Wilmington – New Hanover County

2006 CAMA Plan Update

APPENDIX I:
COMPILATION OF COMMENTS FROM 2/22/05 PUBLIC INPUT MEETING ON DRAFT POLICIES

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I-1: COMPILATION OF ATTENDEE COMMENTS

Most prevalent comments:

- Plan is weaker than previous plan (5)
- Vague language is non-committal and weakens the plan (lots of specific suggestions) (19)
- Environmental review process needs clarification/ strengthening (7)
- Stream buffers should be implemented/ increased (6)
- Trees and open space should be emphasized more (esp. acquisition) (9)
- Cumulative environmental impacts of development should be considered in review process (8)
- Impervious surfaces should be more restricted (5)
- Impact fees should be used to fund infrastructure (7)
- Revisit Mixed Use designation (4)
- Prohibit/restrict building in flood plain (5)
- Better coordination/provision of services such as emergency, water, and sewer is needed (6)
- Role of science/ scientists too vague (5)

*** 94 total comments**
***** *Underlined italics* indicate double underline on original comment

Attendee Comments on CAMA 2005 Draft Issues and Policies:
[Note: The following comments are unedited except to correct spelling where there was no chance of confusing intended words]]

GENERAL COMMENTS ABOUT THE PLAN

- "Wording weakens the plan."
- "The plan is a step backward."
- "Vague language should be clarified/stronger, i.e.: 1.1 'Make every effort to prevent..." versus 'prevent' or 'require.'"
- "This plan is generally *weaker* than the 1999 in terms of environmental protection."
- "This plan is much weaker then the previous plan. We need a much greater awareness of the quality of life and degradation that is now happening. Please do not weaken the previous plan."
- "Non-committal language throughout, is more observation-focused than action-focused."
- "The CAMA plan is weaker than the comprehensive plan of 1998. We should be strengthening the plan."
- "This plan is much weaker than the earlier plan. Why?"

NATURAL RESOURCES

Issue 1: Water Quality

- **Policy 1.1:** "*Prevent* further deterioration of estuarine waters..."
- **Policy 1.2:** "Maintain *or improve*..."
- **Policy 1.3:** "Establish County Stormwater Services Dept."
- **Policy 1.4:** "Make sure that scientists are part of the process."
- **Policy 1.4:** "Who is going to carefully review, and what does that mean? Will it protect resources?'
- **Policy 1.4:** "Devel. of environmental review process."
- **Policy 1.4:** "The local government & planning department have good review procedures but NOT enough attention has been given. Environmental impact of projects submitted should be

reviewed with attention paid to future impact. League of Women Voters – New Hanover (LWV-NH)."

- **Policy 1.4:** "Have a dedicated body responsible for overseeing Environ. Review Process."
- **Policy 1.4:** "... implementation of an Environmental Review Program."
- **Policy 1.5:** "(water quality) Buffers on streams and creeks"
- **Policy 1.5:** "Establish a 35' buffer zone along streams – we need to keep our waterways healthy."

Issue 2: Open Space

- **Policy 2.2:** "... master plan and require their protection."
- **Policy 2.3:** "*Require* development patterns..."
- **Policy 2.5:** "Extremely important to city development."
- **Policy 2.5:** "Development of a greenway master plan is extremely important for our quality of life & environmental preservation."
- **Policy 2.6:** "Develop a much stronger tree ordinance."
- **Policy 2.6:** "Trees – why are we not addressing this in a forceful way? The need to not just save a few individual trees but groups of smaller ones, which have an impact. We could even demand that homeowners have to plant/protect them."
- **Policy 2.9:** "Acquisition is very important."

Issue 3: Environmental Protection / Quality of Life

- **General:** "There is no statement on protecting the Cape Fear River from polluted runoff."
- **Policy 3.1:** "We need to increase the review of the cumulative impact of decisions on the environment."
- **Policy 3.2 and 3.3:** "Evaluation of *cumulative* impacts of development is important."
- **Policy 3.1, 3.2, 3.3, and 3.8:** "Evaluate cumulative impact on environment."
- **Policy 3.3:** "Who will 'carefully review' these plans? Planners? City Council? Where is the input from scientific community?"
- **Policy 3.4, 3.5, 3.7, and 3.11:** "*Restrict* impervious surfaces."
- **Policy 3.4:** "Stormwater & runoff problems are extremely serious in this county, in part due to the permissions to create impervious areas. We need to seriously hinder impervious areas that will contribute to these problems. LWV-NH"
- **Policy 3.4:** "We must lessen the amount of impervious surfaces. This is impacting more & more low lying areas (some that were never impacted before)."
- **Policy 3.4:** "How do you 'minimize?' Why not 'prohibit' or at least 'discourage'? This is particularly challenging for local governments after a natural disaster: areas & property that should be condemned are often rebuilt at taxpayers expense."
- **Policy 3.5:** "*Require* to protection..."
- **Policy 3.6:** "*Require* to protection..."
- **Policy 3.7:** "Prohibit development in flood plains."
- **Policy 3.7:** "Prohibit development in the 100-year flood plain."
- **Policy 3.8:** "Evaluation of the cumulative impacts of development *must be implemented*. Building projects do not stand alone, it impacts all of the citizens. LWV-NH"
- **Policy 3.8:** "Cumulative & secondary impacts should be thoroughly evaluated."
- **Policy 3.11 (a):** "...limited to ~~25%~~ 15% in Resource Protection & Conservation..."
- **Policy 3.11:** "Good Policies. Work to retain."
- **Policy 3.11 and 3.13:** "Buffers on creeks fro protection and maintenance."
- **Policy 3.12:** "Require *employment* of stormwater BMP."
- **Policy 3.13:** "Doesn't science show real positive effects don't kick in until >50 feet?"
- **Policy 3.13:** "...maintain a width of 35 feet..."
- **Policy 3.13:** "Note that 35 feet is very minimal to achieve results."

