



Coastal Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

BRAXTON DAVIS
Director

August 30, 2016

MEMORANDUM

CRC-16-36

TO: Coastal Resources Commission
FROM: Ken Richardson, *Shoreline Management Specialist*
SUBJECT: Town of Oak Island Development Line Approval Request

On April 1st of this year, the Commission rules were amended to allow oceanfront communities with large-scale beach nourishment or inlet relocation projects to establish a “development line” as an alternative to the Static Vegetation Line. You will recall that a Static Vegetation Line represents the vegetation line that existed just prior to a beach nourishment and must be established and used for measuring construction setbacks for any beach fill project of 300,000 cubic yards or more. The Development Line is established by a local government to represent the seaward-most allowable location of oceanfront development, provided the development can meet the setback measured from the first line of stable and natural vegetation. Under your Development Line rule, buildings and accessory structures could move seaward up to the approved Development Line as long as minimum setbacks are met. Local governments are required to request approval for a Development Line from the Commission according to the procedures outlined in 15A NCAC 7J. 1300.

In order to receive the CRC’s approval for a Development Line, the petitioner shall establish the Development Line using on-ground observation and survey, or aerial imagery along the oceanfront jurisdiction or legal boundary. The proposed Development Line must encompass the entire large-scale beach nourishment project area (length of Static Vegetation Line) and can extend beyond the boundaries of the large-scale project to include the entire oceanfront jurisdiction or legal boundary of the petitioner. In establishing the Development Line, an adjacent neighbor sight-line approach is to be utilized, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the Development Line may be determined by average line of construction on a case-by-case basis. In no case shall the Development Line be established seaward of the most seaward structure within the petitioner’s oceanfront jurisdiction.

Once adopted, the petitioner shall then submit the following to the Director of the Division Coastal Management in accordance with CRC’s rules (15A NCAC 07J. 1300):

1. A detailed survey of the Development Line; to also include the Static Vegetation Line;
2. Copy of local regulations/ordinances associated with the Development Line; and
3. Record of local adoption of the Development Line by the petitioner.

On June 14, 2016, the Town of Oak Island adopted the town's Development Line ([Oak Island Development Line](#)) into their ordinances, and is now requesting the Coastal Resources Commission's (CRC) approval. Staff have reviewed all information submitted by the petitioner, and have determined that all required supporting information and documentation have been submitted and attached for the Commission's consideration at the upcoming meeting in Wilmington.

Attachment A: Town of Oak Island E-mail Requesting the CRC's Approval of the Town's Development Line

Attachment B: Town of Oak Island Development Line Ordinance

Attachment C: Town of Oak Island Development Line & Static Vegetation Line Maps

Attachment D: Town of Oak Island Town Planning Board recommendation: Development Line Review and Adoption (pgs. 1, 2, 3, 12)

Attachment E: Town of Oak Island Town Council Meeting Minutes and Adoption of Development Line (pgs. 1, 2, 9, 10, 16)

Attachment A: Town of Oak Island E-mail Requesting CRC's Approval of the Town's Development Line

From: planner [<mailto:planner@ci.oak-island.nc.us>]
Sent: Monday, June 20, 2016 10:45 AM
To: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>
Subject: FW: CRC Agenda

Hello,

On Tuesday night the Oak Island Town Council officially voted and unanimously adopted the Development Line. Would you be able to place us on the next upcoming CRC meeting agenda? If not the following one will be fine. Attached is the shp file (*GIS Shapefile*) and the adopted text amendment.

Thanks,

Jake Vares

Town of Oak Island

Senior Planning Director

Development Services Department

910-278-5024

Attachment B: Town of Oak Island Development Line Ordinance NO.16-1018

Sec. 14-125. - Use and development coverage.

This article shall be applicable to all use of and development on ocean beaches in the town. Included, but not limited to the following, are types of uses and development activity to which this article applies. Specifically, this article is applicable to all oceanfront property owners intending to construct, repair or replace decks, walkways, and/or steps for the purpose of gaining access to the public ocean beach from private property along the oceanfront in the town. This article applies to all persons crossing ocean beaches for the purpose of gaining access to the beaches and Atlantic Ocean.

No structures shall be built seaward of the Oak Island development line except as allowed under CAMA regulations 15A NCAC 07H.0309.

(Ord. of 3-12-2002, ch. 5, art. 1, § 1.6; Amend. of 6-14-2016(3))

Sec. 14-121. - Definitions.

The following words, phrases, and terms, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions of this article shall be interpreted to be the same as those recognized by the state department of environment and natural resources, the coastal resources commission, and/or the division of coastal management.

Adverse impact means anything that would destroy, harm, impair, diminish, or degrade the value or integrity of a sand dune for storm protection or wildlife habitat.

CAMA means the Coastal Area Management Act of 1974.

CRC means the state coastal resources commission.

Development means any activity in a duly designated area of environmental concern involving, requiring, or consisting of the construction or enlargement of a structure; excavation, dredging, filling, dumping, or the removal of clay, silt, sand, gravel, or minerals; bulkheading, driving of pilings, clearing or installation of land as an adjunct of construction; alteration or removal of sand dunes, alteration of the shore, bank, or bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake or canal.

Development line means the line established in accordance with 15A NCAC 07J.1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H.0306(a)(2).

Division of coastal management means a division of the state department of environment and natural resources charged by the state with the administration and enforcement of the Coastal Area Management Act of 1974.

Dune system.

Frontal dune means the first mound of sand located landward of the beach having sufficient vegetation, height, continuity, and configuration to offer protective value.

Secondary dune means, for the purposes of the administration and enforcement of this article, those dunes or berms and sand management project areas, either manmade or natural, that meet the

continuity of the existing surrounding primary frontal dunes. Regulations that apply to the frontal dunes also apply to the secondary dunes.

Dunes (natural or manmade) means, for the purposes of the administration and enforcement of this article, those dunes or berms and sand management project areas, either manmade or natural, in existence as of December 10, 1999, and/or those restored by the town or other public entity. It shall also apply to any placement of materials from any other soil deposition project undertaken after the adoption of this article.

Imminently threatened means the foundation of the primary structure is less than 20 feet from the toe of the erosion scarp and/or the septic system is exposed.

