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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Mayor Ben Sproul
Town of Kill Devil Hills
908 Sixth Avenue
Kill Devil Hills, NC 27948

Debora Diaz, Town Manager
Town of Kill Devil Hills
102 Town Hall Drive
Kill Devil Hills, NC 27948

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PS Form 3800, August 2006 See Reverse for Instructions

CERT
REQUESTED

CERTIFIED MAIL RETURN RECEIPT
REQUESTED and electronically:
debbie@kdhnc.com

Re: Certification of Town of Kill Devil Hills CAMA Land Use Plan Update

Dear Mayor Sproul and Ms. Diaz:

Please find enclosed the written Final Agency Decision granting the Town of Kill Devil Hills' request for certification of its Land Use Plan Update. Let me know if you have any questions.

Very truly yours,

Braxton C. Davis, Director
NC Division of Coastal Management

cc via email: M. Renee Cahoon, Chair
Mary L. Lucasse, Commission Counsel
Charlan Owens, AICP, Elizabeth City District Planner



IN THE MATTER OF THE REQUEST
FOR CERTIFICATION OF THE TOWN
OF KILL DEVIL HILLS LAND USE
PLAN

FINAL AGENCY DECISION

FACTS

1. This is the Town of Kill Devil Hills CAMA Land Use Plan Update adopted September 14, 2020 by the Town of Kill Devil Hills ("Land Use Plan Update").
2. The Town of Kill Devil Hills is located in Dare County and is bounded by the Town of Kitty Hawk to the north, the Atlantic Ocean to the east, and the Town of Nags Head to the south. To the west, the Town is bounded by Kitty Hawk Bay, Colington Creek, unincorporated Colington in Dare County, Buzzard Bay, and the Roanoke Sound.
3. As of 2016, the estimated permanent population of Kill Devil Hills was 6,948 persons and the estimated peak population was 35,852 persons.
4. The Town of Kill Devil Hills is requesting certification of the Land Use Plan Update which can be found at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-land-use-planning/certified-lups/dare-county> . The Land Use Plan Update replaces the 1997 Town of Kill Devil Hills Land Use Plan Update certified by the Coastal Resources Commission on March 24, 2000.
5. The Land Use Plan Update supports the Town's vision for a community characterized by a variety of residential and commercial development types serving year-round residents and seasonal visitors, undisturbed natural areas such as the Fresh Pond and maritime forest, and major tourist attractions including the nationally significant Wright Brothers National

Memorial, the Atlantic Ocean, and adjacent waters, while also addressing public beach and waterfront access, land use compatibility, infrastructure carrying capacity, natural hazard areas and water quality.

6. A duly advertised public hearing on the Land Use Plan Update was held on September 14, 2020. No comments were received at the public hearing.

7. The Town of Kill Devil Hills adopted the Land Use Plan Update by resolution on September 14, 2020. The public had the opportunity to provide written comments on the plan to the Division of Coastal Management up to thirty (30) calendar days after local adoption. No comments were received.

CONCLUSIONS OF LAW

1. The Town of Kill Devil Hills CAMA Land Use Plan Update (“Land Use Plan Update”) has met the substantive requirements outlined within the Land Use Planning Requirements effective February 1, 2016.

2. There are no conflicts evident in the Land Use Plan Update with either state or federal law or the State’s Coastal Management Program.

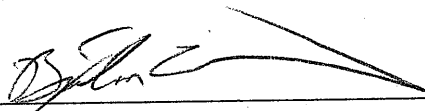
3. The elected body of the Town of Kill Devil Hills made a final decision on the contents of the Land Use Plan Update and provided opportunity for the public to provide written comment following local adoption of the plan, as required by N.C.G.S. § 113A-110 and 15A NCAC 7B .0802 and .0803, and the Land Use Plan Update was submitted to the NC Division of Coastal Management Commission without written objection or comment from the public.

4. During its regularly scheduled meeting on November 7-8, 2017, the North Carolina Coastal Resources Commission delegated to the Director of the North Carolina Division of Coastal Management, Department of Environmental Quality, its authority to approve Land Use Plans pursuant to N.C.G.S. §113A-110(f). The conditions under which the delegation was made are included in the November 20, 2017 letter to Braxton Davis, Director from Commission Chair Renee Cahoon. Pursuant to that delegation, the undersigned makes the following decision.

DECISION

For the reasons stated herein, the Town of Kill Devil Hills' request for certification of the Town of Kill Devil Hills CAMA Land Use Plan Update ("Land Use Plan Update") is GRANTED.

This the 2NDND day of NOVEMBER 2020.