- **Policy 3.15:** "Can this policy be enforced? How is 'significant adverse impact' defined?"
- **Policy 3.16:** "Include *acquisition*."
- **Policy 3.16:** " 'Preserve, protect, add' rather than 'support the...'. Weak language. Non-committal language."
- **Policy 3.17:** " 'Discourage' that is weak."
- **Policy 3.21:** "Discourage or prohibit keyhole developments that allow large access impacts to small areas."
- **Policy 3.21(c):** "...& join Safe Marina Program?"
- **Policy 3.23:** "Need exception to allow private experimental projects as long as no significant adverse effects on PNA's, ORW's, or SA waters."
- **Policy 3.23:** "This statement is too broad. There needs to be flexibility similar to CAMA Rule 7H.0208(b)(1)(J) to allow dredging necessary to maintain traditional navigation."
- **Policy 3.23:** "Natural channels are filling as a result of upstream development, waterway boat traffic, storms and natural causes. Often it may be beneficial to dredge these areas to promote water exchange and thereby promote water quality and fish habitat."
- **Policy 3.23:** "By whom is the 'sound scientific and technical knowledge' supplied? Leaves the door open for commercial interests."
- **Policy 3.24:** "Should this be 'native' or 'beneficial' vegetation?"
- **Policy 3.26:** "It is not the City's place to use its resources to help people recover from their poor decisions/foresight in building in threatened areas."
- **Policy 3.27:** "Good policy."
- **Policy 3.29:** "Digging river deeper threatens to rupture *aquifer*. Move new port development to Sunny Point."

LAND USE / URBAN DESIGN

Issue 4: Land Use Demand

- **General:** "Need alternative to automobile dependence. Use existing rail right of way. Don't sell the ROW. Light rail."
- **General:** "Merge Brunswick Co. and NH Co. governments. i.e. Expand Sunny Point. Maybe also merge with Pender."

Issue 5: Urban Design and Character

- **General:** "Brunswick County now projected to go to 35,000 5-10 years."
- **General:** "Place priority on historic preservation of buildings & sites."
- **General:** "Land use concern. Skyway bridge land use/traffic congestion at Ca. Bch. Rd. intersection and area unable to support projected growth, i.e. 8000 permits."
- **General:** "Reasonable (not tiny) Impact Fees would help fund our infrastructure."
- **Policy 5.1:** "Delineate MIXED USE DEVELOPMENT from the City of Wilmington and New Hanover County CAMA Land Use Plan."
- **Policy 5.1:** " Find an alternative to Mixed Use Zoning Development such as the following for example. A. LID (Less Impact Development), B. EPA-NOAA Development – Smart Growth."
- **Policy 5.1:** "Mixed Use is negatively affecting the following:
    - Environment
        1. Storm water runoff & pollution NS
        2. Habitat
        3. OWR – Outstanding Water Resources – Example Bradley Creek
        4. Marine life
        5. Fish and wildlife
        6. Quality of Water
        7. Endangered Species

8. Water fowl
- Existing Neighborhoods – Creating problems
  1. Interconnecting streets – for 2,3,4,5 & 6
  2. Traffic
  3. Drainage
  4. Flooding
  5. Safety & health
  6. Property"

- **Policy 5.1:** "Mixed Use Zoning should be revisited and reapportioned by % as to the size in acres, as to what % commercial, as to what % residential by the size, if an alternative is not possible completely. For example: 100 acres of land to be zoned MX, 20% Max Commercial, 80% Max Residential. 10 Acres or Less: The Mixed Use in CAMA now is backwards in % of max. in commercial and max. in residential. Another example: 10 acres of land to be developed MX: 50% Commercial, 50% Residential."
- **Policy 5.1:** "Non-committal language but excellent policy."
- **Policy 5.3:** "Excellent."
- **Policy 5.5:** "(Urban sprawl) Keep urban services boundary."
- **Policy 5.5:** "Provide incentives ($) for Redevelopment vs. New development: We've got abandoned/dying retail areas downtown as we argue about mixed use on the old golf course."

TRANSPORTATION

Issue 6: Traffic

- **General:** "South Bridge: Bad idea. Streets are too overcrowded now – bridge will create impossible situation."
- **Policy 6.7:** "Port expansion at Sunny Point."

