

**Town of Nags Head  
Planning Board  
February 18, 2020**

The Planning Board of the Town of Nags Head met in regular session on Tuesday, February 18, 2020 in the Board Room at the Nags Head Municipal Complex.

Planning Board Chair Megan Vaughan called the meeting to order at 9:00 a.m. as a quorum was present.

***Members Present***

Megan Vaughan, Molly Harrison, Meade Gwinn, Megan Lambert, Gary Ferguson, David Elder

***Members Absent***

Kristi Wright

***Others Present***

Cliff Ogburn, Andy Garman, Michael Zehner, Kelly Wyatt, Holly White, Cory Tate, Lily Nieberding, Margaux Kerr, David Ryan

***Approval of Agenda***

There being no changes to the agenda, Meade Gwinn moved that it be approved as submitted. David Elder seconded the motion and it passed by unanimous vote

***Joint Discussion with Board of Commissioners to review Draft Flood Damage Prevention Ordinance Amendments***

Chair Vaughan called for a motion to enter into a joint meeting with the Board of Commissioners to review and discuss the draft flood damage prevention ordinance amendments. Molly Harrison so moved, Gary Ferguson seconded, and the motion passed by unanimous vote.

Planning Director Michael Zehner introduced the item to the Boards.

The main objective for discussion at this joint meeting would be to review and discuss the draft Flood Damage Prevention Ordinance, along with updated building height measurement and fill provisions, to be considered in concert with the updated F.I.R.M. covering the Town.

Mr. Zehner noted that the current flood maps were adopted in 2006, the new Flood Maps must be adopted before June 19, 2020. For the Town to remain in the National Flood Insurance Program (which offers federally backed flood insurance to homeowners and disaster assistance to the Town) the Town must adopt the Preliminary Flood Maps.

In order to stay on schedule, it will be important that staff incorporate in any needed changes into the draft and bring back the draft Ordinance for consideration at the March 10th Planning Board Meeting.

Mr. Zehner explained that most of the ordinance is based on the model which the Town does not have a lot of discretion; but there are sections that provide for local preferences, more stringent than the model. Mr. Zehner noted that in addition, there are other things that are options that Staff would like to receive direction from the two Boards so Staff will have a more refined draft to present to the Planning Board.

Mr. Zehner then turned over the presentation to Principal Planner Holly White so she could provide the Boards with an overview of the proposed changes to the draft Flood Damage Prevention Ordinance.

Ms. White noted that specific items for discussion include the addition of language to allow for the creation of the Local Elevation Standard (LES); LES and Regulatory Flood Protection Elevations (RFPE) and the Optional language.

Ms. White explained that the preliminary flood maps (F.I.R.M.) which were released in June of 2016, revealed that many areas of the Town would be removed from the Special Flood Hazard Area. Additionally, the Base Flood Elevations had been significantly reduced in areas remaining in the Special Flood Hazard Area. The F.I.R.M. depicts impacts from storm surge for the 1% (or 100-year) and .2% (500-year) flood zones; however, Staff does not believe that the F.I.R.M. accurately represents risks associated with rainfall flooding.

Some of the major changes to the F.I.R.M. include: fewer VE and AE zone properties; an overall increase in X zone properties town wide, even on the oceanfront; removal of causeway properties from VE zone; reduction of Base flood elevations in AE zone (most new BFE's are now 4' or 5', formerly 8'-10'); modification of Base flood elevations throughout entire town; and the addition of AO zones west of primary frontal dune.

Due to concerns raised by many with regards to the lowering of standards and reductions of BFE, Staff worked with planning staff from Dare County and the other municipalities as well as the Outer Banks Home Builders Association to develop a Local Elevation Standard ("LES").

The proposed LES would create an elevation requirement for properties east of NC12 of 12' and west of NC12 of 10'.

Ms. White confirmed for the Board that the definition does not use the word "Freeboard" however Staff is still trying to determine if that language is needed for CRS purposes. Ms. White further explained that the LES is a "freeboard" in its own right, because the Town is regulating to a much higher standard than the zone requires.

