



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
Planning Board

From: Michael Zehner, Director of Planning & Development

Date: August 26, 2020

Subject: Planning and Development Director's Report (G-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 September 2, 2020.

#### Monthly Activity Report

Attached for the Board's review is the *Planning and Development Monthly Report for July 2020*. 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:

- Wednesday, July 1 - Board of Commissioners Meeting
- Thursday, July 2 - Farmers Market
- Wednesday, July 8 - Arts & Culture Committee Meeting
- Thursday, July 16 - Farmers Market
- Tuesday, July 21 - Planning Board Meeting
- Thursday, July 23 - Farmers Market
- Thursday, July 30 - Farmers Market

#### Impact of Coronavirus on Permitting

The following information was contained in the Report dated July 24, 2020; at this time, unless the boards wish to be provided with continued updates, Staff will discontinue this specific reporting, focusing instead on providing the standard quarterly reports on permitting:

As previously reported, a total of 67 building permits (non-trade) were applied for in both March 2020 and March 2019. In April, 48 building permits were applied for in both 2020 and 2019. In May, 57 building permits were applied for in 2020, while 48 were applied for in 2019. Finally, in June, 48 permits were applied for in 2020, while 39 were applied for in 2019. Since March 16 through July 23, 215 permits were applied for in 2020 compared to 194 in 2019.

With regard to trade permits, a total of 469 were issued in March through June of 2019, and a total of 300 were issued during the same period in 2020.

## **Short-Term Rental Registration Update**

A total of 69 properties were registered as short-term rentals in 2019; as of August 25, 2020, 32 of these properties were registered in 2020. As of the same date, 98 additional properties were newly registered in 2020. A total of 167 properties are currently registered as short-term rentals.

Properties registered in 2019 have until September 1, 2020 to register to continue to maintain compliance. Unregistered short-term rentals being rented or offered for rent would be in violation of the Town's regulations. Emails were sent on July 21, 2020 to owners of properties registered in 2019, reminding them of the need to renew registrations by September 1, 2020. Additionally, on July 27, 2020, postcards were mailed to owners of approximately 300 properties determined from Dare County records as likely qualifying as short-term rentals. Staff will continue efforts to identify and register active short-term rentals within Town. So far, 40 properties have been registered as short-term rentals that were not previously identified as rentals on Dare County's records.

Through the administration of the registration program, Staff has determined that it may be necessary to seek an amendment of the provisions to specifically exempt cottage court units managed by a single entity from being required to register as short-term rentals. Staff understands that it was the intent that these units, which operate more closely to hotels/motels, would not require registration, and has therefore not been requiring these units to be registered. However, Staff would recommend that this be clarified within the Town Code.

## **Camping Provisions**

As the Board of Commissioners may recall, amendments to the Town's camping provisions were approved on July 1, 2020 to clarify the prohibition on the use of vehicles for camping within Town. At that time, members of the Board suggested that it may be worthwhile to revisit the provisions at a later date to ensure that they were consistent with expectations. Staff will work with the Town Manager's Office to schedule a future discussion on the provisions.

## **Update of Decentralized Wastewater Management Plan**

As part of the project to update the Town's Decentralized Wastewater Management Plan, it is contemplated that an Advisory Team or steering committee would be formed to assist in guiding the project and the work of the consultant. If the Board of Commissioners agree, Staff would like to begin seeking volunteers for consideration by the Board at a future meeting. The RFQ seeking qualified consultants was released on August 14, 2020, with responses due September 30, 2020.

## **NFIP Community Rating System Audit**

For the last several months, Staff has been preparing information in advance of the 5-Year Cycle audit for the Town's participation in the Community Rating System. The Community Rating System (or CRS) is part of the National Flood Insurance Program (NFIP), and is a voluntary incentive program that recognizes and encourages

community floodplain management activities that exceed the minimum program requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood damage to insurable property;
2. Strengthen and support the insurance aspects of the National Flood Insurance Program; and
3. Encourage a comprehensive approach to floodplain management

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

The August 18, 2020 meeting of the Planning Board was held in person without use of the Zoom platform as the meeting was not considered an electronic meeting pursuant to the Town's policy and applicable State statutes. The agenda included consideration of a text amendment to address nonconforming hotels and preexisting uses in conjunction with fishing piers, and a text amendment to address fill regulations for properties west of NC 12 and/or 1243 and subject to a Base Flood Elevation.

The Planning Board's next meeting is scheduled for September 15, 2020. At this time, the agenda is expected to include consideration of a conditional use permit application for the Dream Center property contingent upon the text amendment regarding Furniture Stores as an allowable use as part of Commercial Mixed-Use uses.

