



# **Town of Southern Shores**

## **CAMA Land Use Plan**

### **Town Council / Steering Committee Workshop**

### **July 12, 2007**

A CAMA Land Use Plan workshop was held Thursday, July 12, 2007 in the Town of Southern Shores Pitts Center, 5377 North Virginia Dare Trail, Southern Shores, NC 27949. The meeting was attended by:

Mike Hejduk	Staff
Robert Palombo	Resident
Frans Koeleveld	Steering Committee – Board of Adjustment representative
Lori Williams	Resident, Public Outreach Committee member
Bob Harvey	Steering Committee – Chief of SSVFD, FD representative
George Kowalski	Planning Board
Georgine Poisal	Planning Board
Tom Bennett	Steering Committee – SSCA representative
Jim Connors	Planning Board
Joe Walter	Steering committee – Planning Board representative
Richard Perkins	Steering Committee – Real Estate representative
Dan Shields	Steering Committee – Council Member
David Kole	Steering Committee – Chief of Police, PD representative
Jodi Hess	Council Member
Dave Peckins	Planning Board
Nancy Wendt	Steering Committee – Planning Board representative, Public Outreach Committee member
Charlan Owens	Division of Coastal Management
Cyndy Gabrys	Administrative Support Assistant

Mr. Shields opened the meeting stating the intent of the workshop is to determine what additional steps need to be taken as part of the Phase I portion of the project. Mr. Fuller stated we have a minimal amount of work to be done to satisfy the State's requirements for Phase I of the Land Use Plan. Mr. Fuller stated communities have the option to complete minimum qualifications to a very broad and involved process. The State requires the communities to meet the minimum standards outlined and encourages communities to go further than the minimum to get citizens involved in the process. Mr. Fuller stated Ms. Wendt had requested some time to present options to the committee and request a decision.

Ms. Wendt distributed a handout, 2008 CAMA LUP Roundtable Workshop. Ms. Wendt stated the Outreach Committee met with Mr. Fuller about one month prior as a wrap up of Phase I and entrance into Phase II and to review the three questions that were on the table for determination:

- Content scope, depth and quality of the final report from the CAMA LUP Update project.
- Nature and degree of public participation in planning process to create this document.

- Division of labor between Consultant and Town volunteers in completing the work.

(Reference Slide 2)

Ms. Wendt reviewed a Division of Coastal Management (DCM) slide (Land Use Plan Key Components) which identified the key components of the entire two year process. Ms. Wendt stated the Pre-Planning Process has been completed and the SPEAK OUT FOR SOUTHERN SHORES meeting at Duck Woods Country Club was budgeted and in the Earth Tech contract with respect to Concerns and Aspirations. One hundred twenty-five people attended the meeting representing the almost three thousand property owners and some people feel this is not enough participation. Ms. Wendt stated there has been some Analysis of Existing and Emerging Conditions which was included in the Phase I report. The analysis was done by Cindy Camacho, Earth Tech. The Public Participation Process was originally scheduled to have one meeting and that has been done. These four blocks represent Phase I. The remaining blocks represent the required elements in Phase II. The most important one is a consequence of the analysis identifying policy choices. The Town is faced with how are they made; what policy statements should be put in place; and how will these policy statements be used moving forward. (Reference Slide 3)

Ms. Wendt stated the requirements as stated on the DCM website include the following six categories:

- Public Access – access to public waterways, i.e. sound, ocean. At the moment Southern Shores does not have any public access.
- Land Use Compatibility – is it compatible with what the land will support as well as the zoning map, what people want and envision in terms of how different zones abut each other in town.
- Infrastructure Carrying Capacity – everything from roads and transportation to utilities.
- Natural Hazard Areas – areas subject to flooding is an example.
- Water Quality – both private and public systems covering both drinking water source as well as wastewater and stormwater.
- Local Areas of Concern – covers areas not included in any of the above categories.