Invasive exotic species means a non-native or invasive vegetation, which, if left undisturbed by manmade forces, will create a landscape comprised of a singular plant species.

Ocean beach means lands consisting of unconsolidated soil materials that extend from the mean low water mark landward to the mean high water mark as surveyed by the U.S. Army Corps of Engineers in January 2000; to a point where either the growth of vegetation occurs or a distinct change in slope of elevation alters the configuration of landform, whichever is further landward.

Oceanfront private property means, for purposes of this article, oceanfront private property ends at the mean high water mark as surveyed by the U.S. Army Corps of Engineers in January 2000.

PCA means the project cooperation agreement entered into by the town and the U. S. Army Corps of Engineers prior to the commencement of the sea turtle habitat restoration project (sea turtle project), the Wilmington Harbor section 933 project (harbor project), or any other sand placement project entered into by the town and other government agency following the adoption of this article.

Tents means a portable shelter supported by a framework of multiple poles (this is not to include umbrellas, which have one supporting pole in the center of the shelter).

USACE means the United States Army Corps of Engineers.

Vehicle means a motor-driven or wind-powered vehicles, including fishing boats and amphibious vehicles, but excluding sailboats used for sport, surfboards and amphibious vehicles which are afloat and no portion of which is beached, aground, or operating on wheels or tracks.

(Ord. of 3-12-2002, ch. 5, art. 1, § 1.7; Amend. of 5-10-2016(1); Amend. of 6-14-2016(3))

Cross reference— Definitions generally, § 1-2.

Attachment C: Town of Oak Island Development Line & Static Vegetation Line Maps



Map is to be used to only show the general vicinity and is not to be used for any other purpose. Map is to be used for general informational purposes only. Data used to generate this map was gathered from various sources.

Oceanfront Development Line Map

Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 1





Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Berm Line	Sandbags (mostly past or current)
		Structure Line from ShorelineMgmt Feasibility Study

Source: East, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Satellite, USDA, USDA, NGA, GeoEye, AeroGRID, IGN, IGA, swisstopo, and the User Community

Map is to be used to only show the general vicinity. Address numbers shown on this map are not guaranteed to be 100% accurate for navigation purposes only. Data used to generate this map was gathered from disparate sources.

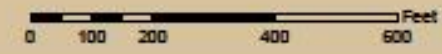
Oceanfront Development Line Map

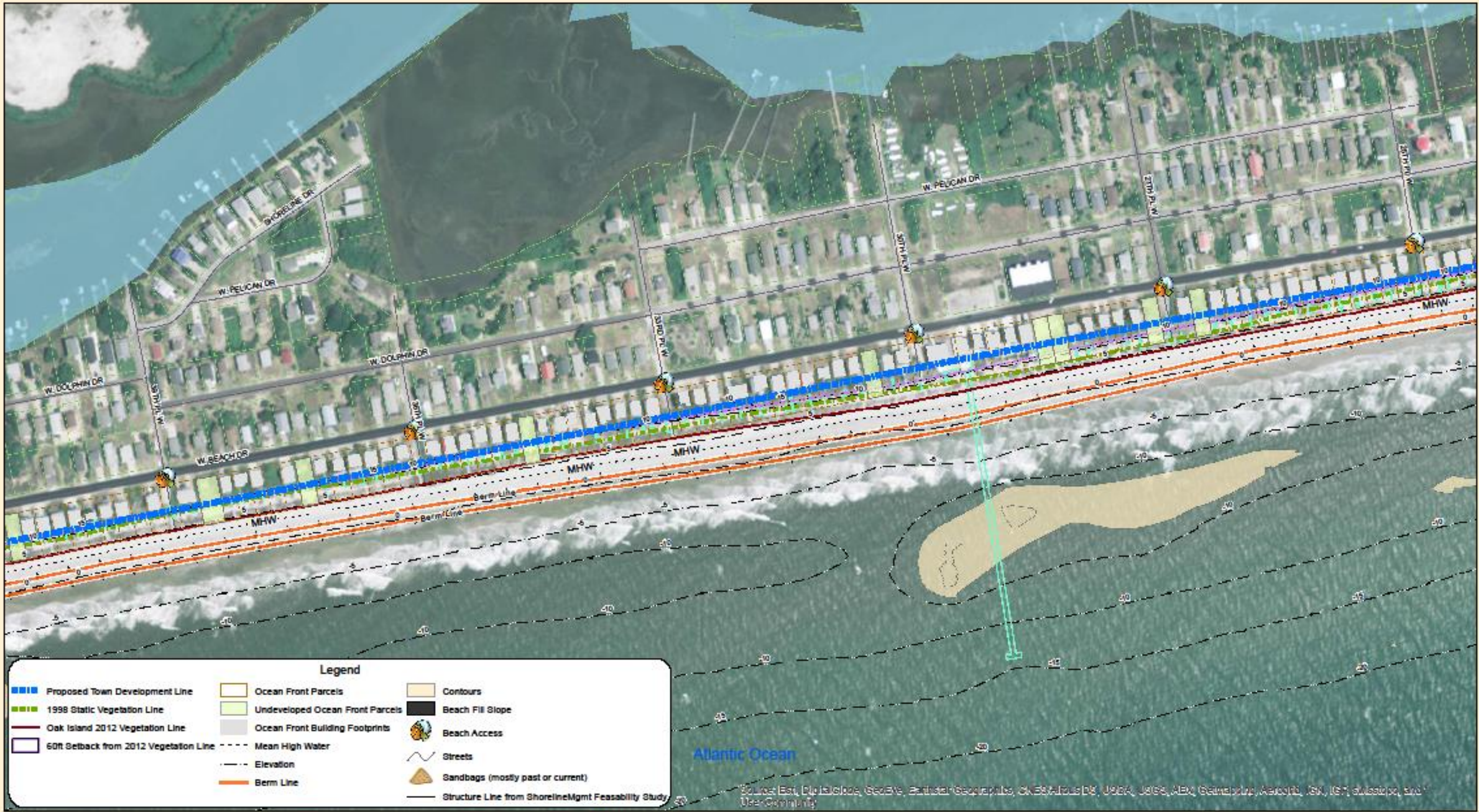
Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 2





Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
50ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Berm Line	Sandbags (mostly past or current)
		Structure Line from ShorelineMgmt Feasibility Study

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGT, swisstopo, and the User Community

Map is to be used to only show the general vicinity. Address numbers cannot be shown. Map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

Oceanfront Development Line Map

Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 3





Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Sandbags (mostly past or current)	Structure Line from ShorelineMgmt Feasibility Study
Berm Line		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the User Community

Map is to be used to only show the general vicinity. Address numbers cannot be 100% guaranteed. This map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

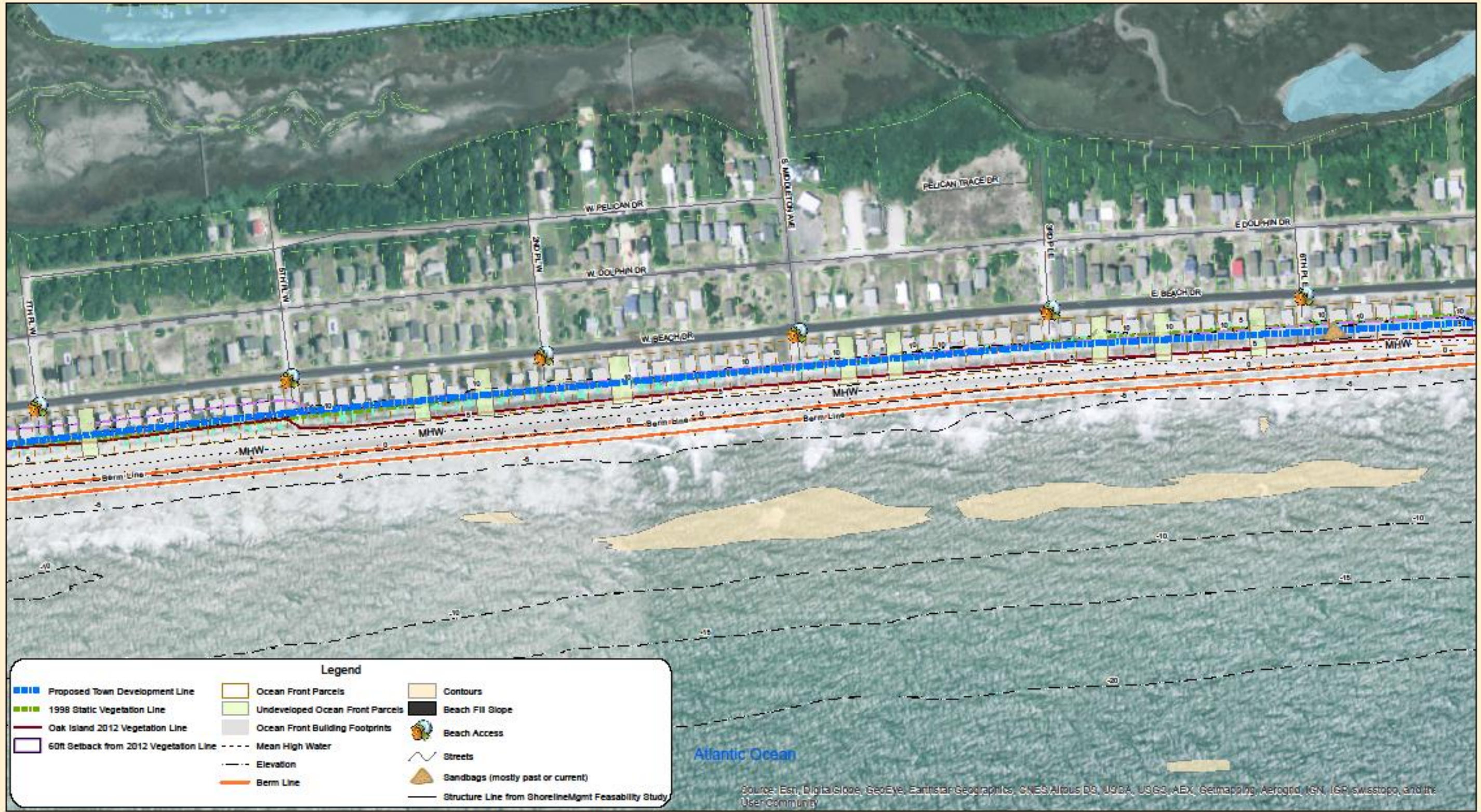
Oceanfront Development Line Map

Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 4



Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Sandbags (mostly past or current)	Structure Line from ShorelineMgmt Feasibility Study
Berm Line		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the UserCommunity

Map is to be used to only show the general vicinity. Address numbers cannot be 100% guaranteed for accuracy. Map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

