

Town of Southern Shores
5375 N. Virginia Dare Trl
Southern Shores, NC 27949

COASTAL AREA MANAGEMENT ACT (CAMA)
2006 / 2007 LAND USE PLAN UPDATE
WORKSHOP – CAMA GUIDELINES
February 8, 2007
Southern Shores Volunteer Fire Department
Southern Shores, NC 27949

A workshop to review the CAMA rules and requirements as related to the Land Use Plan Update process was held Thursday, February 8, 2007 at the Southern Shores Volunteer Fire Department, 15 S. Dogwood Trl, Southern Shores, NC 27949. Charlan Owens, Elizabeth City District Planner, was the presenter. The following Steering Committee Members attended the meeting: Bob Harvey, David Sanders, Richard Perkins, Dan Shields, Frans Koeleveld, Tom Bennett, Joe Walter, Paul Terry and Mike Hejduk. Also in attendance were David Kole and Pat Storey.

Ms. Owens stated the Division of Coast Management (DCM) provides an integrated program of planning, permitting, education and research through out the twenty coastal communities. The mission is to provide leadership and guidance in the protection, conservation and management of North Carolina's coastal resources through a comprehensive planning and resource management program.

Ms. Owens stated the DCM is often erroneously referred to as CAMA. CAMA is an acronym for the Coastal Area Management Act of 1974. CAMA established a cooperative coastal management program between local and state government. The local governments have the initiative for planning while the state acts primarily in a supportive standard setting and review capacity and establishes Areas of Environmental Concern (AEC). The enforcement is a concurrent state and local responsibility. CAMA established a Coastal Resource Commission which is a fifteen member governor appointed board responsible for the preparation, adoption and amendment of state guidelines. CAMA requires the development of Land Use Plans and the requirement that local ordinances, regulations and permitting be consistent with the Land Use Plan. CAMA has made provisions for annual grants to assist in the development of the local plans.

The planning rules were updated in 2002 to enhance the public participation; improve overall quality of plans; provide flexibility to meet local needs and improve the level of implementation. The revisions require core plans for municipalities with ocean hazard AECs. Prior to the planning rules update the Town of Southern Shores had prepared sketch plans.

The key components of the Land Use Plan include pre-planning or scoping process to identify concerns and aspirations. The public participation process continues throughout the entire process including the identification of concerns and aspirations; analysis of existing and emerging conditions; planning for the future which includes a current policy

analysis; and tools for managing development. The pre-planning scoping was done with town staff in early 2005. The remaining areas are part of the Land Use Plan effort.

There are three basic questions which will be answered during the creation of the Land Use Plan – where are we now? (existing conditions / AECs); where do we want to go? (land suitability analysis / population projections/ future services demand); how do we get there? (goals / objectives / policies / actions). All of these elements will lead toward a 20 year planning horizon.

Addressing the community concerns and aspirations, it is necessary to identify existing and emerging conditions and key issues. The Southern Shores Town Council was recently involved in a SWOT (strengths, weaknesses, opportunities, threats) analysis and the town will be holding a town meeting which will help to establish the community vision including the physical appearance and form of the town for the future as well as the objectives to be achieved in the plan. The vision needs a high level of community consensus.

The analysis of existing and emerging conditions provides a factual and analytical base to support the town's policies. A part of this analysis will be the trends in permanent and seasonal population, the character of housing types, local economy and population projections.

The analysis of land use and development will require quantifying the existing land use pattern, identifying land use conflicts, determining future development trends and land needs for the 20 year planning horizon. The town should also make an assessment of the vacant lots, the under-developed lands as well as giving consideration to a build out scenario and redevelopment potential.

The analysis of the community facilities includes evaluating existing and planned infrastructure capacity, and location and adequacy of facilities for the existing and future population (including transportation). There should be infrastructure guidance for land development to protect the environmental resources (including public and private water and wastewater). Addressing the stormwater system concerns should include not only the quantity of but the quality of water as well. The issues of emergency and governmental services (health and safety) for an expanding population should be addressed as well.

The natural systems analysis should describe and analyze the natural features and environmental conditions (water quality, soils, flood areas etc.). An assessment of the development capabilities and limitations should be done and a composite map of all environmental conditions should be prepared.