Issue 8:Corridors

- **Policy 8.2:** "Limit light pollution at entryways to Wilmington and all other roadways."

COMMUNITY INFRASTRUCTURE

Issue 9: Facilities and Services

- **Policy 9.3:** "Impact fees should be utilized to fund schools, etc. – cost of development."
- **Policy 9.3:** "Impact fees should be utilized to pay for cost of the development to the community."
- **Policy 9.3:** "Developers should definitely have to pay impact fees. They make huge amounts of money off their projects. They need to help with the necessary services to their areas."
- **Policy 9.3:** "Impact Fees. I cannot stress strongly enough the need to establish high fees to cover building schools & other non-ground-in infrastructure. Developers are surely making money building condos/ apts./ etc. instead of building individual homes. They can therefore afford to pay $5000 extra per unit."

Issue 10: Community Infrastructure

- **Policy 10.2:** "Very important to develop county Stormwater Services Dept."

Issue 11: Sewer and Water

- **Policy 11.2:** "Important to consolidate sewer and water systems."

Issue 13: Culture and Recreation

- **Policy 13.3:** "Wilmington, esp. downtown, is one of the most underserved communities I've lived in with regard to parks and green spaces. The master plan should include mechanism for funding and acquisition of property before its all built on."

Issue 14: Police and Fire

- **Policy 14.1:** "There should be a long range plan for location of facilities for police, fire and EMT. None exists today."

Issue 15: Waste

- **Policy 15.1 and 15.2:** "County-wide waste-mandatory-collection with recycling should be implemented."

HOUSING

Issue 17: Demand

- **Policy 17.2 and 17.3:** "Perhaps require developers to include a certain percentage of affordable housing within each project."
- **Policy 17.5:** "Impact fees should be utilized to pay for effects of development."

Issue 18: Special Populations

- **General:** "700 homeless figure is too low. What's your source for the count?"
- **Policy 18.1:** "City/County should take a more proactive stance. Non-profits alone can't address the issue."

HISTORIC PRESERVATION

Issue 21: Historic Preservation

- **General:** "Change something! If we can lose the Babies Hospital and the Ice House within a one year time span, then something is wrong."

STORM / NATURAL HAZARDS

Issue 22: Land Use and Safety

- **Policy 22.2:** "*No development* in 100-year floodplain."

I-2: WRITTEN COMMENTS PROVIDED BY CAPE FEAR GROUP OF THE SIERRA CLUB

From: "Carol B. Johnson" <cjohnson64@ec.rr.com>
SendTo: <Phil.Prete@ci.wilmington.nc.us>
Subject: RE: Comments on CAMA Plan
PostedDate: 02/23/2005 07:40:38 PM
DeliveredDate: 02/23/2005 07:40:53 PM

Phil,

Thank you for your note. This on line copy does not have the map to which I referred on page three – but I'm sure you all have access to that info. It is of Indian Creek - from its head waters where Hugo Neu plans to build the oversized 420 foot (latest height about which I have heard would be ..could be incorrect) landfill of auto residue after "recycled" out the marketable stuff from the chunks trucked and barged down here. If that isn't a threat to New Hanover water quality, what is. The CAMA county format not allow comment on those matters – like safety of liners in "next county" (EPA says all liners leak), and hazard to waterways from barges. I'm sure the CRC never imagined such topics that would be relevant to coastal integrity. The "stations" format not allow for comment upon elements not mentioned in the plan, or for overview on the themes suggested by the details of changes in the plan.

I spent many years in government planning, so have some knowledge of how difficult it is to work on these Master Plans. I do thank you and your staff for the many hours of work that must be put in just to get the document together and discussed regularly – ready for public consumption. However, I sure hope serious steps can be taken to open up the discussion to a much deeper and wider public scrutiny. Although in the short term that will present problems of its own for goal setting and organization, it will be worth it in the long run.

Most of my work will be with the Sierra Club at the state Chapter level now, working on the new Solid Waste Committee. So I will not be stopping in any more on the local issues – the job for other members. I hope my eight pages help rather then hinder the future process.

Again, Thank You. Carol J.

CAMA PLAN UPDATE 2005, from print out 2/15/05 PUBLIC HEARING COMMENTARY

To be submitted at the New Hanover Branch Library
February 22, 2005

From: Cape Fear Group of the Sierra Club, Vice Chair - Carol B. Johnson,

Home Address: 1009 Creekside Lane, Wilmington, NC 28411 (H) 910-681-1161

To: Staff for CAMA Planning

The Cape Fear Group of the Sierra Club thanks you for the opportunity to submit feedback to your CAMA Plan Advisory Board Public Hearing.

Over the past four months during Advisory Board meetings, the Cape Fear Group of the Sierra Club has noted a critical weakening of the language of the Coastal Area Management Act (CAMA), whose purpose, mandated by the Coastal Resources Commission (CRC) established in 1972, intended integrated land use planning to address degradations in NC coastal environments and to protect the NC coast from future environmental degradations. The current draft seems bereft of measurable standards, most of which were in earlier drafts, that would enable it to meet its mandated purpose and goals.