(Reference Slide 4)

There are three basic questions to determine how the analysis should proceed. Analysis will determine where we are now, identify the existing conditions including the Areas of Environmental Concern (AEC); where do we want to go which is based on some of the mapping done in Phase I and the assessment of what the land can support, population trends and projections for the future and what these projections implicate for service demands in the future; and finally the action plan to identify how we get to where we want to go including the goals, objective, policies and actions. (Reference slide 5)

The material broken down in Phase I data collection and analysis will now need to go into the phase to identify policy statements that may need to be put into place. Southern Shore's unique needs should be considered. (Reference slide 6).

There are several perspectives for each one of the topics. The CAMA LUP Steering Committee has representatives from several bodies in town, the Board of Adjustments, the Planning Board, the Police and Fire Departments, etc have experience on a level more

specific to Southern Shores. Non-resident property owner concerns may need to be addressed. (Reference slide 7)

Ms. Wendt stated her objective was to review the range of choices from simply meeting the minimum requirement the State imposes for the CAMA Land Use Plan. In this scenario, the Steering Committee met to kick off the project, met with DCM to review the requirements of the project, met to prepare as facilitators for the town meeting at Duck Woods Country Club and reviewed the Phase I report draft. This level of participation is sufficient to meet the minimum requirements.

Ms. Wendt reviewed the SSCA Outreach long range plan process (Reference slide 8) which would take the process to a higher level. This approach would go in phases. There is a major data collection effort up front which would then go through an analysis phase to identify alternatives, proposed solutions resulting in the design of a survey.

Ms. Wendt opined the survey would be used as an educational tool to identify the issues and the different choices available addressing these issues and the potential repercussions of each. This survey would be distributed and volunteers to participate in interviews, particularly trying to reach people that own property but do not live here, would be sought. When the survey is returned there will be volunteers available to conduct face to face interviews. This is a much more intensive public outreach.

The Steering Committee needs to receive some direction for the level of public outreach involvement, i.e. minimum requirement, full participation, or somewhere in between. There are three areas to be addressed when considering the level of public participation: (Reference slide 9)

1. How will the final product be used? The basic uses would be:
  - Meet NC requirements
  - Reference point for CAMA permit
  - Meeting the consistency requirements
  - Support grant applications

The other end of the continuum would be:

- Engage the public in policy making
- Integrate policy decisions (stormwater, non-traditional infrastructure including wireless, alternative energy) vs. ad hoc decisions
- Establish measurable goals to guide Southern Shores capital budgeting, annual plans and project priorities ( infrastructure improvements, levels of service)

2. What kind of statement of work and resources are required? The minimum plan would: (Reference slide 10)

- Continue with the Earth Tech contract
- Mr. Hejduk continues as Project Manager
- Ms. Camacho continues to do analysis and draft reports
- Steering Committee reviews draft reports
- Town Council accepts or rejects final report

If the comprehensive plan is chosen

- Town Council will need to provide a statement of work to the Steering Committee, Planning Board and the volunteers
- Engages local experts in the analysis of trends, issues, alternative and policies
- Some additional work for the consultant to integrate the findings

The Planning Board and Steering Committee in Oak Island have conducted a series of workshops to work through the topics (Reference slide 6) without the consultant present. They took this approach to get the local issues on the table and to work through differences of opinion with the people locally. It did require additional work for the consultant to integrate their input into the final report. The Town of Nags Head has turned the whole process over to their Planning Board and they have done a broader scope and more in-depth survey and follow ups to the survey.

3. The difference between a minimum plan and a comprehensive plan is the amount of public participation. (Reference slide 11) The public participation in Phase I was the town meeting and, to Ms. Wendt's knowledge, the public participation in Phase II is the public hearing for the Final Report in June 2008. Additional public participation in the comprehensive plan could include local issues workshops, volunteers' involvement, policy questions survey, interviews and focus groups.

