

**Planning and Special Issues Committee**

Meeting Summary  
April 7, 2005

Committee Chair Bill Peele called the meeting to order at 1:27 p.m.

**Election of P&SI Subcommittee Vice Chair**

- Doug Langford nominated Jerry Old
- Charles Elam made a motion to nominate Renee Cahoon for vice-chair this was seconded by James Leutze
- There was a vote and Renee Cahoon was chosen as Vice-Chair

**Atlantic Beach – History of the Circle and Current Plans**

- Lee Smith, Planning Director for the Town of Atlantic Beach gave an introduction and overview of the area of Atlantic Beach known as ‘the Circle’
- The Bathhouse and Pagoda were the central meeting points for tourists in the early 1920s
- Mr. Smith explained that there have been several different efforts to revitalize the area that was in decline through the 60s, 70s and especially the 80s.
- The Circle had been the main attraction of Atlantic Beach, and was developed as a tourist destination with hotels, eateries and shopping.
- 2003 Circle Redevelopment Area was adopted by the Town board with the intent to reestablish the area as a civic, recreation, and social area within the town as a premier destination of residents and tourists alike.
- CDD- Circle Development District became a zoning classification with specific development regulations.
- The standards of the district include regulations that encourage a pedestrian oriented area as well as density and lot size, setback standards, building design and orientation, landscaping, buffer yards, screening, automobile access, and parking.
- The district was designed to allow higher buildings up to 185’ in the center with the height no more than 45’ as you move to property adjacent to residential areas.
- Fred Bunn, the developer has assembled property in the circle redevelopment district and provided site specific building characteristics of his concepts by showing plan and building height renderings.

**Duck LUP (P&SI-05-05)**

- Charlan Owens, Elizabeth City District Planner gave an overview of the development process of the Town of Duck Core Land Use Plan, as well as a

geographical and demographic profile of the Town. She also stated that the policies meet DCM LUP requirements and do not conflict with any other state or federal programs and should be forwarded on to the CRC for certification.

- She then introduced Sue Cotellessa the Planning Director for the Town and Bill Turner, the consultant who prepared the plan.
- The plan was locally adopted on February 2, 2005.
- Policies have been adopted to preserve a small town low-density coastal village character.
- There are no policies that exceed state minimum development standards.
- Bill Turner provided a background of the process the Town followed and displayed the maps that were developed throughout the LUP process.
- Sue then spoke on behalf of the Town giving a more detailed outline of the LUP process as well as other local ordinances and guidelines that have been outlined within the LUP to implement the plan. There are also plans such as the zoning ordinance and development guidelines, which have been completed since the LUP process was started.
- Ms. Cotellessa also discussed a municipal CAMA Public Access project located in the community village center providing access to the Currituck Sound.
- Ms. Cahoon also questioned the road systems and public beach access within the town. Ms. Cotellessa explained that the town is pursuing opportunities for public beach access.
- Mr. Langford asked about working with Dare County and adjacent communities, did you provide copies to each community for review? Ms. Cotellessa replied yes, the communities were provided copies.

Doug Langford moved to recommend to the CRC that they certify the Town of Duck's Land Use Plan based on a determination that the plan has met the requirements of the Guidelines and that there are no conflicts with the state's Coastal Management Program.

The motion was seconded by Renee Cahoon and passed unanimously.

### **Amendments to LUPs Developed Under 1995 Guidelines (P&SI-05-06)**

- John Thayer, Manager of Planning and Grants reminded the committee of the recent experience at the January P&SI meeting, where the Town of Carolina Beach LUP Amendments was denied because they did not meet LUP Guidelines.
- He noted the purpose of this item is to consider a DCM staff recommendation as to how we can clarify the requirements for amending Land Use Plans (LUP), more particularly, which were not prepared or certified per the new Guidelines which came into effect in 2002.
- The committee agreed with staff proposals, which clarify that old plans when amended, should be exempt from addressing the six Management Topics.