To perhaps correct some of the imbalance of the changes in the document the past four months, we would recommend that Advisory Board meetings themselves be televised so that the citizens of New Hanover Country have a way of truly participating in the construction of this document which is critical to all of our futures here in Coastal North Carolina. Today's proceedings should also be televised – (as are commissioner and city council meetings)..We respect the right of the developer community to pursue its interests; however, democracy depends upon participation of all the elements of a given community.

Indeed, it would help the process of balance and education about the environmental factors in the current CAMA if today's feedback process to the Advisory Board if the procedure itself were more traditional – one that allowed listening by all.

It may be the case that CAMA needs correction of this atrophied element of public participation through legislation addressing a more informed give and take between the public and the authors of this document - after a Roundtable discussion of how that might be accomplished.
There is not much point of creating a document of "should's" without hard core standards by which to measure problems and outcomes. The current document, although lofty in its intent, lacks the teeth, it once had, to be truly meaningful.

The recommendations submitted below outline the surgery that this document has been through, so that an attentive reader can notice the consistent weakening of language when it comes to specifics of its well meant guidelines. We hope this can be corrected.

Submitted below are recommendations that would restore earlier language, and recommendations for even stronger language than the working draft documents of and following November 5, 2004. The comments are in smaller type red, about contextual words highlighted and underlined in red.

Taken from the Draft of 2/15/05 which can be found On Line at www.camaPlan.com , below are our recommendations for line items in the sections that include:

NATURAL RESOURCES

Issue 1: Water Quality
Issue 2: Open Space
Issue 3: Environmental Protection / Quality of Life
Natural Resources Constraints
Areas of Environmental Concern
Potable Water Supply
Other Fragile or Hazardous Material
Air Quality

Issue 7: Environment

NATURAL RESOURCES

Issue 1: Water Quality

- Degraded (Recommend **"Continued declining"** as used in draft 11/5/04 to make clear the on-going deteriorating crisis situation that maintaining water quality faces.) water quality has led to strong community desire for greater protection and enhancement of surface and ground water quality to bring all coastal water up to the highest quality possible. Recommend: " to bring all coastal water up to _____x_____ condition. (use a governmentally recognized standard that can be **measured** – such as EPA standards, Clean Water Act standards, etc. . For example when a creek is rated "**Pristine"** it has a marine-biology rated standard meaning.)

Policies: The City of Wilmington and New Hanover County shall:

Make every effort.; Recommend: Drop words "Make every effort to" and lead sentence with "**Prevent**…" (as was in draft of 11/5/05)

1.1 to prevent further deterioration of estuarine water quality and loss of public trust uses in the creeks and sounds and improve water quality in all surface water bodies so that each water body meets its use designation as determined by the Divisions of Water Quality, Marine Fisheries, Heath, and E.P.A

1.2 Maintain water quality levels in all surface water bodies once their use-designation has been achieved. Recommend insert added language adding "**according to _____X_____ standards**."

1.3 Ensure the protection of water quality throughout the Cape Fear River Basin and the management and maintenance of drainage within coastal watersheds through participation in the development of regional water quality / stormwater management programs. (Name **which programs** – current statement is too vague.)

1.4 Ensure the protection, preservation and wise use of our natural resources by careful review and consideration of the potentially adverse environmental impacts of development Recommend: return to earlier draft language (11/5/04): "of the anticipated impacts of development". through the creation and implementation of an environmental review process. Strongly recommend that **North Carolina legislate a mandated Environmental Impact Statement** before any developers petitions are considered - that has teeth taken from EPA Standards, as have other states. Then the language "environmental review process" would be standardized and able to be held accountable in court. "Environmental review process" has no meaning. Earlier draft discussion paper of 12/8/05 suggested language of "Environmental Review Program", which is better than "process", but still not clearly identified in legislation.

1.5 Provide further protection and improvement of water quality through revisions to

City and County ordinances that specify standards for water quality, buffers, setbacks, density, impervious surface, and overlay corridors. Such standards should consider estuarine, river and stream, (restore "**and feeder creeks**" language in draft of 11/05/04) water quality; and should build upon existing information including the Cape Fear Basinwide Plan, and ordinances.

Note: A major problem with the CAMA is its county focus, instead of addressing an integral watershed. Certain potentially hazardous matters do not come under review because of this issue-splitting approach. For instance the presence of the feeder creek Indian Creek in the Brunswick County proposed imported regional residual car-waste landfill is not able to be considered by this CAMA, even though Indian Creek is a direct feeder into the Cape Fear River and its basin which IS in this CAMA (see attached map) Is there integration at a multi-county or state level that is reviewable in public hearings, so in the quilting together of county CAMAs critical watershed threats and needed protections are addressed?

Note: Early draft discussion of 12/8/05 had suggested language for this section stating, "It is the intent of this plan to provide further protection and improvement of our water quality through our Unified Development Ordinance (UDO) revisions to City and County ordinances surface and overlay corridors." Where is the UDO? It should be part of the CAMA plan since addresses these issues.

