



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Kelly Wyatt, Interim Planning Director

Date: September 28, 2021

Subject: Planning and Development Director's Report (F-1)

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This memo provides an overview of selected Planning and Development Department activities, projects, and initiatives. If requested, Staff will be prepared to discuss any of this information in detail at the Board of Commissioners meeting on October 6, 2021.

#### **Monthly Activity Report**

Attached for the Board's review is the *Planning and Development Monthly Report for July 2021*. In addition to permitting, inspections, code enforcement, and Todd D. Krafft Septic Health Initiative activities, Staff was involved in the following meetings or activities of note during the month:

- Tuesday, August 31 - DWMP Stakeholder Interviews
- Wednesday, September 1 - Board of Commissioners Meeting
- Thursday, September 2 - Farmer's Market
- Monday, September 6 - Planning & Development Department Staff Meeting
- Wednesday, September 8 - Committee for Arts & Culture Meeting
- Thursday, September 9 - Last Farmer's Market of 2021 Season
- Thursday, September 9 - Board of Adjustment Meeting
- Thursday, September 9 - ETIPP Technical Assistance Kickoff
- Thursday, September 16 - DWMP Advisory Committee Meeting
- Monday, September 20 - Planning & Development Department Staff Meeting
- Tuesday, September 21 - Planning Board Meeting

#### **CAMA Land Use Plan Update**

The Board of Commissioners held a public hearing and adopted the CAMA Land Use Plan at their September 1, 2021 meeting. In anticipation of moving into the required CAMA 30-day comment period, staff was made aware of the need to have a formal resolution of plan adoption. This resolution has been placed on the October 6, 2021 Consent Agenda for consideration and action by the Board of Commissioners. Once the resolution is adopted, this will then begin the required CAMA 30-day comment period in advance of Division of Coastal Management certification.

## **LID Manual; Review of Residential Stormwater Regulations**

Mayor Pro Tem Siers, Commissioner Brinkley, Town Manager Garman and Planning Staff met with several members of the Outer Banks Homebuilders Association on September 15, 2021 to discuss the LID Manual and the Town's residential stormwater management regulations. Staff outlined broad opportunities to transition current stormwater management requirements from a volume-based approach to a more simplified approach. As a group, the members of the Homebuilders Association provided feedback that they would like the Town to consider solutions that did not necessitate the need to utilize an engineer, could be simple, flexible and more conceptual in nature while still achieving the overall goal of not shedding runoff onto adjoining properties or into the Town's right-of-way. Having heard the Homebuilders comments and concerns, staff is currently generating proposed edits to the stormwater management regulations and anticipate meeting with the Homebuilders to discuss these edits in the first week of October, likely Thursday, October 7<sup>th</sup>. Staff anticipates this text amendment to be heard by the Planning Board at their October 19, 2021 meeting. As the stormwater management regulations are drafted, staff will assess what revisions may be necessary to the LID Manual moving forward. An update will be provided to the Board of Commissioners at their October 6, 2021 meeting.

## **Planning Board - Pending Applications and Discussions**

The Planning Board's most recent meeting was held on September 21, 2021 and included consideration of a text amendment to add "Beach Recreation Equipment Rentals & Sales" as a Permitted Use within the C-4, Art and Culture Zoning District, consideration of a text amendment to allow temporary accommodations for outdoor dining, discussion of anticipated revisions to the Residential Stormwater Management Regulations and LID Manual and an update on the Electric Vehicle Action Plan.

The Board's next meeting is scheduled for October 19, 2021. At this time, the agenda is expected to include consideration of text amendment for revisions the Residential Stormwater Management Regulations, consideration of a site plan for tree removal within the SED-80, Special Environmental District, and may include a text amendment to the Soundside Residential Overlay District regulations.

## **Additional Updates**

- **Decentralized Wastewater Management Plan** - To this point, six meetings have been held with the project Advisory Committee. Much of the work has involved the collection of relevant data and information, the identification and interview of stakeholders, the development of draft mission/goal/objective statements for the Plan, and the development of an engagement plan. In total, twelve 1-hour interviews were held with individual and group stakeholder including Planning Board members, Board of Commissioner members, recreational users, realtors, state regulatory agencies, the Health Department, septic inspectors, and Town staff. A summary of key takeaways from the stakeholder interviews is being completed and will be provided to the Board of Commissioners at their November 3, 2021 meeting as part of an update being provided by members of the Advisory Committee and the consultant. A public

forum will be held in November, details on the date, location, and format (in-person/virtual/hybrid) will be provided as soon as possible.