Ms. Wendt stated she and Mrs. Lori Williams are the members of the Outreach Committee and they held 12 coffees and reached about 100 people (prior to the town meeting) and there have been a number impromptu meetings beyond the coffees where people have indicated they like the opportunity to provide input and would like additional opportunities to do so. Ms. Wendt opined if we respond to this we have an opportunity to increase the public's understanding of what the issues are. Ms. Wendt stated there were two people present who had written to express their opinions and asked Mr. Bob Palumbo to share his letter with the group. Mr. Palumbo stated he wrote a letter on March 30<sup>th</sup> to each individual on the 2006 Land Use Plan committee and was delivered to town hall for delivery to each individual. Mr. Palumbo stated he received no response to the letter. Mr. Palumbo proceeded to read the letter. (Reference letter in file) Ms. Wendt stated the other person who had shared some comments with Mr. Fuller and Mr. Hejduk is Mr. George Kowalski. Mr. Kowalski's comments were observations from the town meeting. Mr. Kowalski stated he has spent time with surveys and find it interesting there are so many pages in the report that give credence to the survey conducted at Duck Woods Country Club and rather than being placed at the end they are right in the middle of the report. Mr. Kowalski does not feel the process followed at the meeting was valid and the results are not valid. Mr. Kowalski opined the primary source of data in the report was the result of a poorly designed survey and rigged to reflect the opinions of certain groups in the town. Mr. Bob Harvey stated the people with like ideas sat together at the tables and focused ideas down controlled paths until the discussion came to the result. Mr. Richard Perkins stated when there are events like this it is typical for the axe grinder to show up, adding the silent majority did not show up. Mr. Harvey stated he would agree the data is probably flawed however, this is the fourth meeting the committee has had, we have sent out emails, broadcast news, newspaper notifications, discussed at council meetings, everyone was invited to attend the meeting at the country club and as he looks around there is no one here that is not on the committee. This poses the question where is the great groundswell of public opinion that we are not headed in the right direction. Mr. Harvey continued to say if we study this and open it up for more debate and input how much better is the information we receive. Are we going to spend six months to get ten more people to participate. Mr. Harvey stated his volunteer time has a value and we need to move on. Mr. Harvey asked how many times do we have to beg for participation in something people don't want to participate in?

Mr. Dan Shields asked what kind of additional information do we expect to get that we don't have now. Ms. Wendt responded the feedback she and Mrs. Williams have received is the meetings tend to be at times when people who work can not attend. Ms. Wendt stated she and Mrs. Williams have discussed how to engage people in small groups to open up a dialog. They felt by opening up a room that is manned by volunteers will offer the opportunity for people to stop by at any time to ask questions. It's a combination of education and getting their feedback. This is especially true on policy choices that have more than one solution and they can communicate their preferences. We have lots of data of what's on peoples minds, on issues and to keep things they way they have always been. We don't have data on the hard choices they need to make and where the majority of the population prefers we lean.

Mrs. Jodi Hess asked if we have a list of questions. Ms. Wendt stated we do not have them for the CAMA Land Use Plan. Mrs. Hess asked where the questions would come from. Ms. Wendt stated it would require changes with the consultant to include calling on local experts and asking what changes they have seen and what they anticipate given the population data and where it's going. Ms. Wendt opined there are three choices: (Reference slide 12)

- What is the scope depth and the quality of the final report desired? Minimum compliance or if something more then what is it.
- What is the nature and the degree of participation that you want? Is it just 'what are the issue' kind of survey or is it engaging people in choices on policies.
- If the decision is to engage volunteers to get the work done then what is the division of labor between Earth Tech and the volunteers?

Mrs. Hess stated she strongly supports any kind of citizen input that can be obtained. It is the hardest thing to know what the people really want. There is a frustration though when we get the same kind of responses every time. Mrs. Poisal stated a lot of people in the town don't know the questions and don't know the alternatives. Mrs. Poisal used the wireless communications as an example. Mrs. Hess stated the Long Range Survey focused on detail and the Land Use Plan is addressing a broader situation. Mr. Shields stated people want better communications but they don't know what they want to make that happen. The technology has changed drastically. Ms. Wendt stated this is the purpose of the roundtable discussion, adding speakers can be brought in to lead topical discussions. Ms. Wendt opined the roundtables are not perfect but they are better than a one way survey. Mr. Shields does not feel workshops will get a lot of people to participate.