Earlier discussions (Key Policies review paper of 12-8-05) suggested language giving the tone and intent of this plan be included in this section, which would have added that it was "the intent of this plan" that it "Ensure the preservation of adequate open space for its continued enjoyment and contribution to our community today and for generations to come, to protect our natural environment and wildlife habitats, and to provide educational recreational opportunities." That this language is lost, and not stated elsewhere in this draft CAMA, means an over-arching purpose of the CAMA is left unarticulated. This impairs future CAMA revisionists (required update every 2-3 years) from seeking to remain true to the over-riding intent of this document. The language should be reinserted here, or else where prefacing the document line items.

Issue 2: Open Space

2.2 Identify and protect wildlife corridors as part of the natural area master plan and protect those resources or mitigate their loss as part of the development process. Replace underlined words with: "**require** protection of those resources".

2.3 Encourage development patterns that maximize preservation of natural areas, buffers, and trees by developing standards for cluster development and other development types that allow greater design flexibility. Replace underlined with earlier discussion language of 12-8-05 : "n order to allow greater design flexibility that **maximizes preservation** of natural areas."

2.4 Identify mechanisms to preserve high quality farmlands and commercial woodlands. Add earlier parentheses "(inventory as strategy)" from draft of 11/5/04.

2.5 Develop a greenway master plan that integrates Airlie Gardens with other parks, open space, and natural areas targeted in a natural area preservation plan to achieve the following goals: provide public open space; protect water quality, the natural environment, and the coastal landscape; provide educational opportunities; and assure perpetual accessibility to **enjoyment by** (from 12/8/04 discussion draft) the community.

Note: "accessibility" is not enough. Witness current status of Greenfield Lake which has "accessibility" but is can no longer be "enjoyed" by the public due to smell secondary to storm water runoff from being surrounded by more than 60% impervious surfaces from unchecked development.

Issue 3: Environmental Protection / Quality of Life

3.1 Preserve and restore shell fishing to all SA waters and restore the water quality of all non-supporting surface waters, designated or formerly designated, (restoring language from Discussion Draft 12-8-04) to levels necessary to support their use designations.

3.2 Protect the Cape Fear River from the cumulative impacts of development by supporting the development and implementation of a Total Maximum Daily Limit (TMDL) to balance impacts from wastewater treatment plant ensuring that industrial discharges and upstream point and non-point sources of pollutants permitting does not exceed the river's carrying capacity. (This restores the language of the Draft discussion of 12-8-04 which **quantifies** the protection level.)

3.3 Protect Cape Fear River from cumulative impacts of development by carefully reviewing development plans and enforcing measures to minimize their potential impacts from runoff or discharge of sediment, nutrients, and other pollutants to the river. Note: **"carefully reviewing" does not carry a standard** by which the development plans must be held to in the review process. **"Minimize" carries no measurement**. Needs to be replaced with meaningful laws / ordinances which describe which standard development plans must be held to – how rated, how graded, what must be changed before can develop in planned area. Recommend: Environmental Impact Statement standard be mandatory element to ALL development in New Hanover area, directly on river and not on river itself. All of New Hanover is in water sheds.

3.4 Minimize dense development activities in ocean erodible areas, high hazard areas, and coastal and federally regulated wetland to protect public safety, reduce the risk of property damage, and provide for the long-term protection and management of these environmentally significant resources due to their natural role in the integrity of the coastal region. Note: **"Minimize" to WHAT STANDARD**?? This statement holds no measurable meaning.

3.5 Ensure the protection of coastal and federally regulated wetlands that that have important functional significance through early identification in the developmental process. Review of development proposals should seek to achieve the hierarchical goals of impact avoidance, minimization, and/or compensation. Note: "Ensure" carries no meaning, no matter how lofty the goal. HOW will the coast and wetlands be protection. Held to what standard. COMPENSATION - are the fines for violating WHAT STANDARD meaningful… ? Need to start at a million, not at $15,000. Now compensatory costs are simply built in to the cost of "doing business" in New Hanover County.

3.6 Ensure the protection of undeveloped barrier and estuarine system islands by avoiding development supporting research and passive recreation as their primary uses, and identifying such islands as prime candidates for public acquisition. Recommend: replace with **prohibit** . "Avoiding" has no clout.

3.7 Carefully control development (insert language naming **by what standard**) activities within the 100-year floodplain to minimize density ("minimize" and "density" **defined by whom ?**) and impervious surfaces and require low intensity uses, such as open space and recreation, to protect the public safety, reduce the risk of property damage, and provide for the long-term protection and management of these environmentally significant resources. The following standards shall apply:

a. Limited, exceptionally designed industrial, commercial and residential development project may be allowed within the floodplain only where it can

be demonstrated that the project cannot be located out of the floodplain and where adverse impact to the estuarine system can be shown to be negligible. **Note: This appears to be carte blanche permission to develop industrial, commercial or residential IN the floodplain which was stated in the paragraph of ilne item 3.7 above, to allow only open space and recreational use. Furthermore, after being given permission in this modification "a" it leaves leaves the definition of "negligible" up to the developer! This is contrary to the whole purpose of CAMA.**

b. All projects shall comply with hierarchical review standards (insert **which standards**) of impact avoidance, minimization, and compensation for unavoidable impacts. (Again, "compensation for unavoidable impacts" is carte blanche permission to have impacts at all, which the review process is supposed to prohibit.)