Braxton C. Davis, Director
N.C. Division of Coastal Management

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the attached **Final Agency Decision** to the Town of Kill Devil Hills and the North Carolina Coastal Resources Commission by the means specified below:

Method of Service

Mayor Ben Sproul
Town of Kill Devil Hills
908 Sixth Avenue
Kill Devil Hills, NC 27948

CERTIFIED MAIL RETURN RECEIPT
REQUESTED

Debora Diaz, Town Manager
Town of Kill Devil Hills
102 Town Hall Drive
Kill Devil Hills, NC 27948

CERTIFIED MAIL RETURN RECEIPT
REQUESTED

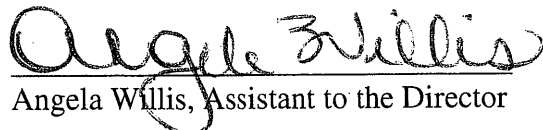
M. Renee Cahoon, Chair
Coastal Resources Commission

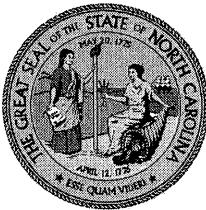
Electronically: Renee.Cahoon@ncdenr.gov

Mary L. Lucasse
Commission Counsel
NC Coastal Resources Commission
PO Box 629
Raleigh, NC 27602

Electronically: mlucasse@ncdoj.gov

This is the 5th day of Nov 2020.


Angela Willis, Assistant to the Director



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

Braxton —
Recommend Certification.
Mike
10/27/20

MEMORANDUM

To: Mike Lopazanski, DCM Deputy Director
cc: Tancred Miller, DCM Policy and Planning Section Chief
From: Charlan Owens, AICP, DCM Elizabeth City District Planner
Date: October 20, 2020
Subject: Certification of the Town of Kill Devil Hills CAMA Land Use Plan Update

Recommendation: CERTIFICATION of the Town of Kill Devil Hills CAMA Land Use Plan Update based on the determination that the document has met the substantive requirements outlined within the 7B Land Use Plan Guidelines and that there are no conflicts evident with either state or federal law or the State’s Coastal Management Program.

Overview: The Town of Kill Devil Hills is located in Dare County and is bounded by the Town of Kitty Hawk to the north, the Atlantic Ocean to the east, and the Town of Nags Head to the south. To the west, it is bounded by Kitty Hawk Bay, Colington Creek, unincorporated Colington in Dare County, Buzzard Bay, and the Roanoke Sound.

The 2016 estimate of permanent population in Kill Devil Hills was 6,948 persons. The peak population (permanent plus seasonal) was estimated at 35,852 persons.

According to the Town’s vision statement, it will continue to be a community characterized by a variety of residential and commercial development types to serve year-round residents and seasonal visitors, undisturbed natural areas such as the Fresh Pond and maritime forest, and major tourist attractions including the nationally significant Wright Brothers National Memorial, the Atlantic Ocean, and adjacent waters. Related local goals, policies and actions are included in the plan.

The Town of Kill Devil Hills held a duly advertised public hearing and unanimously adopted the plan at their regularly scheduled meeting on September 14, 2020.

The public was provided the opportunity to submit written comments on the plan to the Division of Coastal Management up to thirty (30) days after the date of local adoption (October 14th). No written comments or objections were received.



The locally adopted Town of Kill Devil Hills CAMA Land Use Plan Update can be viewed at:
<https://deq.nc.gov/about/divisions/coastal-management/coastal-management-land-use-planning/certified-lups/dare-county>

The document file includes an organizational matrix (.pdf Pages 7 – 10) that indicates where the CRC's rules have been met in the document. Policy statements and associated implementation actions are located on .pdf Pages 95 – 104. The Future Land Use Map is located on .pdf Page 89 and the associated Future Land Use Category descriptions are located on .pdf Pages 87 – 88.

None of the policies are intended to exceed the use standards and permitting requirements for Areas of Environmental Concern (AECs).

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**NORTH CAROLINA
 DARE COUNTY**

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared the undersigned representative who being duly sworn, deposes and says that he (she) is an employee or other officer authorized to make this affidavit of Outer Banks Newsmedia, LLC, engaged in the publication of a newspaper known as The Coastland Times, issued and entered as second class mailing in the Town of Manteo, N.C., in said county and state; that he (she) is authorized to make this affidavit and sworn statement; and the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Coastland Times on the following date(s):

August 12 and September 9, 2020

And that the said newspaper in which such notice, paper, document or legal advertisement was published was at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This the *21st* day of *Sept*, 2020.

[Signature]
 Theresa Schneider
 (Signature of representative making affidavit)

Sworn to and subscribed before to me this *21st* day of *Sept*, 2020.