Mrs. Hess asked what kind of questions would be included. Ms. Wendt provided an example of the questions that were asked in the Southern Shores Long Range Plan survey with a comparison of the Nags Head survey addressing the topic "Character of the Town". Ms. Wendt stated the Nags Head survey covered all of the six topics plus areas specific to the town and they received back a different kind of data than Southern Shores received from the long range plan survey. Mr. Harvey offered if consequences were provided it would help to gather information, using the example the response is often 'leave it as it is'. This response does not provide feedback and is so broad it can not be used.

Ms. Wendt opined we would take the analysis and determine a small number of areas that need to be addressed and then educate the public through workshops, coffees, going door to door or by what ever means needed to reach them. There is a group of

volunteers willing to work that hard on the education process. They are not willing to work that hard if the town only wants to fulfill the minimum compliance, which is a legitimate objective that is already covered.

Mr. Jim Conners stated with all the flaws a survey has it is the best way of getting it out to the people who don't have the time or can't make these meetings. Mr. Conners opined there have been times when ever the community wanted to pursue something not in compliance with the CAMA Land Use Plan they were able to get a modification from the CRC. Mr. Conners stated Ms. Wendt has stated these documents will help serve as the basis for zoning requests, consistency with CAMA requests and Mr. Conners opined it is a required exercise (to produce the report) but it has no meaning. Mr. Conners opined the Land Use Plan has enormous potential for development as a solid planning document but people must understand how they will be affected by the decisions in this process and if we went through a survey process it could be preceded by an educational process to let them know what their stake is in this process. The survey needs to be well written.

Mrs. Lori Williams asked if the final report is supposed to be completed by June, 2008 and what the ramifications are if the deadline is not met. Ms. Charlan Owens state the grant contracts are for 2 one year terms. There is no penalty assessed if the date is not met and DCM would work with the communities to reach a completion. The town has received a contract from the State for Phase 2 and the committee may continue to work on Phase 1 while working on Phase 2. The grant contracts are a more linear process but in practice this is a more free form process. Mrs. Williams stated the people who attended the coffees expressed appreciation for the effort to try and get the information to them and they hoped these would continue. They prefer the smaller gathering because it is more personable and not intimidating. Ms. Wendt stated to put this in perspective, the coffees were not a survey. They were intended as an educational outreach to explain the CAMA Land Use requirements, the process for the plan and how the people could participate in the process. It was purely educational.

Mrs. Hess asked if there is a way we can take the policy statements to gather information for input. Mr. Hejduk stated there is a monthly Planning Board meeting and the CAMA Land Use Plan status is presented at every meeting, adding there has not been a lot of participation. Mrs. Hess stated she is thinking perhaps an additional meeting is needed to discuss the policies and it may be beneficial to conduct these meetings within sections of the town. Mr. Webb Fuller stated there would not be much impact. Of the whole population of Southern Shores there will be about 5% of the population very engaged, about 25% of the population engaged because of an issue on the table and about 70% of the population not engaged at all. The point to be determined is how much engagement do you want, adding he is not sure if additional engagement will produce a different response. You can make an assumption the 5% of the population that are very engaged have their finger on the pulse of the people and can give you everything you need to know. Ms. Wendt, referencing slide 11, stated if you choose a higher degree of public participation the results will be those in the right hand column. If left the way it is the results will be as in the left hand column and asked for Council to identify what results they want, adding if the Council wants a higher degree of understanding they (Outreach Committee) can design activities to make that happen.

Mr. Fuller stated a survey can be divided in various ways, i.e. resident, non-resident, location etc. A survey is a valid tool for gathering information. The Council has set a budget and there is a process in place to meet the minimum qualifications. When the

State changed the 7b guidelines it required an extensive document but with less money available for Land Use Plan update processes. The fall out is there are not as many consultants available to support the process and those available will want to follow a canned program to obtain the results.