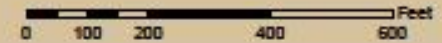
Oceanfront Development Line Map

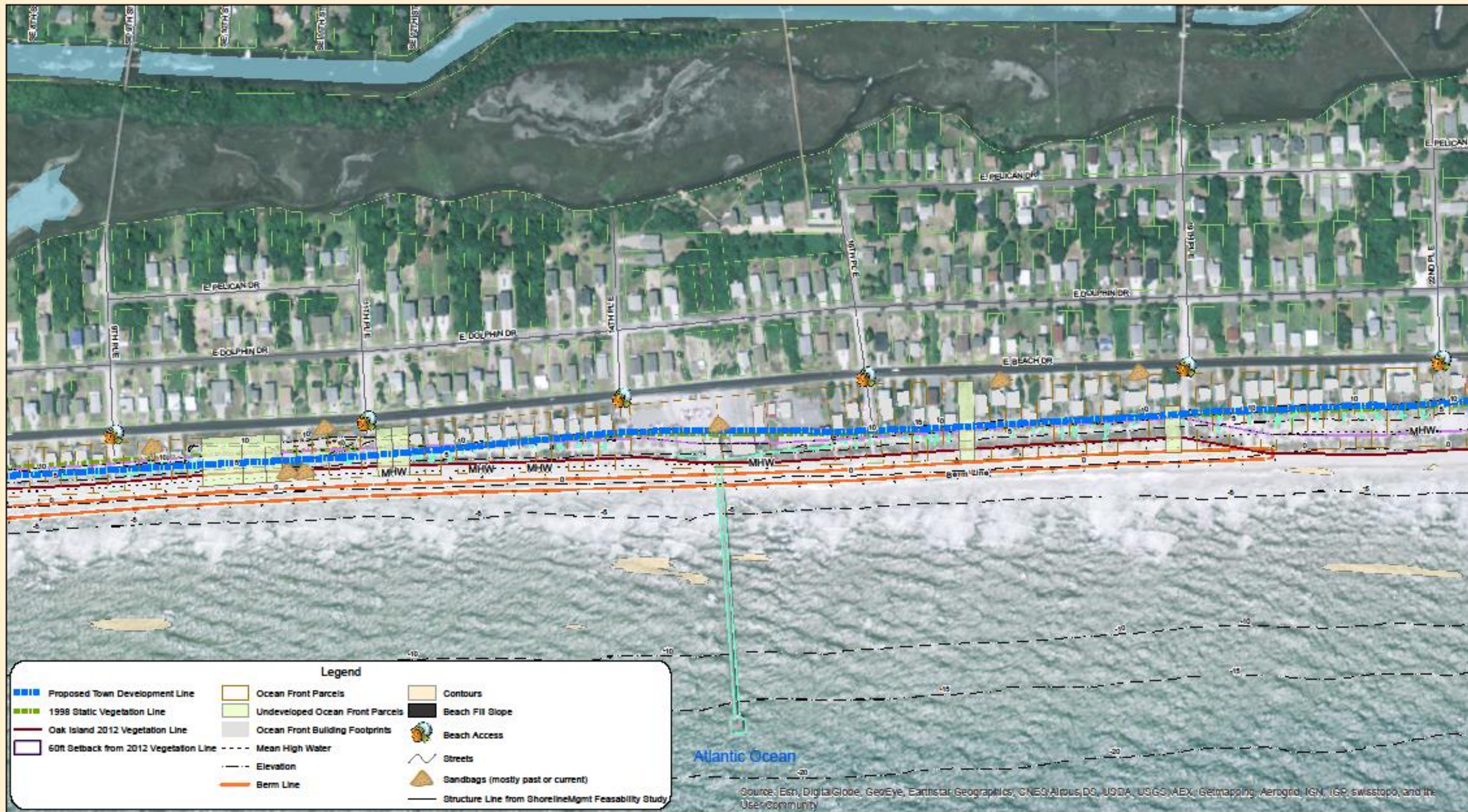
Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 5





Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Sandbags (mostly past or current)	Structure Line from ShorelineMgmt Feasibility Study
Berm Line		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the User/Community

Map is to be used to only show the general vicinity. Address numbers cannot be 100% guaranteed for accuracy. Map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

Oceanfront Development Line Map

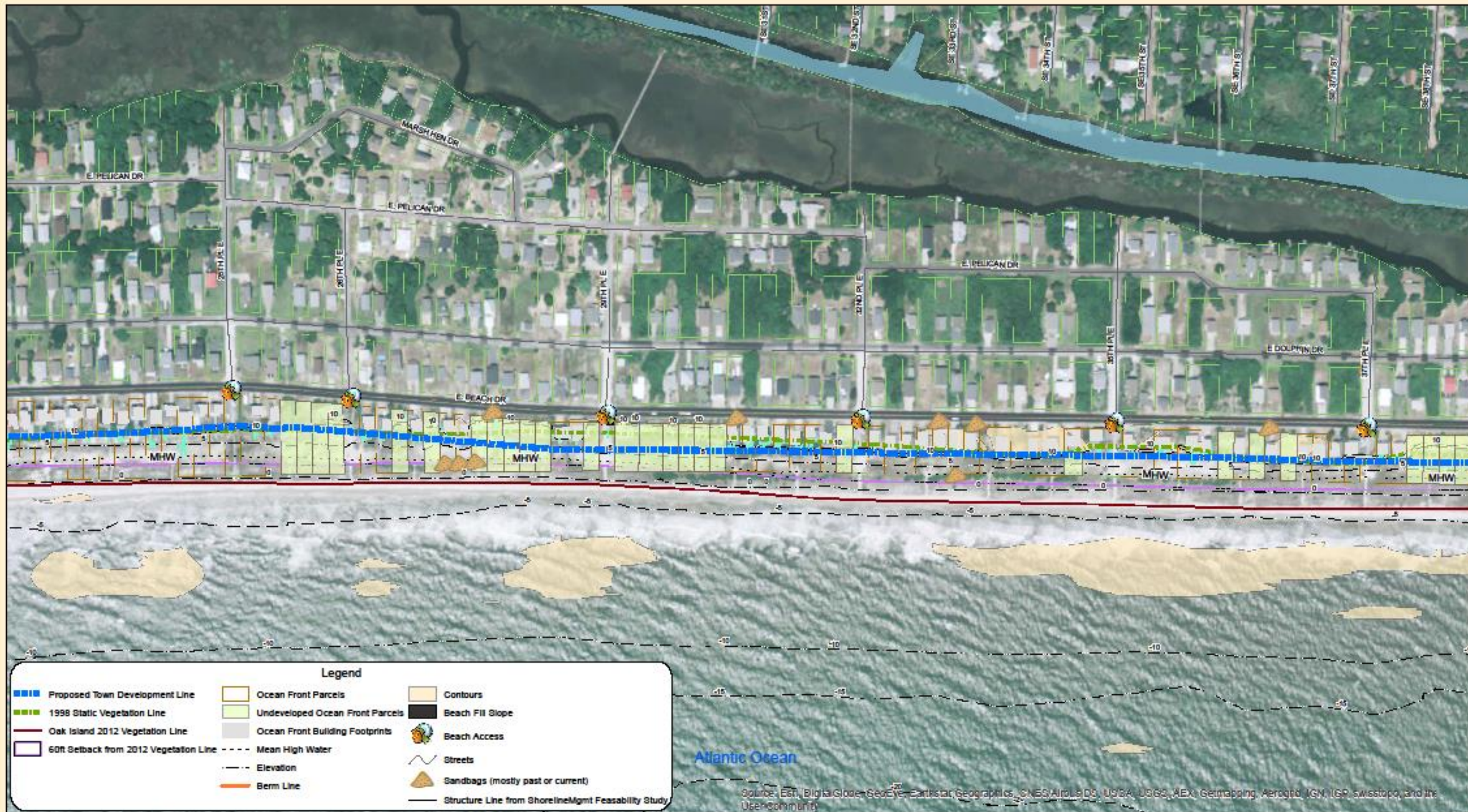
Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 6





Source: Esri, Baidu, Google, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the User Community

Map is to be used to only show the general vicinity. Address numbers shown on this map are for general informational purposes only. Data used to generate this map was gathered from disparate sources.