3.8 Protect the health of the ecosystem by requiring the consideration (to what standard?) in all land use decisions and in the development or revision of local plans, capital facilities, services, and ordinances of the cumulative and secondary impacts of land use and development and the limited carrying capacity of coastal ecosystems.

3.11 Carefully control development and redevelopment activities within estuarine watersheds and other AEC's to prevent the degradation of water quality in the creeks and sounds, to protect the public health, and to ensure the protection of these vital natural resources by reducing nutrient, pesticide, sediment and other pollutants (Recommend: replace with earlier language of draft 2-8-04: "harmful loadings" – more inclusive) (add earlier language of 2-8-04 "through the use of density controls, setbacks, buffers, impervious surface limits, and other means.) The following standards shall apply:

Recommend: earlier "a" be restored from Draft 11-5-04, which read: Limit Density**. Density shall be limited to 2.5 units/acre or less in Resource Protection and Conservation areas**.

a. (will become "b") Impervious surface coverage shall be limited to twenty-five percent (25% (Recommend: restore to **" fifteen percent (15%)** " as stood in Draft 11-5-04). in Resource Protection and Conservation areas with increases allowed for exceptionally designed projects with stormwater controls that demonstrate equivalent protection.

b. (Will become "c") Add per draft discussion 12-8-04: "Increase existing setbacks and establish a " natural vegetative buffer. Natural vegetative buffers shall be established to effectively filter runoff before it enters surface waters.

c.

3.12n.b. THIS IS WHERE NUMBER OF LINE ITEMS CHANGE FROM FROM NOV. 5, 04 DRAFT. IN 2/13/05 DRAFT LANGUAGE WAS INSERTED FOR A NEW LINE ITEM ABOUT BMP RETROFITS. Therefore, line item that was 3.12 in early drafts has become 3.13. It discusses discussion of the proposed 35 foot buffer. There was much disagreement on this matter, thus the caveat in the 2-15-05 draft. However, elements of **what had been proposed should be reintroduced for discussion.** CBJ

3.13 To preserve, protect, and restore water quality and vital estuarine

resources, a naturally vegetated buffer with a width of 35 (linear – per draft discussion 2-8-04) feet shall be
established or maintained from top of bank along designated streams.
Recommend: Reinsert language of draft discussion document of 12-8-04: "established or maintained within established setback areas defined as Conservation Overlay Districts (COD's) and along **'blue line' streams.)** The determination and management of buffers must balance the above stated goals with the property owner's right to develop and use the property. (Note " Adequate data has not been made available for the Advisory Panel to evaluate the impact of this policy. Upon completion of a map of affected areas, the Panel will evaluate the policy for potential inclusion into the plan.). Recommend reinsert the modifying sentences from Draft Discussion Document 12-8-04: "Guidelines for standards to maintain, alter, and properly manage vegetation within the buffer areas should be established within the Unified Development Ordinance (UDO) process and should be included in the COD guidelines.

3.14 Encourage development away from exceptional and significant wetland and areas of environmental concern (AEC's) and by allowing greater design flexibility in cluster development and other alternative development types.
Recommend return to language of first part of sentence from this section in draft of 11-5-04) : "Limit density in hydric soils and AECs . **We do not endorse "encouraging cluster development in these areas"** 11.5.04 or similar language in any of the draft or draft discussions. It is our contention **AEC's are AEC's for a reason, and require protection from development.**

AREAS OF ENVIRONMENTAL CONCERN:

3.17 Discourage (change to "Prohibit") the development of undeveloped barrier and estuarine system islands.

Lastly, we would like to support the concept of Urban Service Areas referred to in sections 5.1 and 9.1 of the CAMA - sensitive development tuned into meaningful transportation systems, and vice versa.

Thank you. Carol Johnson, Local Group of the Sierra Club, Vice Chair.

I-3: WRITTEN COMMENTS PROVIDED BY CAPE FEAR RIVER WATCH

February 21, 2005

Mr. Phil Prete
Environmental Planner
City of Wilmington

Subject: Comments on CAMA Plan Update

Cape Fear River Watch appreciates the opportunity to comment on the proposed 2005 CAMA Plan Update.
We base our comments on the following observations:

- New Hanover County receiving waters continue to deteriorate.
- Easily buildable land in New Hanover County is rapidly declining. The remaining land is environmentally sensitive.
- Existing development and construction sites together are a large, if not the largest, cause of water pollution in our area.

