



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

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Director

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MEMORANDUM

CRC-----

To: Coastal Resources Commission

From: Michael Christenbury, DCM Wilmington District Planner

Date: November 22, 2013

Subject: City of Southport Land Use Plan Implementation Status Report

Overview

A Land Use Plan (LUP) implementation status report is to be submitted by a local government every two (2) years following the date of LUP certification by the Coastal Resources Commission (CRC). The Implementation status report for the following LUP is attached:

City of Southport 2007 LUP – certified by the CRC on November 30, 2007

The implementation status report is based on the LUP Action Plan and identifies activities that the local government has undertaken in support of the LUP's policies and implementation actions.

The following must be included in the report:

- All local, state, federal, and joint actions that have been undertaken successfully to implement its certified CAMA land use plan
- Any actions that have been delayed and the reasons for the delays
- Any unforeseen land use issues that have arisen since certification of the CAMA land use plan
- Consistency of existing land use and development ordinances with current CAMA land use plan policies
- Current policies that create desired land use patterns and protection of natural systems.

Discussion

The implementation status report does not require approval by the CRC, but must be made available to the public and forwarded to DCM. Staff has reviewed the report and finds that the local government has met the minimum requirements.

CITY OF SOUTHPORT
CAMA LAND USE PLAN

IMPLEMENTATION STATUS REPORT

- 1) Prepare a Waterfront Development Plan.

This plan has not been developed to date and many factors have likely played a part in its delayed formulation. The City's acquisition of the highly coveted Fort Johnston property from the National Parks Service was a fortuitous event for the community but this acquisition came with certain immediate needs and responsibilities. Considerable rehabilitation of certain site elements was necessary and the ongoing process of the establishment of guidelines for its present and future utilization has played a significant part in this delay as this site will likely play a vital role in the overall plan. Likewise, numerous changes in both upper and middle level management in the years following adoption of the 2007 Plan have likely stalled the commencement of the process to a degree. Finally, changes at the governing board level and the national economic downturn have resulted in some realignment of priorities and the necessary pursuit of other challenges and initiatives that have arisen. Renewed interest in Plan Development has resurfaced in the last few years and funds have in fact been budgeted over the last two fiscal years to commence this important process. The issue of how to best incorporate Southport's historic traditional fishing village past with its emerging role as a vibrant tourist destination will be a critical consideration as City leaders weigh how best to frame the policies to be contained within the final plan. Due to the renewed interest expressed by the current governing board, it is anticipated at present that this process will commence near term and that plan development may well occur over overlapping fiscal years.

- 2) Consider revisions to its UDO to address policies contained in the CLUP.

The City has revised significant portions of its UDO to address the policies contained within the CLUP; accordingly this is an implementing action that has been accomplished and remains ongoing. Examples include revisions to its plan review policies that clarify as to whether the governing board, Planning Board or Board of Adjustment has approval authority over particular land use applications, modifications to material required for submittal for specific application types, such as wetlands delineations and the mapping and identification of flood hazard areas and enhanced clarification on the need for development proposals to be consistent with both current zoning and the Future Land Use Map, among others.

- 3) Consider the adoption of local soil and erosion control ordinance.

The City has studied the practicality of the establishment of a S&E ordinance with perhaps more “teeth” than current state regulations but has not moved forward on this initiative to date due to manpower constraints and the hesitation to add additional staffing to administer such a program during the economic climate faced at all levels of government over the last several years. Further, the apparent inclination of the General Assembly to limit or eliminate local government’s authority beyond that of existing state and federal regulatory authority has given many local governments pause in moving forward with policies or programs that would exceed existing state or federal regulation (consider the attention given to HB 74 as originally proposed within the General Assembly). Until such continuing intrusions upon traditional local government authority subsides, it is likely Southport (as well as many local governments statewide) will remain in a holding pattern on initiatives such as this.

- 4) Prepare to bring the City into compliance with the NPDES Phase II storm water program.

To date, the City of Southport has not been included within the list of communities that are under the umbrella of NPDES Phase II rules and such inclusion was to be the trigger to move forward with this implementation action. Accordingly, this implementing action has not yet been accomplished but may be anticipated in future years.

- 5) Revise Water and Sewer extension policies to encourage public/private participation in provision of infrastructure to serve new development.