- **Estuarine Shoreline Management Plan** - Nine (9) responses were received to the Town's RFQ seeking a consultant for development of an Estuarine Shoreline Management Plan. A Staff evaluation committee, with input from CSI partners, selected 6 of the respondents for interviews. Interviews were conducted the week of August 9, 2021. The staff committee has selected the consultant team of Biohabitats. The contract is being finalized and is anticipated to be submitted to the Board of Commissioners for authorization at the October 6, 2021 meeting.
- **Whalebone Park: Phase 1 – Planning** - The FY21/22 Adopted Budget & 22/23 Financial Plan included a CIP project for “renovation and improvement of amenities at Whalebone Park...budgeted at \$250,000,” with full grant funding to be sought. In support of this, the Budget also noted that the Planning & Development Department would “initiate Phase 1 of a study to determine opportunities for the improvement of Whalebone Park.” A Project Scope for a Phase 1 project to plan for eventual renovations and/or improvements to Whalebone Park has been completed. In developing the scope, Staff conducted site visits with members of the Committee for Arts & Culture and members of the Planning Board to discuss the needs and focus of any renovations or improvement of the park. It is noted that primary concerns are the overall maintenance of the park, providing adequate shade opportunities and the need for restroom facilities.
- **Electric Vehicles Action Plan** – As previously noted, Staff has received interest from Duke University in having students from the Nicholas School of the Environment's two-year professional Master of Environmental Management (MEM) work on this project. Staff held a preliminary discussion with the Planning Board on the potential scope for the project, and a subsequent discussion to present the outline of the project prepared by Timothy L. Johnson, Ph.D., Associate Dean for Professional Programs and Chair of the Master of Environmental Management Energy and Environment Program.

Staff met virtually with the students and Dr. Timothy Johnson to discuss the project scope and background on September 10, 2021. During the next month, students will begin gathering data needed to initiate the project.

- **Level 2 Charger** - There has been no update since the last Director's Report. Staff continues to consider opportunities and vendors to source a charger for location on Town property through a “host” arrangement. Additionally, Staff expects that resources or options may be identified through the EV Action Plan.
- **NC Resilient Coastal Communities Program** - Earlier in the year, the Town was notified that it was accepted into the North Carolina Resilient Coastal Communities Program, a technical assistance program under the Division of Coastal Management that endeavors to “allow communities to develop an in-depth understanding of their risk to coastal hazards. As a result, communities will be better prepared to take advantage of various future implementation funding

opportunities.” VHB has been assigned as the Town’s consultant under this Program, and the Town’s efforts under the development of the VCAPS plan have been recognized as satisfying the two initial phases of the Program. A kickoff meeting with VHB is to be held on August 26, 2021. A kickoff meeting with VHB was held on August 26, 2021. Staff is working with the consultant to gather background information and data needed to begin the planning process. Completion of Phases 1 (Community Engagement and Risk/Vulnerability Assessment) and Phase II (Planning, Project Identification, and Prioritization) will position the Town for implementation funding available through Phase III of the Resilient Coastal Communities Program and the FEMA BRIC program.

- **ETIPP Project/Program** - The Department of Energy’s Energy Transitions Initiative Partnership Program (ETIPP) is assisting the Town. This project aims to analyze best available energy solutions to increase resilience at Nags Head critical facilities. Over the next 15 months, analysts from Sandia National Lab and the National Renewable Energy Lab will help the Town identify key energy resilience goals and identify cost-optimal energy solutions at Town critical facilities. A final project scope was approved on July 23, 2021. A kickoff meeting was held on September 9, 2021 with representatives from Planning, Police, Fire, and Public Works in attendance with a goal of identifying key stakeholders, critical facilities, and potential threats. Staff will continue to work with the technical assistance team to gather background information and data as this project kicks off.
- **NC AIA Activate Technical Assistance** - A kickoff and project scoping meeting were held with project partners on June 18, 2021 and a follow up meeting was held on July 20, 2021. The focus to this point has been on stakeholder and public engagement plans. Staff has worked with representatives from NC AIA to develop and distribute questionnaires for specific stakeholder groups and the community at large. Survey collection should be complete by late October. Once complete, staff will work with AIA representatives and the NC State School of design to develop residential best manage practices for energy and water conservation.
- **Flood/Tide Gauges** – There has been no update since the last Director’s Report. Three gauges have been installed in the Town, one in the Village, one at Jennette’s Pier, and another at on Little Bridge. Staff is waiting for direction from the vendor before publicizing the gauges.
- **LID Stormwater Demonstration Project** - There has been no update since the last Director’s Report. As previously noted, the Town was notified that it was successfully awarded \$2,500 in cost share assistance from the Dare Soil and Water Conservation District through the Community Conservation Assistance Program for the development of a rain garden at Town Hall to improve local water quality and serve as a Low Impact Development demonstration and education project. Staff is waiting on direction from the district regarding design before initiating installation.