For these reasons, New Hanover County needs increased environmental awareness and protection for ourselves and for future generations. Unfortunately, the proposed 2005 CAMA Plan Update is an environmental step backwards and should be upgraded to meet our needs. The major environmental considerations for the 2005 CAMA Plan Update should be:
--Initiate environmental plans which do more than just bless current development patterns. These must be backed up by ordinances that make the plans meaningful and give them some "teeth."
--adequately and aggressively consider the secondary and cumulative impacts of all projects in land use ad infrastructure decision-making.
--The County should start a Storm Water Services Department or team with the city to extend stormwater management programs into unincorporated areas.
--The County should submit an application to the state for a full Phase II NPDES stormwater management program, covering all unincorporated areas, not just county owned properties.

Our detailed comments:
<u>Issue 1</u>

- 1.1--"Make every effort" is not definitive enough. As resource planning professionals, you well know that these are "weasel words." We recommend that you delete these words and start with "Prevent" in order to put a little more teeth into this plan and start solving known problems.
- 1.2--Add "or improve" after "maintain."
- 1.3-Under this Section, as well as Issue 10, it should be stated that the County start a Storm Water Services Department similar to that of the City.
- 1.4--The environmental review process should be made more specific. How will it work? We suggest the City and County require an environmental review depending on land classification and location--any commercial development ½ acre or more and a residential review for three lots or more. This should include a review of secondary and cumulative impacts to make the community aware of total impacts of the project in question.
- 1.5—Add "lake" water quality to cover Greenfield Lake and other lakes and ponds in the area.

Issue 2

- 2.2—Be careful to not rely on mitigation. You should have specific criteria for when mitigation is allowed and what "constitutes "mitigation." Replacing high quality wetland functions with a "duck pond" should be avoided.
- 2.3--Substitute "Require" for "Encourage."
- 2.4—Delete "commercial."
- 2.9—Develop an inventory of these opportunities.

Issue 3

- In the initial statement of the issue, replace "growth" with "sustainability." Growth should not be a goal in and of itself.
- 3.2—Replace "balance" with "minimize."
- 3.2 & 3.3--You should add a statement on protecting the Cape Fear River from polluted runoff by implementing a comprehensive Phase II NPDES storm water Management program. So far, the County has refused to participate fully in Phase II applications. Runoff directly affects County pollutant loadings related to the TMDL, as well as sediment, nutrients and other pollutants. The County should participate fully.
- 3.4—Delete "dense." After the word "wetlands'" add " and those buffer areas critical to their protection."
- 3.5—Delete "that have important functional significance." Our comment for 2.2 applies here as well when you talk about "compensation."
- 3.7--There should be no habitable building allowed in the 100-year floodplain similar to floodplain requirements in other localities across the nation.
- 3.8—We endorse this statement. It should apply to expansion of wastewater treatment facilities as well.
- What happens when the second sentence is in conflict with the first sentence of this statement? Support for state or federal projects should be subject to the criteria in the first sentence.
- 3.11--Significant scientific data exists to show that storm water runoff from areas greater than 12% impervious surface leads to water pollution. Coupled with the deleting of the limit of 2.5 units/acre in Resource and Conservation areas, the impervious limit should be retained at 12% to maintain County control of a potential problem. The statement on vegetative buffers, while laudatory, should be made more specific.
- 3.12--"Employ" should be "Require". You should also establish an inventory of projects to be considered for funding.
- 3.13—Explain what is meant by "designated streams."
- 3.18--Package treatment plants are inefficient and subject to poor maintenance. They should not be allowed.
- 3.19—This requirement should apply everywhere, not just in Conservation and Resource Protection areas. The old Urban Services Boundary has been replaced with something called the Urban Services Area. To make this work, there will need to be close attention to land use using the environmental process and secondary impacts consideration.
- 3.20--This is a new section. What is meant by "off-site land application"? If it means untreated wastewater on land, this is a definite slam dunk decision. There should be no "off-site land application" in an urban county like New Hanover County. "Public sewer system is not feasible" is not a defendable governmental position.

- 3.26--This section should include references to federal regulations that limit this section.
- 3.29 and 3.31--The best way to protect groundwater aquifers is not to use them. Let these items indicate a preference for the use of Cape Fear River water.
- 3.30—Replace "mining" with "any."

Issue 4
- 4.2-No water or sewer service now exists along Hwy. 421. The County should develop a priority project to make them available.

Issue 5
- Include a statement that the city and county will evaluate the feasibility of a combined City-County Planning Department.
- It states that "There are no urban growth boundaries preventing the continuation of urban sprawl and undesirable growth patterns." This seems to be a good reason to not do away with the Urban Growth Boundary and replace it with the Urban Services Area. We don't see any action items under Issue 5 that adequately address this statement.
- 5.4—You need to include some detail as to how this will be accomplished.
- 5.6—Include consideration of a bond issue.

Issue 9
- 9.1--Same comments as for section 3.19. Carefully review projects for the new Urban Services Area.
- 9.2—See first comment under Issue 5.