Ms. White discussed lateral additions and how they would be affected by LES. Ms. White explained that lateral additions, greater than 10% of the total floor area on the level on which the addition is located, shall have the reference level elevated to or above the RFPE.

Ms. White then reviewed the Optional language for the Board and explained that a non-conversion agreement is something that a property owner would sign, prior to the issuance of a building permit, declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space.

Ms. White confirmed that the Town would continue to use the standard elevation certificate forms. Chief Building Inspector Cory Tate noted that the Town is considering creating a town specific V Zone Certification form that would include certification language unique to coastal areas for pools, etc.

Ms. White then discussed how Height and Fill are affected by the proposed ordinance. She explained that the way height is measured is not changing. Ms. White and Mr. Zehner confirmed that height is measured from finished grade (after fill).

The Boards then discussed height and how it's measured, and the where and how much fill is or is not allowed. Ms. White and Mr. Zehner explained that fill less than 2' would only be allowed for landscaping, drainage, parking, pool decks, and patios. No structural fill is allowed in V flood zones. If fill was greater than 2', an analysis would be needed by an engineer. The Boards further discussed how fill is relative to height and where height is measured from when fill is included. Staff explained that height is measured from finished grade (after fill) except in the special flood hazard areas east of NC 12, where height is measured 18" above highest, undisturbed finished grade or "free of obstruction" directly beneath the structure. Mr. Zehner noted that the way height is measured is not changing and that the proposed language does not penalize property owners for meeting flood regulations.

Mayor Cahoon indicated that there has been a separate discussion on fill that should be concluded soon. Mayor Cahoon noted that the maps and flood ordinance will be adopted ahead of the fill ordinance. Staff and the Board will need to remember when the fill ordinance is adopted that the flood ordinance and height measurements will need to be consistent between the ordinances.

Mayor Cahoon recapped the major changes to the ordinance: 1) Two elevation standards: one for those east of 12 and one for those west of 12; 2) Resolving question about freeboard and whether than language needs to part of the definition for the LES; 3) Lateral Additions and 4) Measuring Height relative to flood standards). Mayor Cahoon asked if there were any other significant changes.

Town Manager Andy Garman noted that the modification of the substantial damage and improvement language was also a significant change. Currently, a property is either in or out flood zone. If a property is in a flood zone, they have to comply with the 50% language or the substantial improvement/damage definitions. Mr. Garman explained that with the adoption of the LES, if a property were in an x flood zone then the substantial improvement rule would not apply. He noted that was a big difference than in the past. Mayor Ben Cahoon said this would help some of those structures that have not been able to make those improvements in the past and staff concurred.

Staff presented the online preliminary maps and Staff and the Board examined the differences between the currently adopted and the preliminary maps. The Boards looked at specific examples of commercial structures that may be positively impacted by changes to the substantial improvement language.

The Boards then discussed how the preliminary maps were developed and why the changes were so significant in the preliminary maps. The question was raised whether the Town has to adopt the maps. Mr. Zehner responded that the Town is required to adopt the maps and ordinance if it wishes to remain a participant in the National Flood Insurance Program (NFIP). Mr. Zehner noted that the proposed regulations keep development consistent with the today's standards.

The Boards were concerned about the message that adopting maps would send to homeowners- that flood insurance is not needed because the FEMA maps remove you from the flood zone. The Board was concerned that property owners need to understand that they still need to keep their flood insurance and that there could be long term implications and increases to their flood insurance if there was a lapse in coverage.

There was a question on the mapping of the flood zones and whether the Town would have two maps. This potentially could be confusing to property owners and developers. Mr. Zehner responded that the Town would only utilize the FEMA maps. He further explained that property owners would not be able to just look at the FEMA map and use it for regulatory purposes for any community in Dare County; that is why a geographic boundary was suggested – an LES east and west of 12.

Mayor Cahoon suggested that Staff develop an elevation requirement map reflecting the LES, that can be posted to the website.