Oceanfront Development Line Map

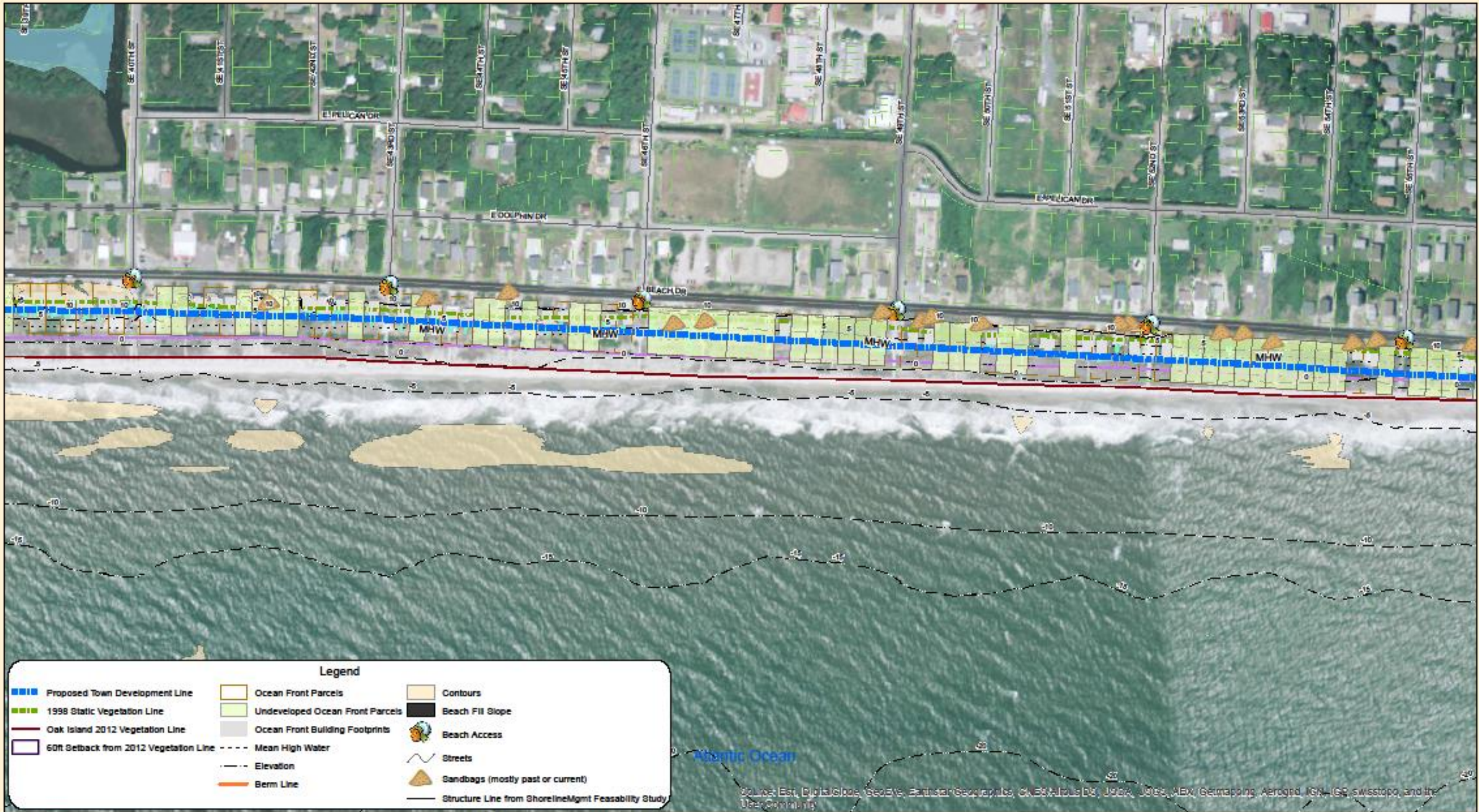
Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 7





Map is to be used to only show the general vicinity. Address numbers shown on property map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

Oceanfront Development Line Map

Town of Oak Island, NC



Map created by:
 Jake Vares
 Town of Oak Island
 Development Services Department
 4601 E. Oak Island Drive
 Oak Island, NC 28465
 06/24/2016

Frame 8



Source: Est. Digital Globe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGS, Swisstopo, and the User Community



Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Sandbags (mostly past or current)	Structure Line from ShorelineMgmt Feasibility Study
Berm Line		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the User community



Legend

Proposed Town Development Line	Ocean Front Parcels	Contours
1998 Static Vegetation Line	Undeveloped Ocean Front Parcels	Beach Fill Slope
Oak Island 2012 Vegetation Line	Ocean Front Building Footprints	Beach Access
60ft Setback from 2012 Vegetation Line	Mean High Water	Streets
Elevation	Sandbags (mostly past or current)	Structure Line from ShorelineMgmt Feasibility Study
Berm Line		

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, ISF, Swire, and the User Community

Attachment D: Town of Oak Island Town Planning Board Recommendation: Development Line Review and Adoption (pgs. 1, 2, 3, 12)

**TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO**

Agenda Item: Lisa

Date: 6/3/2016

Issue: Development Line

Department: Planning & Zoning Administrator

Presented by: Steve Edwards

Presentation: None

Estimated Time for Discussion: 15 Minutes

Subject Summary:

Any local government may petition the Coastal Resources Commission (CRC) for a development line to guide ocean front development. The development line would serve to mark the ocean-ward limit where structures could be built to, like a traditional setback line. With a CRC approved development line, a structure must also meet the graduated CAMA setback requirements measured from first line of stale and natural vegetation. The official definition of development line according to 15A NCAC 07H .0305 (10) is *“The line established in accordance with 15A NCAC 07J .1300 by local governments representing the seaward-most allowable location of oceanfront development. In areas that have development lines approved by the CRC, the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line, subject to the provisions of 15A NCAC 07H .0306(a)(2).”* The methodology to create the suggested town development line was to draw several potential development lines, via GIS, that showed the distance of feet from the front property line and calculate how many existing structures interested or were beyond the proposed development line. This serves to illuminate for staff the amount of ocean front structures that would be made non-conforming. Staff also calculated the number of existing structures that were behind the development line and would not be effected. Town staff reviewed 4 possible development line possibilities and determined that the 85 foot line was most suitable. If this development line ordinance were to be adopted, some structures would be made non-conforming and many would have their non-conforming status removed. In no case can the proposed development line be established below the mean high water line.