Issue 10
- This section should clearly state that the County organize a Storm Water Services Department similar to the City Department or develop an interlocal agreement with the city to provide the same level of services in unincorporated areas.
- Include a statement that the city and county will develop pet waste ordinances that cover the entire county.
- 10.1—This needs more detail.

Issue 11
- 11.2--This should be a priority recommendation.

Issue 15
- 15.2—The waste related education component should be broader than just household hazardous waste.

Issue 22
- 22.2--There should be no habitable dwellings allowed in the 100-year floodplain.

I-4: WRITTEN COMMENTS PROVIDED BY THE LEAGUE OF WOMEN VOTERS

From: <audrey_a@bellsouth.net>
SendTo: <Phil.Prete@ci.wilmington.nc.us>
Subject: comments on CAMA plan
PostedDate: 02/23/2005 09:46:56 PM

February 22, 2005

CAMA LAND USE PLAN COMMENTS
LEAGUE OF WOMEN VOTERS OF NEW HANOVER COUNTY

The League of Women Voters has a number of concerns about the CAMA Land Use Plan and its implementation. The most important is that it is far weaker than Comprehensive Plan of l998. After years of catering to developers and their interests and a growing public outcry about the environmental and aesthetic condition of our county, we are distressed that many of the former statements are being softened and will give license to even more abuses. The committee SHOULD NOT weaken the former plan. Our government should make it even stronger in this revision. There are five provisions we consider the highest priority and wish to formally address:

1. Development of an Environmental Review Process
2. A 35 ft. Buffer on Designated Streams
3. Stricter Limits on Impervious Surfaces
4. Attention to the Cumulative Impacts of Development on the Environment,
5. The Continuation of a Boundary for Urban Services.

Development of an environmental review process.

This is stated in 1.4 of the Plan.

We do not believe that our local governments and planning departments have had good review procedures in the past, nor has much attention been paid. An environmental review process, with an adequate functioning committee or board should be set up to review all building and development projects and plans to forecast environmental impact (and cumulative environmental impact) for the future.

This should be of the highest priority since all the other elements of the CAMA plan are directly related.

The evaluation of the cumulative impacts of development.
There are several areas in Section 3 which relate to this provision. (3.2, 3.3, 3.8, 3.1) It is a practice we simply must begin to implement. No building project stands alone; it has an effect on the project next door and each project will have influences on the environment in the coming years. These should be considered and planned for.

Inclusion of a 35’ buffer on designated streams.

The buffer is mentioned in several parts of the plan, 1.5, under water quality and the necessity for buffers and in Section 3, specifically 3.11 and 3.13 in referring to the protection of streams and the control of development. A number of streams are inaccessible for maintenance and for

proper cleaning and dredging. Buffers would also allow continued and natural development of plants along the streams and creeks for healthy eco-systems and water quality.

Stricter limits on impervious surfaces in sensitive environmental areas.

The problem of impervious surfaces is mentioned in several statements in Section 3.
3.4, 3.5, 3.7, 3.11.

Our stormwater and runoff problems are very serious in this county, party due to the excessive permissions to create impervious areas. We still see it: all at once a whole new area of blacktop or pavement is created at the expense of the environment surrounding it. The LIMITS have themselves been far too limited. We need to clamp down very seriously on the creation of any areas which will contribute to our stormwater and water quality problems.

Continuation of the urban service boundary.

Section 5 is related to this provision, specifically 5.5. We believe that the boundary for urban service should not be extended in order that development beyond the boundary be discouraged. If the developer is responsible for providing the services, it will make the area less desirable. There is much to be done in improving and upgrading the services we are now providing. We should not be offering those services to any more households or areas without very careful scrutiny.

Audrey Albrecht
President

APPENDIX J:
CITY AND COUNTY DEPARTMENT CONTACTS

Department and Address	Phone Number
New Hanover County Manager 320 Chestnut St, Room 502 Wilmington, NC 28401	(910) 341-7184
City Manager's Office, City of Wilmington 102 North Third Street Wilmington, NC 28401	(910) 341-7810
New Hanover County Planning Department 230 Market Place Drive, Suite 150 Wilmington, NC 28403	(910) 798-7165
City of Wilmington Planning Division 305 Chestnut Street, 3rd Floor Wilmington, NC 28401	(910) 254-0900
New Hanover County Finance Department 320 Chestnut Street, Room 602 Wilmington, North Carolina 28401	(910) 341-7187
City of Wilmington Finance Department 320 Chestnut Street, 1st Floor Wilmington, NC 28401	(910) 341-7822
New Hanover County Engineering Department 230 Market Place Drive Wilmington, NC 28403	(910) 798-7051
City of Wilmington Engineering Division 305 Chestnut Street, 5th Floor Wilmington, NC 28401	(910) 341-7807
New Hanover County Inspections Department 230 Market Place Drive, Suite 110 Wilmington, NC 28403	(910) 798-7151
New Hanover County Parks and Recreation Department 230 Market Place Drive, Suite 120 Wilmington, NC 28403	(910) 798-7198
City of Wilmington Parks, Recreation, and Downtown Services Division 302 Willard Street Wilmington, NC 28401	(910) 341-7855