A question/concern was raised about sound side and causeway areas that are at high risk for flooding and yet seem to be regulated at a lesser standard than the oceanfront, this led to more discussion about the accuracy of the maps, the process for developing the maps, and the resulting need for the local elevation standard.

The Boards further discussed the language specific to substantial improvement/damage using the Fin and Feather Motel as an example and it was noted that how the language is applied may be misunderstood. There was a general concern that legacy structures not be penalized for non-conformities.

The Board concluded their meeting with discussion about variances as they relate to construction below the RFPE and the variance process in general.

Mr. Zehner requested that any points that the Boards want carried forward to the Planning Board's next meeting in March be submitted to Staff so that there is no delay.

Mayor Cahoon requested that a memo summarizing the joint discussion be developed and provided to the Board of Commissioners prior to their next meeting.

The Board of Commissioners voted to recess to their afternoon meeting. The Planning Board took a brief recess at 10:15 and reconvened at 10:25 a.m.

### ***Public Comment/Audience Response***

Porter Graham, Government Affairs Director for the Outer Banks Home Builders Association, thanked the Boards for participating in the discussion of the proposed Flood Ordinance. The OBHBA is concerned about risk to homes that will be newly in the X zone. They want to ensure that property owners keep their flood insurance. Mr. Graham expressed concern about the Town's proposed building standard element (LES) 10 ft. standard on X and shaded X properties vs. 8 ft. which has been proposed by Donna Creef with Dare County. Mr. Graham inquired whether Planning staff had looked at future sea level rise in addition to historical flood data. Mr. Graham also questioned the Town's requirements related to lateral additions noting that Duck is the only other municipality that does not allow lateral additions at the same level. Mr. Porter thanked Mr. Zehner for communicating with the Association.

### ***Approval of Minutes***

There being no changes, David Elder moved that the minutes from the January meeting be approved as presented. Meade Gwinn seconded the motion and it passed by unanimous vote.

### ***Establishment of Regular Meeting Dates for Calendar Year 2020***

Chair Vaughan reviewed the proposed meeting dates with the Board. After some discussion David Elder moved to approve the Submittal Calendar as presented. Megan Lambert seconded the motion and it passed by unanimous vote.

### ***Action Items***

#### ***Continued Consideration of a Text Amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities.***

Mr. Zehner introduced the item explaining that this proposed text amendment was discussed preliminarily at the Board's January meeting. Based on the discussion and feedback provided at the meeting, the applicant (Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head) submitted a revised and refined ordinance for the proposed text amendment and markup of the relevant sections of the UDO.

Originally, the proposal was to amend the UDO to allow "outdoor kiosks" for the sale of tickets and reservations for on-site and off-site recreational facilities. At that time, Mrs. Creef also indicated that there was a preference to allow two outdoor stands (where the regulations only allow for one) and confirmed for the Board that the plan was to locate the kiosk in the terrace area.

Modifying the original proposal, the request now is to amend Section 7.76.1 to expand the principal sale items allowed to be sold from outdoor stands to include "reservations or ticket sales," and to amend Section 7.76.2. to increase the number of outdoor stands allowed per site from one to two.

Mr. Zehner gave the Board a brief history related to outdoor stands and noted that the current version of the allowances and standards for Outdoor Stands, Accessory to Shopping Center & Group Development are the result of numerous changes over the course of the last ten years.

There are no direct policies concerning outdoor stands. However, certainly economic development objectives and policies encouraging and supporting small businesses and the viability of existing commercial properties are applicable and need to be balanced with objectives and policies focused on maintaining the Town's character.

Generally, Staff believes that the request to allow the sale of tickets and reservations is consistent with applicable policies; however, Staff would recommend that the amendment be adopted with modifications to the standards to require that the sale and advertisement of items be confined to stands and to allow a maximum of two (2) stands, with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. Additionally, it is suggested that Sections 7.76.3 and 7.76.4. also be amended to provide for a maximum stand area and any time limitations, respectively, for the sale of tickets and reservations; a limitation of 150 square feet and a time limitation consistent with produce stands are likely sufficient. Finally, Staff would recommend that the definition of Outdoor Stand, as follows, be amended consistent with the amendment of Section 7.76.1.