As the Board is aware, a request has been submitted from the Outer Banks Realtors asking that consideration be given to allowing live broadcast and/or remote participation in Planning Board meetings. Staff will be working with the Town Manager's Office, the Planning Board Chair, and the Town Attorney to determine how best to accommodate this request.

### **Additional Updates**

- **2020 Census** - As previously indicated, the number/percentage of vacant vacation/rental homes in Town would skew the response rate recognized by the Census, as the rate is not adjusted at this time to account for those homes. Dare County has begun releasing the information on the rate depicting more accurate response rates based upon the number of occupied homes in the various communities. Based upon this methodology, the Town's response rate as of August 17, 2020 has been determined to be 87.39%, up from 85.46% on July 20, 2020, and up from 83.91% on June 23.

A previously reported, Census enumerators will be working within the community to seek completion of the Census from nonresponse addresses. Collection of Census responses will cease on September 30, 2020.

- **Town Workforce Housing Study & Plan** - Phase 1 Report presented to the Board of Commissioners at the February 5, 2020 meeting. Further action on this project is on hold pending direction from the Board of Commissioners; however,

it is important to note that funds associated with this project were liquidated due to budgetary constraints associated with the Covid-19 Pandemic.

- **Skate Park Renovation - Phase 1** - Staff is working to finalize a survey to determine community preferences for any future renovation of the Skate Park. Staff has also discussed the project with the Arts & Culture Committee, who are supportive of incorporating public art within the Park. As previously reported, Staff finalized submission of an application for the National Endowment for the Arts Our Town Grant on August 18, 2020, seeking funds to design and develop plans for a future renovation of the Skate Park.
- **CAMA Land Use Plan Update** - As previously noted, on July 15, 2020, Staff received further comments on the revised submission pertaining to the completeness of the Plan based upon CAMA requirements. Staff submitted a further revised Plan in response to the comments on August 20, 2020. A determination of Plan completeness is required before further review is initiated.
- **UDO Reference Manual & Permitting Workflow** - Staff continues to develop Reference Manual materials, including identifying and refining workflows, to be brought to the Board of Commissioners for approval at a later date.
- **Art Masts** - As previously noted, the Art Mast project, coordinated with the Arts & Culture Committee, has resulted in four completed art panels. The Arts & Culture Committee continues to discuss the locations for the new Art Masts, and is considering installations beginning at Bonnet Street and ending in the Gallery Row District. Staff is awaiting a proposal from a sign company to identify the best way to install the masts.
- **Decentralized Wastewater Master Plan** - As noted above, an RFQ seeking proposals from consultants was released on August 14, 2020, with responses due September 30, 2020.
- **Islington Street Beach Access** - Subject to DCM/CAMA and CIP funds to improve the access, Staff will be working to prepare plans for permitting. Staff anticipates the site plan to be reviewed initially at the September or October Planning Board meeting.
- **Jacob Street Beach Access** - Construction of this project is complete and Staff is working with DCM staff to close out the grant.
- **Legacy Establishments/Structures** - As previously noted, Staff had been working with the Planning Board on this initiative, with the focus narrowed to pertain to nonconforming hotels, as well as fishing pier properties that include residential units, also a nonconforming condition. The Planning Board considered and recommended adoption of a text amendment at their August meeting, and consideration of the scheduling of a public hearing is on the Board of Commissioners consent agenda for the meeting on September 2, 2020.

- **Dowdy Park Farmer's Market** - The last scheduled date for the Market is Thursday, August 27. However, given expressed interest from vendors, the extended season, and staffing availability, Staff is working to determine whether a Market will be held on Thursday, September 3. Staff has been enforcing masking and other protocols to ensure the public's health and safety.
- **Permitting/Online Permitting** - Staff had previously contacted representatives of the Outer Banks Home Builders Association to coordinate a schedule for a workshop/forum for the building community. However, given current circumstances, this effort has been placed on hold. Staff is considering developing a series of videos in the interim.

Staff has begun an email distribution to contractors registered with the Town to provide updates on changes to permitting and inspection procedures associated with the Coronavirus Pandemic and response. Similar updates in the future are expected to be made on a more regular schedule and Staff will likely transition to using the News Flash feature on the Town's website.

As previously reported, as of May 8, 2020, online permitting has been activated for all residential and commercial building and trade permit types. As noted in the FY19-20 3<sup>rd</sup> and 4<sup>th</sup> Quarter Permitting Report, Staff will continue to work to make improvements to the platform, publicize the availability of the resource, refine documents providing guidance to the Town's customers, and develop protocols for records management in support of the platform.