Mr. Koeleveld stated, referencing Mr. Palombo's letter, a professionally developed survey provides a way for everyone to respond. Mr. Kowalski stated a valid and accurate survey gathers information and becomes an educational tool for the people taking the survey as well. Mr. Harvey suggested Ms. Wendt and Mrs. Williams develop a plan with a budget that can be presented to Council. Mr. Shields agreed with this approach, stating Council needs to be told what needs to be done. Mr. Fuller stated Council has determined that we are going to meet the minimum required but the other can still be done, perhaps not as part of the Land Use Plan but it can still be done.

Mr. Tom Bennett opined there needs to be involvement from more of the people on the committee. The question to be answered is where do we want to be with this and how much further do we want to go? There is a lack of understanding among the residents, using the example of the lack of understanding of town versus civic association ownership of property. We need to educate our citizens and the Committee needs to state what the Land Use Plan should contain. Mr. Conner asked Mr. Fuller to confirm the Council has made the decision to go with the minimum requirements. Mr. Fuller stated they made that decision a while ago and they are open to suggestions, which have been made to go to a further level. The further level should be presented to Council with the associated costs for each of the possible levels. Mr. Shields stated, by law, the town must provide a Land Use Plan and the Council has decided to do the minimum required. Mr. Harvey opined we should explore what the opportunities are with the associated costs and present to Council.

Mrs. Williams asked if the effort produces a minimum plan which is then approved can the plan be amended in the future to incorporate any additional work which may be completed. Ms. Owens stated there is a CRC process available for amending the plan which is very similar to the process in place, i.e. public hearing and adoption. The Town currently has a workbook type plan. The rules have changed and because the Town has an ocean hazard AEC area the plan needs to be much more in depth. Mrs. Williams opined we should get the minimum requirement done but work on an education process that can then be incorporated into the plan.

Mr. Hejduk stated the Steering Committee has thirteen members representing a cross section of the town from an existing committee (Hazard Mitigation Committee and a Reconstruction Task force) and asked if the committee should be augmented with some at large members and what are the committee members willing to commit to as an ongoing meeting schedule. Mr. Hejduk stated there was an article written in February for the SSCA newsletter that talked about the management topics to try and explain what these areas are. It was never published as part of the SSCA newsletter. There are some serious constraints on us. The consultant is working for us at a discounted rate than what the original proposed rate was because they decreased the number of their visits. We are trying to be fiscally responsible and there is a miscommunication when the project is expressed as a minimum standard effort or there are deficiencies. Ms. Wendt stated there is a requirement that needs to be met and there is a contractor in place and staff in place to meet this, adding the outreach committee has heard, both solicited and unsolicited feedback, is consistent – people want more opportunities to participate. The expectation that the outreach committee can fix this and the committee can not do this alone. Ms. Wendt opined her recommendation today would be we should go with the

minimum, suspend any thing else, try to identify any educational issues in town and put together a plan to address these that is completely separate from the Land Use Plan. Ms. Wendt opined the survey can be used as an educational tool but it is not the best way to educate. A survey to engage the population into making policy statements would be reasonable. If the money is not available it is a missed opportunity.

Mr. Hejduk stated we asked the consultant how much it would cost to do a web based survey that was more sophisticated and the estimate was between five and seven thousand dollars. The idea would be to use one that has been used before and tailored to the Town. Mr. Hejduk opined this would be well worth the investment to address this possibility. It is a base that could possibly be used down the road for ongoing communication with the large portion of people that are out of town. The biggest complaint we hear is that we do not communicate.

Mr. Shields summarized the meeting as follows:

- The Steering Committee will recommend to Council that the minimum requirements of the Land Use Plan be satisfied.
- The education effort should continue as a separate effort.
- The development of a web survey is an option.
- Changes can be incorporated into the plan as needed in the future.

The summarization was agreed to and accepted as a motion. The motion was seconded by Chief Kole. The motion was passed by the attendees.