Mapping will be supported using GIS (Geographic Information System). Large volumes of spatially referenced information and associated attribute data will be collected, managed and analyzed. Data provided by the State includes a soil map (indicates severe limitations for septic systems), a wetlands map (indicates “exceptional wetlands”), flood map (indicates flood zone boundaries), etc. These various categories are referred to as “layers”. Layers can be used individually or combined to create output maps.

The Environmental Constraints model will have multiple layers including the AECs, soil characteristics, water quality classes, flood and other natural hazards, storm surge areas, wetlands, water supply watersheds or wellhead protection areas, environmentally fragile areas and local natural features. The Environmental Constraints map will present a three tiered result: Class I – land containing only minimal hazards and limitations; Class II – land that has certain hazards and limitations for development; Class III – land that has serious hazards and limitations for development where the impact of development may cause serious damage to the functions of natural systems.

The Land Suitability analysis map is a four tiered map built on the Environmental Constraints map and adding the layer depicting the proximity to existing developed areas, cultural resources and community facilities / infrastructure. This map will identify the least suitable, low suitability, medium suitability and high suitability for development.

A review of the current CAMA Land Use Plan will answer how consistent the current plan is with existing development and local ordinances, how has it been implemented and how effective has it been in achieving the Land Use Plan goals.

The Land Use Plan will plan for the future by setting land use and development goals with desired ends, values and general principals that will guide development of the community identified. The goals will be formulated using concerns, aspirations, needs and opportunities identified in the analysis of existing and emerging conditions. The policies developed are principles and decision guidelines or courses of action planned to attain the goals. Policies are to be consistent with goals of CAMA and other state and federal rules and also consistent with the goals objectives and Land Use Plan requirements for the 6 Management Topics which must be addressed in the plan. Development of a Future Land Use Map will identify land use designations and will depict application of policies for growth and development as well as desired future patterns while considering natural systems constraints.

The six Management Topics include: Public Access, Land Use Compatibility, Infrastructure Carrying Capacity, Natural Hazard Areas, Water Quality and Local Areas of Concern. The State has a management goal, planning objective and land use plan requirements for each of the Management Topics.

The intent of Public Access topic is to maximize public access to the beaches and public trust waters through policies that provide opportunities for the public along the shoreline; address access needs and opportunities provide strategies to develop access and identify feasible funding. The Land Use Plan requirements must be specific to providing local criteria for frequency and type of access, consider areas targeted for beach nourishment and provide provisions of access for all segments of the population, including persons with disabilities.

The intent of the Land Use Compatibility topic is to ensure development and use of resources which minimize direct and secondary environmental impacts, avoid risks to public health, safety and welfare given interactions with natural and manmade features and establish policies that balance protection of natural resources with economic development. The Land Use Plan requirements are to identify building intensity and density criteria for each land use designation on the future land use map.

The intent of the Infrastructure Carrying Capacity is to ensure public infrastructure is appropriately sized, located and managed so quality and productivity of AECs and other fragile areas are protected or restored through policies that establish level of service criteria consistent with projected future land needs. The plan requirements are to identify existing and future service area boundaries and correlate future land use map designations with existing and planned infrastructure.

The intent of the Natural Hazard areas is to conserve and maintain coastal features for natural storm protection functions and their natural resources, recognizing public health, safety and welfare issues through policies that minimize threats to life, property and natural resources which result from development located in or adjacent to hazard areas. The plan requirements are to develop location, density and intensity criteria for new and existing development and redevelopment, including public facilities and infrastructure, to better avoid or withstand natural hazards, and to correlate development with evacuation infrastructure.

The intent of the Water Quality is to maintain, protect and, where possible, enhance water quality in coastal wetlands, rivers, streams and estuaries through policies for coastal waters that help ensure water quality is maintained if not impaired and improved if impaired. The plan requirements are to ensure policies are in place to prevent or control non-point source discharges and to protect and restore shellfishing waters.