There are approximately 525 total ocean front residential structures that are parallel to the proposed development line. Approximately a total of 440 ocean front residential parcels are landward of the proposed development line and do not intersect with it at all. 167 parcels are undeveloped along the proposed development line. 129 parcels (142 lots) are identified as currently unbuildable along the ocean-front. The map is only specifically concerned with properties along the proposed development line; therefore the total number of ocean front parcels is not listed. 85 ocean front houses touch or exceed the 85 ft. proposed town ocean front development line. That figure grows higher the smaller the distance from

the front property line the ocean front development line is drawn. A majority of the 85 structures that do happen to touch the development line do so at the edge, so if they were forced to rebuild most of the structure placements would only have to be slightly adjusted.

The town still has the existing lot setback lines, which vary per zoning district, and they will remain in place and still have to be followed. Most of the ocean front lots are platted with an approximate 150ft of lot depth. The town's development line is the most seaward one can build but a CAMA permit is still required to build 60ft back from that first CAMA development line. There are CAMA exceptions for accessory structures and they would still apply to accessory structures that are past the town development line. The exemptions are listed in the CAMA guidelines. Some examples of the CAMA accessory exemptions are a 500 sq. ft. elevated walkway, campsites, elevated decks less than 500 sq. ft., sand fences, single storage sheds less than 200 sq. ft., temporary amusement stands, and a 200 sq. ft. gazebo. The town adopted development line would not restrict this. Swimming pools are permitted within the setbacks, but must be located landward of the static vegetation line. The town currently uses the 1998 static vegetation line. The town does not use this 2012 line because there are no regulations associated with it and credits are not given to property owners for additional growth in beach/vegetation due to natural changes or beach renourishment. It is important to note that just because a proposed structure is landward of the town development line the property owner will still have to meet the 60ft static vegetation line requirements.

The data on the maps represent the Static Vegetation Line (SVL), and location of First Line of Stable-Natural Vegetation (FLSNV) on the oceanfront prior to the start of a "large scale" beach nourishment/fill project. Currently, North Carolina defines "large scale" as any project placing 300,000 cubic yards or more, or a US Army Corps of Engineers (USACE) Storm Protection project. Where these projects occur, oceanfront construction/development setbacks must be measured from the Static Vegetation Line; unless a community has an approved Static Vegetation Line Exception.

If a structure is seaward of the adopted development line and is damaged it is allowed to rebuild unless the damage is greater than 50% according to 15A NCAC 07J.0210. The development line is conforming throughout the Oak Island ocean-front but there are some locations where keeping the development line linear is not sensible. That area on the map where the proposed town development line is adjusted is in frame 6 and frame 10. Those locations have unusually elongated parcels where the traditional 85ft line rule isn't applicable. Upon reviewing these areas with the Division of Coastal Management, the development line was drawn to mirror the existing development line and back of the existing structures.

In some locations along the Oak Island oceanfront there is not a proposed town development line at all due to the unique parcels in those areas. It would not be advantageous to have a town development line in

the places where there is one currently not drawn. The normal, already established, building and permitting process would remain in those areas.

In order for a municipality to have an ocean-front development line the town must follow the process detailed by the Division of Coastal Management (DCM) in section 300 15A NCAC 07J0 1301. The town must submit an aerial map showing the proposed development line and the current static vegetation line. The GIS data has to contain all the proper FGDC (Federal Geographic Data Committee) meta-data. The coordinates of the development line are labeled throughout the map so the location can be verified by DCM. Finally, the documentation of the adopted text amendment that covers the development line must be provided to DCM staff and the CRC. Before we submit, the Town must first incorporate the Development Line into our Town Ordinance(s), and provide a copy of the ordinance(s) that pertain to the development line. The reason for this is that it shows the CRC that the Town recognizes the line as an enforceable building line limitation. The CRC cannot request a change to the town development line after they have approved it. The DCM staff has been contacted regarding this issue. The state guidelines and regulations regarding a development line are attached to this staff memorandum.

The CRC is required to decide on the development line petition at the meeting where it is on their agenda and no later than the following CRC meeting. Once/if the development is adopted by the CRC and therefore becomes official, staff will place the new development line on the town's online GIS map where the current vegetation line is displayed. The URL is: <http://www.oakislandnc.com/General-Info/Maps-and-Flood-Insurance-Info.aspx>. Only the town can petition to have the location of the development line changed after CRC adoption. The text amendment is in Chapter 14 – Environment, because that is the section in the town Code of Ordinances that pertains to CAMA regulations. The text amendment language and required maps are all attached. The Planning Board has voted to recommend approval of this ordinance text amendment. If adopted the development line will be posted on the towns' webpage containing the interactive map that shows the ocean vegetation line.

Attachments: Text Amendment, State Development Line Regulations, Plan Consistency Statement

Planning Board Recommendation: Approval

Suggested Motion: Motion to approve or deny proposed Text Amendment

Funds Needed: \$0.00

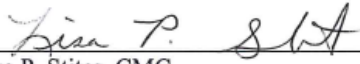
Follow-up Action Needed: Submit to CRC, update ordinance

Attachment E: Town of Oak Island Town Council Meeting Minutes and Adoption of Development Line (pgs. 1, 2, 9, 10, 16)

CLERK CERTIFICATION

I, Lisa P. Stites, Town Clerk of the Town of Oak Island, North Carolina, do hereby certify that the following is a true and exact copy of the approved Minutes for the June 14, 2016 Oak Island Town Council meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Oak Island, North Carolina, this the 10th day of August, 2016.