Kate Creef with Outlets Nags Head addressed the Board. Mrs. Creef explained to the Board that a vendor had approached the Outlets about the idea of having a kiosk located on the property to allow patrons to book charter fishing excursions, a concept which they believe would enhance the

customers' shopping experience. They agree that adding the definition to outdoor stands is a good idea but would also like to be able to have a produce stand or hot dog stand to serve the needs of their customers, to increase the time customers spend at the outlets, increase sales and improve the overall shopping atmosphere.

Mrs. Creef confirmed for Mr. Gwinn that they would like to put the Reservation Stand under the terrace area, in the center of the Outlets. Mrs. Creef noted that terrace area has room for a small food cart as well, if allowed.

Mr. Ferguson suggested that they have building inspector or public safety have a look at the proposed locations to make sure that they are accessible.

Mr. Elder agreed with Mr. Ferguson's suggestion and Ms. Lambert concurred noting that they require this even for dumpster enclosures.

Mr. Zehner noted that this requirement can be part of the minor site plan review process or they can add a provision to the ordinance that stands are subject to this type of review. The Board discussed this and agreed that this requirement could just be part of the administrative review.

After some further discussion with regards to stationary vs. mobile stands, David Elder moved to recommend approval of the proposed text amendment as submitted; Meade Gwinn seconded the motion and it passed by unanimous vote.

*Consideration of a Text Amendment to the Unified Development Ordinance to correct identified typographical errors.*

Principal Planner Holly White explained that since the adoption of the Unified Development Ordinance (UDO) on August 7, 2019, Staff has found minor typographical errors throughout the document. Ms. White noted that this amendment will address minor numbering, punctuation, grammar, and contextual issues. Additional similar amendments will be necessary to address any other outstanding issues in the future.

Staff would recommend that the amendment be adopted as outlined in staff's memorandum. Ms. White said she would be happy to answer any questions for the Board.

Ms. White confirmed for Mr. Gwinn that these proposed revisions do not change the language or intent of the UDO.

Gary Ferguson moved to recommend adoption of the proposed text amendment, David Elder seconded the motion and it passed by unanimous vote.

***Report of Board of Commissioners Actions***

Mr. Zehner provided the Board with a brief update from the February 5, 2020 BOC meeting; of note the BOC approved the vested right site plan/conditional use application for the Outer Banks Hospital's addition to the existing radiation therapy building. In addition, several other items were discussed including: the Flood Prevention Ordinance, large occupancy/event homes, legacy options in the UDO and workforce housing.

## ***Town Updates***

None

## ***Discussion Items***

### *Continued Discussion of Regulation of Large Occupancy/Event Homes*

Deputy Planning Director Kelly Wyatt explained that this was a continuation from the Planning Board's January meeting where they discussed large occupancy/event homes. As Mr. Zehner noted, Staff provided the Board of Commissioners with a brief memo and update at their February meeting requesting guidance on how to proceed.

The BOC noted that event homes had been a discussion at their most recent retreat and that public safety, noise, and off-site impacts, such as parking, were the primary concerns noted regarding large events being held within single-family residential dwellings. It was the consensus of the Commissioners that the Planning Board and Staff continue to move forward with discussion on the regulation of such events.

Additionally, the BOC noted that large occupancy homes are a concern of many municipalities within Dare County and recommended that Staff work jointly with the other towns to consider how best to regulate occupancy. Specifically, regulations that the Town of Kill Devil Hills has discussed related to sprinkler protection, increased buffering, and vehicle stacking within the drive aisle were of interest.

Staff suggests that these two items might best be handled separately, as the Board can currently proceed with developing regulations related to events; however, the consideration of additional restrictions on large occupancy homes will require additional time and coordination.

