



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Commissioners

From: Holly B. White, Principal Planner
Michael Zehner, Director of Planning & Development

Date: August 24, 2021

Subject: Public Hearing to consider adoption of the Town of Nags Head CAMA Land Use Plan Update (Attachment F-1)

BACKGROUND

The Coastal Area Management Act (“CAMA”) requires each of the 20 coastal counties to adopt and receive approval of a land use plan (“CAMA Land Use Plan”) developed in accordance with guidelines established by the Coastal Resources Commission, as outlined in the attached *Matrix for Land Use Plan Elements* (“the Matrix”). While not a requirement of CAMA statutes or regulations, the Town and most communities have established that the locally adopted Comprehensive Plan would also serve as the community’s CAMA Land Use Plan. While the Town’s Comprehensive Plan is not a regulatory document, the Division of Coastal Management may use the Town’s CAMA Land Use Plan as the basis to approve or deny CAMA permits; this was a consideration of Staff in the development of the draft Plan, and based upon conversations with DCM and Plan content, Staff believes the scope of the document to serve as a regulatory document has been appropriately and narrowly focused..

The Nags Head Comprehensive Plan is an official policy document adopted by the Town of Nags Head to strategically plan for and enhance the quality of life and physical character of the community. Development of the Town’s Comprehensive Plan involved a two-year, long-range planning effort that updated the 2010 Land Use Plan and incorporated numerous other studies and documents. An Advisory Committee was appointed to assist Staff and the consultant with the project. During the two-year period, there were approximately 20 Advisory Committee meetings, 5 Community Meetings, and over 75 stakeholder interviews to gather public input. The Comprehensive Plan was adopted by the Board of Commissioners July 5, 2017.

The Town has been working with Division of Coastal Management (“DCM”) staff since 2019 to pursue adoption and certification of the Comprehensive Plan as the Town’s CAMA Land Use Plan. Attached is a flow chart that explains the certification process. While this has been a lengthy process, Staff has addressed all comments and requested changes issued by DCM and associated agencies in the review of drafts, and is able to move forward with the certification process. Certification of the Town’s CAMA Land Use Plan requires the Town’s adoption of the draft Plan following a public hearing. The draft Plan, showing tracked changes from the Town’s adopted Comprehensive Plan, may be viewed [HERE](#); upon adoption, a clean version of the document would be forwarded to DCM.

It is important to note that following certification of the Town's CAMA Land Use Plan, it will be necessary for the Planning Board and Board of Commissioners to readopt the Town's Comprehensive Plan, incorporating the changes made to the Comprehensive Plan through the CAMA Land Use Plan certification process.

MODIFICATIONS TO THE PLAN

The majority of changes to the Comprehensive Plan requested by DCM were related to grammar, spelling, pagination, numbering, organizational titles, general clarifications, and technical corrections to the Matrix. A summary of significant changes by section is outlined below:

- Section 1: Context & Setting
 - Clarification that the CAMA designated plan could be used to approve or deny CAMA permits.
 - Clarification on how the Plan should be used. (1.1.4)
 - Addressing CAMA specific Key Issues as outlined in 15A NCAC 7B.0801. (1.1.8.)
 - Clarification and update of Permanent & Seasonal Populations Trends (1.1.4. B., page 1-10).
 - Addition of methodology used to determine seasonal population trend.
 - Updated seasonal population.
 - Clarification of existing land uses by both acres and parcels and reconciliation with existing land use map (Table 1.2.1.E.1, page 1-14 – 1-17).
 - Provide characteristics of existing land use classification (page 1-15)
 - Describe Dominant Growth Related Factors (page 1-16)

- Section 2: Character Areas
 - Clarifying language to indicate that Fresh Pond is a Small Surface Water Supply Watershed AEC.

- Section 3: Natural Resources and Resiliency
 - Describe Areas of Environmental Concern (AEC) (pages 3-50 – 3-51; 3-64 – 3-68).
 - Provide description of soil characteristics (3.3.2 Soils, page 3-75) and limitations for septic tanks and other factors related to development (page 3-133).
 - Description of areas of inundation for SLOSH modeling (Flooding and Storm Surge, page 3-84 – 3-86).
 - Recommendation for inclusion in the plan from Division of Marine Fisheries- Investigate further avoidance and/or minimization measures as well as mitigation for unavoidable impacts to submerged aquatic vegetation (Action NR-16f, page 3-107 and Action NR-2a, page 3-60).

- Clarification that Policy NR-21 is only intended to apply to the oceanfront shoreline (page 3-128).
 - Provide the water quality classification and related use support designation for the Atlantic Ocean (page 3-132).
 - Address water quality monitoring associated with the Division of Marine Fisheries shellfish growing areas and water quality conditions including but not limited to the following: (pages 3-135 – 3-140 and 3-148).
 - Discussion of current situation and trends on permanent and temporary closures of shell fishing waters.
 - Discussion of environmental conditions of Clean Water Act 303(d) list)
 - Discussion of status and changes of surface water quality according to the 2007 Pasquotank River Basinwide Plan.
 - Discussion of areas experiencing chronic wastewater treatment malfunctions.
 - Discussion of areas with water quality or public health problems related to non-point and point source pollution.
 - Discussion of private wastewater systems.
 - Provide a more detailed discussion of Nags Head's employment by industry type and occupation (page 3-158 – 3-159).
 - Include and describe the Outer Banks National Scenic Byway in Cultural Resources Section (page 3-184).
 - Provide information on the most recent transportation plans and levels of service for roadway segments (page 3-223).
 - Include map of South Nags Head existing and planned multimodal transportation systems (page 3-231).
 - Describe future water supply needs based on population projections (Section 3.8.4. Water Operations and Distribution, pages 3-261 – 3-263).
 - Describe water supply watersheds or wellhead protection areas (Section 3.8.4. Water Operations and Distribution, page 3-262).
- Section 5: Appendices
 - Addition of reference materials needed to support CAMA documentation.

STAFF RECOMMENDATION

Staff recommends adoption of the draft CAMA Land Use Plan.

PLANNING BOARD RECOMMENDATION

The Planning Board discussed the Plan at their July 20, 2021 meeting and recommended approval unanimously.

Attachments: 1. CAMA Matrix for Land Use Plan Elements; 2. LUP Certification Process