Lisa P. Stites, CMC
Town Clerk
Oak Island, North Carolina



MINUTES
OAK ISLAND TOWN COUNCIL
PUBLIC HEARINGS & REGULAR MEETING
June 14, 2016 – 6 P.M.
OAK ISLAND TOWN HALL

Present: Mayor Cin Brochure, Mayor Pro Tempore Jim Medlin, Councilors Sheila M. Bell, Charlie K. Blalock, Loman Scott and Jeff Winecoff, Interim co-Manager Lisa P. Stites, CMC, Town Attorney Brian Edes and Administrative Support Specialist Debbie Lasek.

Mayor Brochure called the meeting to order at 6:00 p.m. Mayor Pro Tempore Medlin gave the invocation and led the Pledge of Allegiance to the flag.

COUNCIL REPORTS (MAYOR AND COUNCIL)

Mayor Pro Tempore Medlin attended the groundbreaking for Pine Forest Plantation and said he feels it will be a good thing for Oak Island. Councilor Winecoff reported on the first graduating class of the Citizens Academy, and congratulated participants and staff. Mayor Brochure said she had been advocating in Raleigh twice last month advocating for sand, and hopefully next year the Town will have money for funding.

PUBLIC HEARING 1: Mayor Brochure said the purpose of the Public Hearing is to receive citizens' comments on beach nourishment and potential funding methods.

Ruth Somers, 1608 E. Yacht Drive: Ms. Somers said she has lived here since 1973. Regarding beach plan funding, she said she knows the ocean is dynamic and that storms come and go, sometimes along with houses. People who build on the oceanfront accept that risk and others build away from the ocean. With the growth of Oak Island has come the necessity of the water system and sewer system, the addition of fire and rescue and the building of state-of-the-art buildings. Recent attempts to replace the sand can run up to \$67 million. This is a working class beach, and many don't have the money to stay here. There have been many suggestions as to where this money can come from like the federal government and day trippers, but residents are taxed from everywhere. She said the state owns the beachfront and the Town does not, and a vote should be put before the people.

Richard Bunce, 125 NE 26th Street, written comments as provided: As usual Town officials and their surrogates discussing beach nourishment quickly roll out the scare tactics with dramatic pictures and wild predictions. For instance the costs experienced up the coast were mostly legal costs reflecting a failure of Federal, State, and Local governments to create effective Statutes and Ordinances for removal of dangerous structures and not due to a lack of nourishment. Thankfully there is another way forward. Managed retreat is being implemented in communities that recognize the folly of paying ever increasing dollars to place sand on the beach that is very likely to become less and less effective particularly in the face of significant sea level rise. It is surprising that in the several presentations and online materials about the Town's beach nourishment planning, sea level rise was not mentioned. I asked Mr. Ravella about his assumptions after his presentation a couple weeks ago and he admitted that in the cost estimates presented the assumption for sea level rise was zero but would be in a future estimate. It seems the point was to include enough to get the permits and not necessarily the true cost. This sounds a lot like the recent wastewater project and we know how that turned out. I know there are many environmentalists in Town regularly speaking on such issues would be disappointed to hear that as should all property owners who would be on the hook to pay even greater costs for a beach nourishment project that a Corp of Engineers report from the early 2000s stated would be ineffective in the presence of significant sea level rise. Think sea wall around the entire island without the tax base of a New Orleans to pay for it.

Mayor Pro Tempore Medlin made a motion to close the public hearing. Councilor Scott seconded, and the motion passed unanimously.

PUBLIC HEARING 3: Mayor Brochure said the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to Sec. 14-121. – Definitions and Sec. 14-125. - Use and development coverage; to define the Town oceanfront development line and to adopt regulations that all oceanfront parcels shall not build principal structures seaward of the Oak Island, and Coastal Resource Commission adopted, development line.

Dara Royal, 216 NE 46th Street, written comments provided as follows: Last month, I encouraged Council to approach the location of a development line with respect to the building envelope created. The real short-term benefit of replacing the static vegetation line with a development line is the creation a few buildable lots in areas where a development line is at least 60 feet landward of the first line of stable natural vegetation. The long-term benefit will not be realized for those or any oceanfront lots without future beach nourishment. In the Town of Oak Island, in order for an oceanfront vacant lot to be considered buildable for the purposes of levying a sewer assessment, there must be a building envelope at least 20 feet deep plus a 15 foot street-side setback along with the required oceanfront setback from the static vegetation line. A building envelope 20 feet deep plus a street-side setback of 15 feet equals 35 feet. So, a 35 foot development line would make every oceanfront lot buildable, if it is also setback at least 60 feet from the first line of stable natural vegetation. But, of course, you would want a building envelope deeper than 20 feet, if at all possible. Ok, let's double it to 40 feet deep, which is more than the average depth of existing oceanfront houses. A building envelope 40 feet deep plus a street-side setback of 15 feet equals 55 feet. So, a 55 foot development line would make every oceanfront lot buildable to a greater extent than existing oceanfront development, if that line is also setback at least 60 feet from the first line of stable natural vegetation. But what if it's more than 60 feet to the first line of stable natural vegetation from a 55 foot development line? Be grateful. 20 years ago, 90% of oceanfront lots bordering our shoreline were not buildable with a minimum building envelope 20 feet deep and a street-side setback of 30 feet. 20 plus 30 equals 50 feet. Many people have worked diligently since then to position the Town to reverse that fact and make those lots buildable again. I am one of those people. And given my first-hand knowledge and experience, there is nothing in me that could ever approve a development line greater than 55 feet or the distance to the static vegetation line, whichever is farther from the street. And given that it will take 2 to 4 years to obtain permits for sand for beach nourishment, I would not in good conscience be able to approve a development line greater than 35 feet or the distance to the static vegetation line, whichever is farther from the street. I realize you're not me, and it's not my decision to make, it's yours. But I do sincerely and respectfully request that you significantly scale back the proposal on the table for an 85 foot development line.

Kyle Herring, Cape Fear Engineering, 151 Poole Rd., Fayetteville: Mr. Herring said he is here tonight on behalf of the Capel Family, and is here to offer support from them for the new development line. He said he feels the Council has enough information to make the decision and should feel comfortable in making a decision, and the Capel family will provide any support.