With regards to the regulation of events being held within single-family dwellings within the Town, Staff would recommend consideration be given to developing criteria like the Town of Duck's "Wedding Event Registration Policy". If a wedding-related event in the Town of Duck involves more than 50 people, they are required to complete a registration form and return it to the Town within 30 days in advance of the event. The form is then circulated to neighborhood associations, the property manager or owner of the proposed venue, and the Town of Duck Police and Fire Departments in order to ensure that they are aware of the event plans and also so that contact can be made prior to or during the event should it be necessary. As part of the registration process, applicants are provided the Town's regulations for signage, noise and trash removal. Additionally, applicants must demonstrate that enough onsite parking is provided for the event. If unable to do so, any need for the use of off-site parking must be accompanied by the proper permissions to utilize that parking facility. Ms. Wyatt provided the Board with a copy of Duck's registration form in her staff memo.

Staff would recommend that consideration be given to requiring this registration when any proposed event is intended to attract 50 or more attendees at any single-family residential dwelling within the Town, not simply wedding-related events. Additionally, instead of adopting a policy, Staff would recommend that this be considered as an amendment to the Town Code, likely within Chapter 4, Amusements, Entertainments, Mass Gatherings and Commercial-Outdoor Recreational Uses. Staff will be available for additional discussion with the intention to bring forward a draft amendment to the Town Code for consideration at the Planning Board's March meeting.

Ms. Wyatt explained for Mr. Ferguson that currently there is no regulation/limitations as far as a how many events can take place in a single-family dwelling; the Town only regulates large scale crowd gathering events.

Mr. Elder stated that in other towns there are houses that host multiple weddings in one week. Ms. Wyatt noted that although the Town does not currently regulate the use, the Town does regulate the "symptoms" via the noise ordinance, parking ordinance, etc.

Mr. Elder expressed concern that many weddings take place on the beach and result in multiple items left on the beach all day. Mr. Elder inquired if this issue could be addressed as part of the registration process. Ms. Wyatt confirmed that the Town does regulate items left on the beach overnight.

Mr. Gwinn agreed that it would be good to incorporate other ordinances (such as items left on the beach) into the registration process.

Ms. Wyatt confirmed for Ms. Harrison that the registration is not intended to limit events. Ms. Wyatt further explained that there are no requirements currently so issues are only complaint driven where the Police Department often get involved; this registration could eliminate some of the noise, parking and other safety issues.

Chair Vaughan inquired how participants would learn about regulations? Ms. Wyatt stated that the Town will need to work with Rental companies, wedding planners, social media, etc. to educate the public.

Ms. Wyatt explained for Mr. Ferguson the difference between a crowd-gathering permit and this proposal noting that those permits are for public events hosting over 100 participants.

After some further discussion, the Board agreed to have Staff bring forth a draft amendment.

#### Discussion of Legacy Establishments/Structures

Mr. Zehner explained that Staff was recently approached by individuals interested in purchasing the Blue Heron Motel at 6811 S. Virginia Dare Trail. During discussions about their interest/intent for the property it became obvious that there are limitations imposed by Town Code requirements on the evolution of the current use of the property.

There is lengthy discussion in the Comprehensive Plan regarding legacy structures and the Town has taken recent steps to preserve older legacy businesses and encourage the retention of these structures.

There has been a regulatory shift with regards to nonconforming properties (properties which met zoning regulations at the time they were developed but are not consistent with regularity changes that have occurred). Essentially, non-conformity regulations have been modified to allow continued improvements to these older properties.

Generally, many legacy establishments and structures have been rendered nonconforming, either with respect to the use no longer being allowed in the zoning district in which the property is located or because of standards or requirements changing, or due to both circumstances. Nonconforming status is, by its nature, limiting. In addition, the general principle with respect to nonconformities is that, over time, the nonconforming uses or conditions cease, evolving to conforming uses or

conditions. This effect would therefore seem to be inconsistent with the intent of the goals, objectives, policies, and actions contained in the Comprehensive Plan which support the retention of legacy establishments and structures and warrants consideration.

The conditions discussed above were the basis for the adoption of provisions in 2015 pertaining to nonconforming cottage courts. A similar approach could be taken with respect to legacy businesses and structures.

Alternatively, an overlay zoning district approach could be taken, perhaps applied in a limited geographic manner and/or to properties meeting defined characteristics.