[Signature]
 Hannah C. Russ
 (Notary Public)



Notice of Public Hearing
 Adoption of the
 Town of Kill Devil Hills
 CAMA Land Use Plan Update
NOTICE IS HEREBY GIVEN
 that the Board of Commissioners of the Town of Kill Devil Hills, North Carolina will conduct a public hearing on September 14, 2020, at 6:00 p.m. receive public comment, both written and oral, on the Town of Kill Devil Hills Coastal Area Management Act (CAMA) Land Use Plan Update. The public hearing will be held in the Meeting Room at the Administration Building, 102 Town Hall Drive (off Colington Road), Kill Devil Hills, NC.
 Written comments, which will be included with the record of the public hearing, may be submitted to the Town Clerk, P.O. Box 1710, Kill Devil Hills, NC 27954, or by e-mail to: odell@kdhnc.com. Electronically submitted comments must include your name and address and should be limited to three minutes when read aloud.
 Written objections, comments, or statements of support can also be submitted to the Division of Coastal Management's District Planner, Ms. Chastity Owens, 401 South Griffin Street, Suite 300, Elizabeth City, NC 27906, no more than 30 calendar days after local adoption of the plan. Further information can be obtained by contacting the District Planner at 252-264-3801.
 Copies of the CAMA Plan are available for review by the public at the Kill Devil Hills Town Clerk's office, 102 Town Hall Drive, during normal office hours. Arrangements can be made for personal inspection of the Plan materials by contacting the Town Clerk at 252-449-5300, or by email to: odell@kdhnc.com. The Plan can also be accessed on the Town website at <http://www.kdhnc.com/712/Land-Use-Plan>.
 Following the public hearing, the Board of Commissioners will consider adoption of the CAMA Plan, and action can include approval, disapproval, or lobbying the item for further consideration. Once adopted, the plan will be submitted to the Coastal Resource Commission for certification.
 The public is encouraged to review the CAMA Plan and to attend the public hearing. For additional information, please contact the Town Planning Director at 252-449-5318.
 Posted this 10th day of August 2020.
 James Michael O'Dell
 Deputy Town Clerk
 8-12, 9:00



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF KILL DEVIL HILLS, NORTH CAROLINA, ADOPTING THE TOWN'S CAMA LAND USE PLAN UPDATE

WHEREAS, from December 2017 through March 2020, the Town drafted a Coastal Area Management Act (CAMA) Land Use Plan Update with the assistance of its consultant, Holland Consulting Planners, Inc., and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the Planning Board; and

WHEREAS, on July 21, 2020, the Planning Board recommended adoption of the draft CAMA Land Use Plan; and

WHEREAS, at a duly advertised Regular Meeting on September 14, 2020, the Board of Commissioners held a public hearing on the draft CAMA Land Use Plan; and

WHEREAS, at the Regular Meeting on September 14, 2020, the Board of Commissioners of the Town of Kill Devil Hills, North Carolina, found the policies and Future Land Use Map in the draft CAMA Land Use Plan to be consistent with the Town's desired vision for the future and unanimously approved to adopt the draft CAMA Land Use Plan; and

WHEREAS, the adopted Plan will be submitted as required by state law to the Northeast District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Coastal Resources Commission; and

WHEREAS, a review of the adopted Plan by the Coastal Resources Commission (CRC) will be scheduled; and the CRC will then vote on certification of the Town's CAMA Land Use Plan; and

WHEREAS, a certified Town of Kill Devil Hills CAMA Land Use Plan Update will be forwarded to the Office for Coastal Management for federal approval.

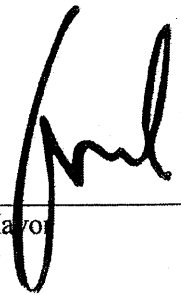
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners for the Town of Kill Devil Hills, North Carolina, has unanimously adopted the draft CAMA Land Use Plan Update; and

BE IT FURTHER RESOLVED that the Planning Director of Kill Devil Hills is hereby authorized to submit the adopted CAMA Land Use Plan Update to the State for certification as described above.

Adopted this 14th day of September 2020.

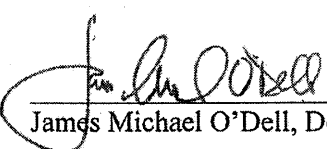
SEAL





Ben Sproul, Mayor

ATTEST:



James Michael O'Dell, Deputy Town Clerk

Willis, Angela

From: Willis, Angela
Sent: Thursday, November 05, 2020 1:32 PM
To: debbie@kdhnc.com
Cc: Renee Cahoon; Lucasse, Mary; Owens, Charlan; Braxton Davis
Subject: Kill Devil Hills Land Use Plan Request for Certification
Attachments: Kill Devil Hills LUP Update.pdf

Good afternoon Ms. Diaz,
Please find attached a copy of the Final Agency Decision granting the Town of Kill Devil Hills' request for certification of its Land Use Plan Update. The originals were sent out in the USPS today.

Have a great afternoon,
Angela

Angela Willis, Asst. to the Director
NC Division of Coastal Management
NC Department of Environmental Quality
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 201



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