- **LED Conversion of Streetlights; Amber Streetlight Demo** – At their September 1, 2021 meeting the Board of Commissioners approved the Street Lighting Policy as presented with one modification, to add a bullet under “General” indicating that Town-wide fixtures require full cut-off unless there is proof that costs are significantly greater. Staff will share the standards with Dominion. Additionally, as noted in the memo for this item, Dominion will be moving forward with a demonstration/pilot of amber “turtle-friendly” lights, to be installed in 8 locations in close proximity to the beach.
  
- **Dowdy Park Events/Farmers Market/Holiday Markets** – The 2021 Dowdy Park Farmers Market held its final market of the season on Thursday, September 9<sup>th</sup> and there are no more bands scheduled to perform this year. Yoga classes continue to be held on Tuesdays at 7pm and are expected to continue through mid-October. Staff has determined that funds are available to hold two Friday-night movies in October. This year’s Holiday Market dates are Saturday, November 27 (9a-12p), Saturday, November 27 (9am-12pm), Thursday, December 2 (3pm-6pm), and Saturday, December 11 (9am-12pm). After assessing the budget, it is unlikely additional holiday lighting can be purchased for Dowdy Park this holiday season.
  
- **Grants and Assistance**
  - Emergency Operations Plan - Staff had submitted a request under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town’s Emergency Operations Plan. While staff originally learned that funding under that event was no longer being considered, and that the request may be considered under funding decisions related to Hurricane Dorian, we have now been informed that it is being considered for funding under a separate storm event, DR-4543-NC, associated with severe storms, tornadoes, and flooding that occurred in February 2020. Representatives from NC EM Hazard Mitigation Division reached out to staff for additional information as they are processing the grant which will be given to FEMA. State officials indicated that FEMA was interested in assisting the Town with this project and staff remains hopeful this work will be funded.
  
  - There has been no update since the last Director’s Report. Staff submitted a Letter of Interest (“LOI”) under the Hazard Mitigation Grant Program related to Hurricane Dorian for the acquisition of property, and assisted Fire Chief Wells in the submission of an LOI for replacement of a generator; we have been notified that the generator request has been selected for further consideration and is under review by FEMA. With respect to the acquisition of property, Staff has been informed that previous insurance claims would be subtracted from any potential purchase price, which may make the potential offer price unacceptable to the property owner.

- There has been no update since the last Director's Report. As authorized, Staff submitted a final application for a CAMA Access Grant for improvements to the Epstein Beach Access on August 16, 2021.
  
- Planning is not submitting an LOI at this time. Staff had anticipated utilizing projects identified through the NC Resilient Coastal Communities Program Phases I & II to submit for BRIC funding. However, due to delays with state contract office and project initiation, the project initiation was delayed. Staff anticipates the Town will be better positioned next year, through the NC Resilient Coastal Communities Program and completion of the Estuarine Shoreline Management Plan, to submit a Letter of Interest.

**Upcoming Meetings and Other Dates**

- Wednesday, October 6<sup>th</sup> – Board of Commissioners Meeting
- Thursday, October 7<sup>th</sup> – Tentative meeting with Homebuilders re: Stormwater
- Thursday, October 7<sup>th</sup> – OBX CRS Users Group Meeting
- Thursday, October 7<sup>th</sup> – ETIPP Technical Assistance Meeting
- Wednesday, October 13<sup>th</sup> - Committee for Arts & Culture Meeting
- Thursday, October 14<sup>th</sup> – Board of Adjustment Meeting
- Tuesday, October 19<sup>th</sup> – Planning Board Meeting
- Thursday, October 21<sup>st</sup> – DWMP Advisory Committee Meeting
- Thursday, October 21<sup>st</sup> – ETIPP Technical Assistance Meeting