Regardless of the approach, Staff does agree with the recommended actions of the Comprehensive Plan that it will be necessary to define and develop specific criteria as to what constitutes a legacy business or structure, and to then inventory and map properties that meet those definitions and criteria.

Mr. Zehner suggested as part of the initial discussion, it would be helpful for the Board to discuss perspectives regarding what does and does not constitute a legacy business or structure, what are the defining characteristics, and what businesses or structures typify the term.

Mr. Zehner confirmed for Mr. Ferguson that we don't know if it's the business or the structure that has the legacy component; the Town has not made that distinction; it could be either/or both. There are buildings around Town where the importance is the building then there are other situations where the importance is the use of that building. Mr. Zehner also noted that there will be situations where it could be both.

Ms. Vaughan noted that while she understood how the ordinance might limit non-conforming structures and how it might benefit the Town to reduce those limitations, she was unsure how that applied to non-conforming uses.

Mr. Zehner used the example of the Blue Heron Motel where it is both a non-conforming use as well as a non-conforming structure. In that case they would be limited on their ability to expand that use by adding for example a restaurant or coffee shop, in order to make that use more dynamic or evolve the way the use operates.

Mr. Zehner confirmed for Mr. Ferguson that hotels are no longer allowed in that district. Mr. Zehner also confirmed that allowing a hotel to add a restaurant shop or even a swimming pool with the idea of making the hotel more viable would be seen as increasing the non-conformity.

Mr. Ferguson suggested perhaps looking at the non-conforming section and making changes to that. Mr. Zehner disagreed stating that it by calling it a non-conforming entity, it goes against the intent of the Town with regards to legacy businesses/structures.

There was further discussion about what is considered the legacy aspect – the use or the structure; as well as what a non-conforming use is currently allowed to do as far as modifications in order to make that business more viable.

Mr. Zehner explained that it comes down to whether the Town would rather see that use or building go away or would the Town rather institute flexibility the use to stay and evolve. The Board agreed that they prefer the flexibility.

Mr. Zehner confirmed for Mr. Elder that once they establish what a legacy business/structure is or isn't they would suggest allowing modifications via the Conditional Use Process to ensure that the modifications meet the Town's requirements.

Ms. White confirmed for Chair Vaughan that the Focus Advisory Committee identified approximately 32 to 34 legacy businesses/structures in Town that may or may not be nonconforming.

Staff agreed to bring back to the Board some parameters and a list of non-conforming "legacy" commercial properties including the age of the property to give the Board a sense of what is out there an allow them to zero in on defining what makes them a legacy property.

#### Discussion of Residential Stormwater Regulations

Mr. Zehner explained that given the continued importance and focus on stormwater, the Board of Commissioners asked him to attend their retreat on January 23, 2020 to discuss the Town's residential stormwater regulations.

Following the Board of Commissioners' discussion, the Board directed Staff to present the Board's perspectives and the options identified by Staff to the Planning Board for review and consideration of any recommended actions.

Mr. Zehner reviewed for the Board the types of development activities that trigger the regulations and ordinance requirements.

During their discussion at the retreat, the Board of Commissions noted guiding principles for further review and consideration of the residential stormwater regulations. Mr. Zehner reviewed those principles with the Planning Board.

In their consideration and any recommendation to the Board of Commissioners, Staff would suggest that the Planning Board focus on whether the regulations and any potential changes address these perspectives and principles.

In their review, the Board of Commissioners also asked that the Planning Board consider the options identified by Staff, to determine whether related actions may be necessary so that the regulations are more consistent with those principles. Those options are as follows:

- Improve education and availability of resources
- Enhance ordinance incentives for preferred outcomes
- Provide an administrative option for engineering analysis to exempt or reduce requirement so This may be an option, but conditions or standards allowing for exemption would need to be identified.
- Provide more alternatives
- Provide for administrative waiver/variance
- Standardize dimensions and volume of BMP's
- Create a points-type program for BMP's and/or preferred outcomes, similar to the design guidelines

Mr. Zehner discussed these options further giving examples of each as noted in his staff memorandum.

