and the laws of the Commonwealth of Virginia; provided, that in the event of any dispute hereunder, venue shall be only in the appropriate state court of the City of Portsmouth, Virginia, or the United States District Court for the Eastern District of Virginia, Norfolk Division; provided, further, that notwithstanding Article 17 of the aforementioned Uniform Customs and Practice for Commercial Documentary Credits, if presentation of **Beneficiary's** sight draft is prevented by a force majeure and the **Expiration Date** occurs during the continuance of such force majeure, the **Expiration Date** shall be automatically extended to the third business day following the conclusion of such force majeure but in no case can the extension of the **Expiration Date** exceed 30 days.

TowneBank

By: 

H. Taylor Sugg, Pres./TowneBank of Currituck
5531 N. Croatan Hwy, Southern Shores, NC 27949
(252) 261-4350

Improvement 45

IRREVOCABLE STANDBY LETTER OF CREDIT
(Automatic Extensions)

Issuance Date: January 4, 2013
Beneficiary: County of Camden
Attn: David Parks
P.O. Box 70
Camden, NC 27921
Applicant: Mainstay Construction, Inc.
P.O. Box 29
Currituck, NC 27929
Letter of Credit #: 1521097763
Expiration Date: January 4, 2014
Amount: \$56,718.75

To Whom It May Concern:

TowneBank hereby issues its **Irrevocable Standby Letter of Credit**, as numbered above, in favor of the above-named **Beneficiary** for the account of the above-named **Applicant**, for a sum not exceeding the Amount listed above.

This **Amount**, or any portion thereof, is available upon presentation of **Beneficiary's** sight draft or drafts drawn upon TowneBank, when accompanied by the following:

1. The original of this **Letter of Credit** and all amendments thereto; and
2. A signed written statement from **Beneficiary** certifying that "(a) **Applicant** has failed to satisfactorily perform all or part of **Applicant's** obligation(s) under the terms and conditions of Agreement between **Applicant and Beneficiary**, **Applicant's** performance of which is secured by this **Letter of Credit**, and (b) as a result of such failure, **Beneficiary** is entitled to the **Amount** sighted.

All drafts drawn under this **Letter of Credit** must contain the following statement: "Drawn under TowneBank's **Irrevocable Standby Letter of Credit # 1521097763** dated January 4, 2013." For partial draws under this **Letter of Credit**, TowneBank must endorse each presentation on the reverse of the original **Letter of Credit**.

This **Letter of Credit** is irrevocable and unconditional. This **Letter of Credit** is transferable and may be transferred one or more times, but in each case only in the amount of the full unutilized balance hereof to any single transferee. Transfers may be affected without charge to the transferor and only through **TowneBank** upon presentation to **TowneBank** of a duly executed instrument of transfer. Any transfer of the **Letter of Credit** as aforesaid must be endorsed by **TowneBank** on the reverse hereof and may not change the place of presentation of demands from our address below. All costs in connection with any transfer of this **Letter of Credit** shall be for the **Applicant's** account.

This **Letter of Credit**, and any and all obligations contained herein, expires at midnight of the **Expiration Date** listed above. However, it is a condition of this **Letter of Credit** that it shall be deemed automatically extended, without requirement of any amendment, for successive periods of one (1) year each unless at least ninety (90) days prior to the **Expiration Date** or any future extended **Expiration Date**, we notify **Beneficiary** that we do not intend to extend this **Letter of Credit** beyond the **Expiration Date**. In any event, however, the **Expiration Date** shall not be extended beyond five (5) years from the Issuance Date of this **Letter of Credit**.

We hereby agree with the drawers, endorsers, and holders in due course of all drafts drawn under and in compliance with the terms of this **Letter of Credit** that such drafts will be duly honored by us upon presentation. The terms of this **Letter of Credit** will be duly honored at:


TowneBank
Attn: Loan Operations Manager
6001 Harbour View Blvd.
Suffolk, VA 23435

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Letter of Credit #1521097712

This **Letter of Credit** is subject to the Uniform Customs and Practice for Commercial Documentary Credits of the International Chamber of Commerce in effect on the date of issuance and the laws of the Commonwealth of Virginia; provided, that in the event of any dispute hereunder, venue shall be only in the appropriate state court of the City of Portsmouth, Virginia, or the United States District Court for the Eastern District of Virginia, Norfolk Division; provided, further, that notwithstanding Article 17 of the aforementioned Uniform Customs and Practice for Commercial Documentary Credits, if presentation of **Beneficiary's** sight draft is prevented by a force majeure and the **Expiration Date** occurs during the continuance of such force majeure, the **Expiration Date** shall be automatically extended to the third business day following the conclusion of such force majeure but in no case can the extension of the **Expiration Date** exceed 30 days.

TowneBank

By: 
H. Taylor Sugg, Pres./TowneBank of Currituck
5531 N. Croatan Hwy, Southern Shores, NC 27949
(252) 261-4350

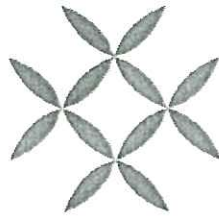
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Clerk to the Board

JOHN S. MORRISON
County Attorney

January 8, 2013

Mainstay Construction
Don Williams
P.O. Box 429
Moyock, NC 27958

RE: Phase II Final Plat Tar Corner Village (UDO 2003-02-37)

Dear Mr. Williams:

This is to inform you that the Camden County Planning Board will hear your application for Phase II Final Plat Tar Corner Village major subdivision on Wednesday, January 16, 2013 at 7:00 PM in the upstairs courtroom of the Historic Camden County Courthouse.

You must be in attendance for your application to be heard.

If you have any questions, contact the Planning Office at (252) 338-1919 ext 232.

Sincerely,


David Parks
Permit Officer

cc: file

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