The intent of the Local Areas of Concerns is to integrate local concerns with overall goals of CAMA in the context of land use planning. The plan requirement is to evaluate local concerns and issues for development of goals, policies and implementation strategies. As an example, the Town may wish to include the protection of existing natural vegetation and encourage the use of native plantings.

Ms. Owens shared the following pointers for preparing policy statements stating the statements must:

- Establish clear links with the goals and management topics. Many of the community issues will fall under one or more of the management topics.
- Avoid deferring to State and Federal rules or to Local Ordinances. It is fine to acknowledge State and Federal rules but the community should have its own policies.
- Local ordinances are a tool for implementing the plan and the Town is encouraged to include policies that are implemented by current ordinances that are meeting desired goals.
- Use and define active terms, preferably definitive terms such as SHALL, indicating the course of local government action suggested by terms such as “encourage”, “promote”, “support”, which are often used in policy statement.
- Include mitigation strategies, particularly when policies for one management topic result in a detrimental impact to another topic. An example would be the policy or future land use map designation that encourages higher density development adjacent to a water body. Follow up by providing mitigation policy that requires low impact development strategies to treat increased stormwater runoff associated with higher density development to address water quality concerns.

The Future Land Use Map should include land use designations with descriptions that include land uses encouraged, overall density and intensity planned and the infrastructure required to support planned development. The Town should also identify areas for preservation and redevelopment within the 20 year planning horizon. The Future Land Use Map should be consistent with the 2 model output maps and identify areas with potential conflicts and the mitigation strategies dealing with such (example: commercial land uses on areas that are considered low or least suitable for development). There must also be consistency with the projection of future land need. The amount of land allocated to various land uses may not exceed the projected land need.

An analysis of Policy and the Future Land Use Map impact should be done. This would include a comparative analysis of policies, including policies specific to the Future Land Use Map, as they relate to the 6 management topics. There should be a build-out scenario assumption made in the analysis. The analysis of existing and future density and intensity of development within each map designation area as well as the analysis of existing and future infrastructure within each map designation area should be done. The existing policies for zoning and other ordinances should be compared to the Future Land Use Map in order to identify and update any that may be necessary.

The tools for managing development include:

- Role of Land Use Plan in Local decision-making: describe how the plan will be used – local governments use the plan to evaluate rezoning petitions, conditional use / special use permits.
- Existing Development Program: the plan will be used as a guide for other plans and projects that support the implementation of it. It should include the community's approach to coordinating implementation of the plan with the existing development program.
- Implementation Tools: the implementation tools to be used, such as ordinances and capital improvement plans, should be indicated.
- Action Plan: should be prepared and include a schedule for actions to be taken and a format for monitoring the implementation.

Ms. Owens reviewed the timeline for the Land Use Plan as follows:

- The grant cycle envisions a two year process – the first year covers the a review of the current plan with background and the second year covers the tasks to plan for the future.
- Phase I for the Town of Southern Shores ends on June 29th.
- The Division of Coastal Management will provide informal comments on the background after phase I.
- During Phase II the Town will submit a draft plan for official State review and comments which takes approximately 10 weeks to turnaround.
- Upon receipt of the State's comments, the Division of Coastal Management and the Community will work with the Consultant to address the State's comments.
- Once all are in agreement, a draft plan is scheduled for Local Public Hearing of adoption and once adopted the plan is submitted to the Coastal Resources Commission for Certification

The following topics were discussed during a brief discussion after the presentation.

The State requires the development of a Land Use Plan. The Plan is used:

- to review Major Permit applications (The Cove at Southern Shores condominium project is an example for the Town of Southern Shores);
- as part of the review for Planning and Management Grant applications;
- as part of the review for Local Re-zoning and Conditional Use applications;
- as a guide for development of Plans & Projects – supporting the creation and development of Policy Statements and Zoning Ordinances;
- as part of a Federal consistency review if a project is funded by a Federal Agency.

There have been surveys used by localities to capture data during the development of their Land Use Plans. Nags Head conducted a survey and is available to use as an example. It should be noted that the survey Nags Head conducted was specific to their needs and should not be considered a generic example.

Ms. Owens referenced the Division of Coastal Management website for more information. <http://dcm2.enr.state.nc.us> – click on the CAMA Land-Use Planning link.