Per section .0901(a):

- (4) CRC review and action on CAMA Land Use Plan amendments shall be in the same manner as provided in 15A NCAC 7B .0802 (b), (c), (d) and (e); except that amendments to Land Use Plans which were certified prior to the August 1, 2002 are exempt from section 7B. .0802 (c)(3)(D), unless subsection .0901(a)(1) applies.

and new language to help clarify the requirement for analysis per .0802(c)(3):

- (D)contain policies that address each Management Topic. If a local government cannot meet any CAMA Land Use Plan requirements contained within .0702(d) and (e), ~~each of the six Management Topics~~ the plan shall include a description of the analysis that was undertaken, explain the reason(s) the requirement could not be met, and the local government's alternative plan of action to address the CAMA Land Use Plan requirements. If such description(s) are not included in the plan, it shall not be certified.
- The committee also agreed to proposals which would ensure that the concept of internal consistency within the LUP is maintained for a proposed amendment.

Per section .0901(a):

- (5) The local resolution of adoption shall include findings which demonstrate that amendments to policy statements or to the Future Land Use Plan Map (FLUP), have been evaluated for their consistency with other existing policies.

Or for a new plan per section.0802(c)(3):

- E) contain a local resolution of adoption that include findings which demonstrate that policy statements and the Future Land Use Plan Map (FLUP), have been evaluated and determined that no internal inconsistencies exist.

- The committee then asked staff to clarify language in Subsection .0901(a), which attempts to clarify when amendments trigger a complete update of the plan meeting the new rules:

(1) The CAMA Land Use Plan may be amended and only the amended portions submitted for CRC certification if local conditions create a need for policy or map changes or clarifications. If the local government amends half or more of the contents, ~~or~~ policies, implementation, or Future Land Use Plan Map portions of the document associated with .0702(d) and (e) of these rules ~~of the CAMA Land Use Plan~~, an entirely new locally adopted plan shall be submitted to the CRC.

Then the committee asked the staff to better define this section and to bring it back to the June meeting in Greenville

### **New Protocol for Conducting Sanitary Surveys of Shellfish Waters**

- Shannon Jenkins, with Shellfish Sanitation Section gave a background on the shoreline survey program
- Goals of the Section include: identify pollution threats, accessibility to these threats, and cooperation w/other agencies to help protect shellfish growing areas
- The Section makes recommendations for open and closed shellfishing areas
- Shellfish are filter feeders that remove sediment and pathogens from the water. These pathogens can concentrate in the shellfish and if consumed raw can cause illness. North Carolina has no reported outbreaks resulting from the consumption of shellfish harvested in NC waters.
- In cooperation with NCCF and Duke the section is active in wetland restoration at the North River Farm Project in Carteret County
- Shoreline Survey Protocol is required by the NSSP (National Shoreline Survey Protocol) model ordinance and is conducted triennially for each shellfish growing area.
- There are 3 main requirements for the survey, identification and evaluation of pollution sources, map actual and potential pollution sources, compile a written summary of findings
- New methodology for surveying includes the use GPS and digital photography transferred into GIS

- Areas that are collected and entered into the system include – failing septic systems, marinas, gray water outfalls, livestock, and development
- The Section uses historical data including aerial photography to follow development trends adjacent to shellfishing areas
- Interagency cooperation is key to program success – DWQ, DCM, DOT, DLR, USACE are all agencies currently working with the Section
- Benefits of the new methodology may be seen in the shellfish industry and public health
- Questions from the committee were asked concerning the methodology and functions of the database and information available. Wayne Mobley and Patty Fowler were introduced to help clarify some of the issues raised. The information will be available on IBEAM for interagency access.

### **Public Beach Access Website Demo (P&SI-05-07)**

- Steve Underwood introduced Ken Richardson, GIS analyst with DCM who has helped develop this site
- DCM has partnered with the North Carolina Shore and Beach to collect data on the location and amenities of public access sites along the oceanfront.
- The current database contains approximately 600 public access sites along the oceanfront and the estuarine waterfront.
- Ken walked the committee through a site search showing different tools and attributes that are available for the site. The demonstration included showing access site locations on various overlay backgrounds, a photo of the site, and how to use map quest to obtain directions to an access site. The current map, photo and address can be printed straight from the site.
- The website was developed for various user groups such as the general public, researchers, and local governments.
- Questions and answer session initiated dialogue between Ken, committee members, and members of the audience.
- The hours of operation for access sites will be added to the information available on the website in the near future

### **Planning Issues/Updates**

- John Thayer announced that Pre-application packets for the Public Access Grant Program are going out next week and that the Camden County Advanced Core LUP and the Kitty Hawk Core LUP will be reviewed at the June CRC Meeting in Greenville.

The meeting was adjourned at 4:40 p.m.