Ted Manos, 3022 W. Beach Drive: Mr. Manos said scaling back the development line from 85 feet would wipe out the ability of an untold number of buildings to be able to rebuild and increase the value of their homes, with resulting increases in taxes and income. After spending all night listening to ways the Town needs to make money, he implores them to not waste the time put in by Town staff and the Planning Board in meetings to set the development line at 85 feet, consistent with the 60 foot setback and consistent with what the CRC would pass.

Councilor Bell asked where the 85-foot setback comes from; Mr. Edwards said that Town Planner Jake Vares started out at 70 feet for comparison. The Oak Island oceanfront is not lined up in a consistent manor. When they got to the 85-foot line, it had the least number of nonconforming homes (about 85 properties). Staff proposed keeping the static vegetation line in areas where that is more beneficial. In other areas, moving the development line more seaward worked as a fair and practical way to give property owners their rights back. He stands by the original staff recommendation. Mayor Pro Tempore Medlin inquired about the 85 non-conforming structures; Mr. Edwards said they are already non-conforming. Councilor Winecoff said thinks staff has done their homework, and he feels comfortable with the proposal.

Councilor Scott made a motion to close the public hearing. Councilor Blalock seconded, and the motion passed unanimously.

PUBLIC HEARING 3 ACTION: Mayor Pro Tempore Medlin made a motion to approve this amendment, section 14-121 and 14-125, as presented and to direct staff to forward the Town's request to the Coastal Resource Commission for consideration at its next meeting. Councilor Scott seconded, and the motion passed unanimously.

PUBLIC HEARING 4: Mayor Brochure the purpose of the Public Hearing was to receive citizens' comments on a proposed amendment to Sec. 18-669. - Standards for limited residential development; and Sec. 18-663. - Applications for approval; and Sec. 18-670 - Standards for stormwater control measures to require impervious surface areas to be shown on site-plan surveys; and to require professional stormwater engineered design drawings when a new home or an existing home addition would exceed 45% impervious surface coverage. The public hearing for the text amendment is also for. 32-72 – Definitions - and Sec. 32-77 - No clearing without permit – to define clear cutting and to not allow clear cutting without a permit; and to mandate a fine for clear cuttings and the replacement of trees if illegally removed.

There were no public speakers. Mr. Vares summarized the proposed amendment.

Councilor Winecoff commented on sea oaks (live oaks) and the necessity to keep them regardless of the size, and emphasized the need to keep these natural trees on the island. Mayor Pro Tempore Medlin asked and Councilor Winecoff answered that not all of them get very thick, even chest high. He feels that they are eliminating the sea oaks before they have the chance to grow bigger, and they are a natural tree that should be allowed to get bigger. Mr. Vares said they could add some language about the live oaks, and added that the certified trees list is referenced in the ordinance, has been adopted and is on line. Councilor Blalock commented that \$500 is the highest penalty that the State would allow them, but Mr. Vares said perhaps it could be made "per tree" and that he could investigate the legalities. Councilor Blalock questioned the practice of leaving only trees at the edge of the lot, and he wondered if palm trees would count as a replacement. Mr. Vares explained the mathematic formula used to determine the number of trees that must be saved, and they are obliged to permit it if they are within the law and are in compliance. Mayor Pro Tempore Medlin said that if there are no trees on the lot 5" in caliper, then they could in effect remove all the trees on the lot. Mr. Vares said the Tree Protection ordinance would provide protection in those circumstances, and that the arborist is working on it. Mayor Pro Tempore Medlin suggested that perhaps they should wait for further information to take action. He then questioned Mr. Vares about lots recently cleared on Ocean Drive, around 76th or 77th street; there were no trees on those lots, only bushes that had been sculpted by the wind over years. He wondered if those bushes were considered as trees. Mr. Vares said it would depend on the size and the species. Councilor Bell clarified that, unless there were trees, they could bush hog it. Mayor Pro Tempore Medlin would like to see a required number of trees be put back on a lot. Mr. Vares said he would add this to the ordinance.

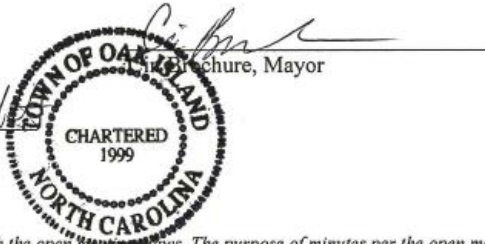
already have problems with enforcement. His department wrote 12 citations last weekend, but there were many more that could have been written. He would have to seriously study this proposal to see how his department would be able to act reliably. Councilor Winecoff said that he rode today with Ms. Stites to review parking issues; one of the things they discussed was sitting down and discussing options. This business would require a media blitz if adopted; they need to get things in the works. Mayor Brochure said has spoken with Ms. Cutler and invited her to come present her proposal; it looks like a great plan, and she thinks it is time to start a discussion and review legal aspects. Mayor Brochure added that she would rather see the business kept local, and she likes the idea of business participation.

Councilor Bell made a motion to go into closed session at 9:48 p.m. to discuss pending litigation and specific personnel pursuant to 143.318-311(a)(3) and (6). Councilor Scott seconded, and the motion passed unanimously.

Council returned at 10:01 p.m. Mayor Brochure noted that no action was taken in Closed Session.

Councilor Bell made a motion to adjourn at 10:02 p.m. Councilor Winecoff seconded and the motion passed unanimously.

ATTESTED: Lisa P. Stites
Lisa P. Stites, CMC
Town Clerk



Clerk's Statement: Minutes are in compliance with the open meeting laws. The purpose of minutes per the open meetings laws is to provide a record of the actions taken by a Council or a Board and evidence that the actions were taken according to proper procedures. All actions of the Council are recorded in the official minutes. Not all portions of Town of Oak Island meetings are recorded verbatim in the official minutes, with general discussion items, reports, presentations, and public comments being paraphrased or summarized in many instances. Public comments in writing should be submitted to the clerk via hard copy, electronic mail, or other means so as to ensure an exact verbatim account. The Town of Oak Island provides full coverage of meetings on Government Channel 8 so that the Citizens and the Public may view and listen to the meetings in their entirety.