Staff would recommend that the Planning Board discuss the residential stormwater regulations, identifying their own perspectives regarding the intent of the regulations and whether the regulations achieve their intended purpose, align with the Commissioners' principles, and/or require adjustment.

Mr. Zehner noted that he envisions this discussion will take several meetings before any conclusions are reached.

Town Engineer David Ryan discussed the previous stormwater regulations which had two separate levels of stormwater management and were tied to fill; depending on the amount of fill determined whether the plan was non-engineered vs. engineered. Mr. Ryan confirmed for Mr. Ferguson that non-engineered plans required you to contain 1.5" of volume on site. Engineered plans required you to contain 2.15" of volume on site. Mr. Ryan stated that what the Town has now is somewhere in the middle.

Mr. Ferguson noted that there seem to be some communities that allow for exemptions based on money and suggested that they consider a Fee in Lieu option.

Mr. Ryan stated that while he was aware of this option, what the Town is trying to do is come at it from a low impact development standpoint and manage stormwater at the source, prior it to getting into the drainage systems.

Mr. Ryan explained that the Town is taking a more holistic approach to stormwater management through improvements, restoration, maintenance, partnerships with DOT and other agencies and research in order to address the issue.

Ms. Lambert noted that these changes have made a big difference in her neighborhood.

Mr. Elder discussed septic and septic permitting and how that impacts the Town's regulations. Could the Town work with Dare County on the permitting side.

Mr. Ryan noted that Staff has tried to coordinate with the County on this issue, but ultimately it is the County's decision.

Mr. Elder stated he likes the idea of providing a credit for reducing site disturbance, lot clearing, or filling.

After some further discussion the Board agreed that there is a lot to consider and will discuss it further at their next meeting.

#### Discussion of FY20-21 Planning & Land Use Work Plan

Mr. Zehner explained that in discussions with members of the Planning Board at their recent retreat, the Board of Commissioners encouraged the Planning Board and Staff to work jointly on the development of a Work Plan for the next fiscal year, in conjunction with the development of the budget, to establish priorities relating to planning and land use; in short, this Work Plan would be a collection of prioritized actions and activities serving as a strategic plan to implement various initiatives and plans.

For the Board's consideration:

- Plan Implementation: Staff would suggest that activities included in the Work Plan focus on implementing the following four (4) plans:
  - Town of Nags Head Comprehensive Plan, July 5, 2017
  - Vulnerability, Consequences, Adaptation, Planning Scenarios (VCAPS) Report, August 2017
  - Town of Nags Head Parks and Recreation Plan, January 25, 2012

- Nags Head Pedestrian Plan, July 16, 2014

Additional consideration should be given to activities contained in the Town's Decentralized Wastewater Management Plan (2005) and Hazard Mitigation Plan(2015); however, an updated Hazard Mitigation Plan is expected to be presented for adoption in June/July 2020 and the update of the Decentralized Wastewater Management Plan is an active project, expected to be initiated in the current fiscal year.

- Vision & Goals: As noted, the Work Plan should serve as a strategic plan to implement various initiatives and plans, but activities in the Work Plan should also work towards the achieving the accepted vision and goals for the Town.

- Work Plan Categories: For the purpose of the Work Plan and intended to highlight as well as focus the implementation of specific plans, the Vision, Goals, Key Concerns, and Guiding Themes, Staff is suggesting that Work Plan activities by categorized in at least one of five categories.

Staff would recommend that the Planning Board review the information outlined above, and specifically the implementation matrixes from the four (4) plans and suggest any focus or priority activities for the Work Plan.

Mr. Zehner asked that Board begin to think about ongoing projects and tentatively identify priorities, and timeline and resource limitations. The Board agreed that this is an important task which will give them some structure and allow them to communicate better with the Commissioners.

#### ***Planning Board Members' Agenda***

None

#### ***Planning Board Chairman's Agenda***

None

#### ***Adjournment***

There being no further business to discuss, a motion to adjourn was made by David Elder. The time was 12:11 AM.

Respectfully submitted,

Lily Campos Nieberding