This implementation action has been accomplished. Southport has had policies in place for many years that provided that new development bear the majority of the cost of infrastructure improvements. The philosophical basis of these policies were that new development should essentially pay for itself and not impact existing residents and rate payers. The trade off to this has been that that the City would assume ownership/stewardship and O&M responsibility for such facilities upon the improvements being installed to municipal standards and formal dedication of such facilities the City. In FY 09/10, the City did modify its policies concerning connection requirements to existing facilities upon municipally initiated annexation to provide more of a carrot for annexation but recent changes to municipal annexation authority has essentially mitigated these revisions as few municipalities can now realistically pursue planned growth strategies within the context of these new state standards.

- 6) Establish a land banking fund to be utilized for purchases of public property.

Staff would characterize the implementing action as accomplished and ongoing. Although an actual "land banking fund" has not been established, the City has been able to establish healthy fund balances in both its general and enterprise funds, even in the trying economic climate experienced over the last number of years. These fund balances have allowed the City to recently purchase a relatively newly constructed facility (completed in 2005) that will ultimately serve as the new City Hall; has allowed for a variety of rehabilitation and new improvements to the Fort Johnston property in order to allow for the movement of its Visitor's Center and the relocation of the Southport Maritime Museum to this six acre site. Additionally, the City is currently investigating the feasibility of acquiring additional waterfront property located in close proximity to its central business district that would greatly complement the City's linear River Walk that extends from Kingsley Park to the east to the City dock facilities to the west with only intermittent gaps existing in between.

- 7) Encourage the utilization of frontage roads in non-residential development along major state roadways.

Accomplished and Ongoing. Although few opportunities exist within Southport's planning jurisdiction to require this measure at present due to existing development patterns and the relatively few developments proposed of a size where its application could be considered reasonable, each new development proposal that is brought forth is evaluated with this implementing action in mind. One stellar example of where this concept was able to be successfully implemented by the City of Southport working in collaboration with NCDOT would be the Dutchman Village/RiverMist commercial/residential project currently under development on the north side of NC 211 (Southport-Supply Road) located just north-northwest of Southport proper. Although this is a 200± acre development site, no direct access was permitted by any outparcel within it and a multi-phase, exclusive left turn traffic signal was required to better manage the additional traffic generated by this development.

- 8) Require that wetlands areas be surveyed and delineated on all preliminary and final subdivision plats.

Accomplished and Ongoing. See response to 2) above.

- 9) The City will update its comprehensive recreation plan.

Funds have been included in the upcoming FY 13/14 budget to commence this process and an action oriented schedule and timeline have been formulated.

10) Investigate the use of impact fees as a way of making new development pay for the services demanded.

Accomplished and Ongoing. Water and sewer impact fees have been developed to establish a reasonable nexus between the facilities proposed and their potential impact on these systems and the future capital improvements anticipated to be needed near term as a result of infrastructure expansion. In addition, Southport has implemented provisions within its UDO to require that both active and passive recreation and open space needs be provided for within new subdivided residential development or that fees-in-lieu be provided in lieu of on-site improvements to ensure they contribute in pro-rata fashion in direct relationship to the increased recreational needs generated by the intensity of the development. Staff is presently investigating potential mechanisms to put into place that would also apply this philosophical approach to multi-family developments approved under zoning authority rather than the land subdivision process.

11) Develop a CIP with emphasis placed on services and facilities that affect growth and development.

Accomplished and ongoing. A Capital Improvement Plan was developed under a prior manager and was updated annually during his tenure. This CIP is still referred to in determining the inclusion, timing and costs of future needs during annual budget preparation. Turnover in several upper management positions (including the Manager and Finance Director positions- indeed, at the time of drafting of this report, the City is being served by its second interim manager in as many years) over the last few of years have stalled annual updates to this planning tool but it is anticipated that with the upcoming appointment of a new manager by calendar year's end that utilization of this planning process will be restored and reinvigorated.

12) In concert with the Brunswick County Board of Education, develop a plan for the protection of future school sites.

Accomplished and Ongoing. The City has long worked with the BCBOE as well as the U.S. Postal Service to advise them of new residential developments occurring within the City's planning jurisdiction in order that they might better prepare themselves for demographic changes that could potentially affect their organizational mission and service capabilities/responsibilities. Although it is doubtful that current or near-term future demographic data would demonstrate the potential that a new elementary, middle or high school would be justified and/or sited within Southport's existing planning jurisdiction, the City will continue to work with County officials to ensure that future educational facility needs are anticipated, properly planned for and appropriately sited.