- **Grants and Assistance**
  - Staff had submitted a request under the Hazard Mitigation Grant Program (Tropical Storm Michael) to update the Town's Emergency Operations Plan. Staff learned that funding under that event was no longer being considered, but that the request was being considered under funding decisions related to Hurricane Dorian.
  - 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 have also learned that the request for funds for property acquisition also continues to be considered.
  - A final application for a National Fish and Wildlife Foundation - National Coastal Resilience Fund grant to develop an Estuarine Shoreline Management Plan was submitted in July 2020. Additionally, an application was submitted for the 2020 North Carolina Attorney General Environmental Enhancement Grant for the same project. Staff anticipates learning the status of these applications by the end of September 2020.

- As noted, Staff submitted a final application for the National Endowment for the Arts Our Town Grant on August 18, 2020 seeking funds to prepare designs for the renovation of the Town's Skate Park.

- **Academic/NGO Projects**

As the boards are likely aware, the Outer Banks and Town are the subject of numerous academic and general research projects. We felt it important to provide an overview of the active projects involving the Town in some degree, as follows:

- 2020 OBX Field School and UNC-CSI Capstone Project

The OBX Field School, along with the UNC-CSI Capstone Project, are coordinated through the Coastal Studies Institute. Kicking off the Fall 2020 Semester, Department Staff along with Town Engineer David Ryan were invited to join the UNC Field School on their Water Tour on August 12, 2020. Mr. Ryan and Holly White provided students with an overview of the Town's Comprehensive Plan and challenges related to groundwater, septic health management, stormwater, and water quality. The students concluded their time with Town Staff with a trip to the groundwater lowering wells near the Barnes Street Park.

In conjunction with the Field School, the Planning Department will virtually host an intern this semester. Brianna "Bri" Thompson is a junior at UNC double majoring in Environmental Studies and Public Policy. She also has an interest in art and design that will assist her in her project with the Town. Bri will work on developing social media messaging and general outreach materials for the stormwater, septic health, and floodplain management programs.

As part of the UNC-CSI Capstone Project, students will perform water sampling at several locations in Nags Head throughout the semester to monitor bacteria and optical brighteners. Their work last year suggested that the groundwater lowering systems, managed by the Town, are having an added benefit to improved water quality; additional research will be conducted to investigate this further. Lastly, students will develop and conduct a survey to resident and non-residential property owners to assess their knowledge and awareness, attitudes/risk perceptions, and behaviors/practices regarding septic systems. Previous work, and this semester's work, will benefit the forthcoming update of the Town's Decentralized Wastewater Management Plan.

- C-CoAST - The Collaboratory for Coastal Adaptation over Space and Time (C-CoAST)

A Research Coordination Network (RCN) funded by the National Science Foundation (NSF) to address grand challenges in coastal resilience. Developed coastal environments are shaped by interactions between human activities and natural processes. Mitigation and recovery strategies

that promote adaptation at the time scale of storm events can be counterproductive over longer timescales. A series of collaborative activities will integrate coastal researcher, stakeholder, and practitioner expertise, building capacity for a comprehensive understanding of the human-natural coastal system. This will enable the potential for steering away from future outcomes that communities may want to avoid, and toward outcomes they deem more desirable.

This network is working to develop a hub which will ultimately provide funding for project implementation for both researchers and practitioners. Dare County was identified as a pilot community in which virtual listening session and a community meeting will be held. Staff's role is limited to providing feedback as a sounding board for ideas and connection to local stakeholder groups.

- ECU Groundwater Study

This project was initiated in 2019, intended to measure and identify changes in groundwater levels within the Town and the causes. There is to be a related focus on impacts to onsite wastewater. The lead researcher is currently out of the country working on a separate research assignment.

- Wastewater Infrastructure Tipping Points: Prioritizing Implementation of Climate Adaptation Plans in Decentralized Systems

This project is being led by North Carolina Sea Grant and faculty from ECU. The project is researching the relationship between climate change/adaptation, groundwater, and onsite decentralized wastewater systems.

- Climate Change Adaptation in a Coupled Geomorphic-Economic Coastal System

This project is being led by UNC-Wilmington, UNC, Duke, and Ohio State. There have been no recent updates.

## Upcoming Meetings and Other Dates

- Thursday, August 27 - Farmers' Market
- Monday, August 31 - P&D Staff Meeting
- Tuesday, September 1 - Technical Review Committee Meeting
- Wednesday, September 2 - Board of Commissioners Meeting
- Thursday, September 3 - Extended Farmers' Market Day - tentative
- Wednesday, September 9 - Arts & Culture Committee Meeting
- Thursday, September 10 - Board of Adjustment Meeting
- Tuesday, September 15 - Planning Board Meeting
- Tuesday, September 15 - CRS Audit