...a Downeaster is best defined as one who prefers salt fish (notably spots) for breakfast. But mostly it is a state of mind, where the people like wooden boats and build them in back yards beneath big live oak trees...Downeast...where you can watch the sun rise boldly from the sea, feel sand between your toes, and inhale the pungence of fish brine, of marsh and pine, you may, by watching closely, find a land of dreams that is no fantasy land, but Downeast.  

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1 Picture: http://www.downeasttour.com/salter_path/salter-wecome.htm (Salter Path, NC)
2 Quote: Bob Simpson’s When the Water Smokes  (http://www.downeasttour.com/mission.htm)
ABSTRACT

Coastal North Carolina is facing a crisis. Small towns up and down the coast are facing development pressures, population booms, environmental degradation, and loss of the working waterfront and traditional cultures. The cluster of communities known as Down East is especially susceptible to these pressures. These communities are unzoned and unincorporated. Therefore, the Carteret County Commissioners have full decision-making power over the communities of Down East. My masters project serves as a resource document that will educate and guide Down East through its fight for sustainable development, environmental restoration and economic improvement. The necessary information exists, but its not all in one place, its not easy to find and its hard to understand. This includes information on incorporation, smart growth, low impact development and economic renewal. Therefore, this guide pulls together all of the relevant information into one document and includes numerous examples. Information on current activities involving the problems Down East and on future research possibilities is also provided at the end of the resource document. Most importantly, the guide is a neutral and unbiased collection of relevant information. Therefore, I will not be making any recommendations at the end of the guide. I have simply tried to provide an unbiased summary of the information necessary for Down East residents to make an informed decision about their future.
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INTRODUCTION

Coastal North Carolina is facing a crisis. Small towns up and down the coast are facing development pressures, population booms, environmental degradation, and loss of the working waterfront and traditional cultures. The cluster of communities known as Down East is especially susceptible to these pressures. Down East includes the area east of the North River Bridge and is comprised of the communities known as Cedar Island, Lola, Atlantic, Sea Level, Stacy, Davis, Williston, Smyrna, Otway, Bettie, Harkers Island, Straits, Gloucester and Marshallberg.

Figure 1: Map of Down East, North Carolina
The residents of Down East have a strong sense of pride in their traditions and culture. “…a Downeaster is best defined as one who prefers salt fish for breakfast. But mostly it is a state of mind, where people like wooden boats and build them in their backyards beneath big live oak trees…Downeasters are the hard-working people who make up the backbone of the land, independent, strong, proud, the salt of the earth…Downeast…where you can watch the sun rise boldly from the sea, feel sand between your toes, and inhale the pungence of fish brine, or marsh and pine, you may, by watching closely, find a land of dreams that is no fantasy land, but Downeast” (Simpson 1990).

The history of Down East is based around fishing, fishing related activities and boat building. The area was “built by settlers who wished to fish the bounty of the sea and farm the rich soil” (Salsi and Eubanks 2003). Generations of descendents have been gifted in fishing and boat building, with the area known for its history of master boat builders (Salsi and Eubanks 2003).

Despite this rich history of fishing and boat building, Down East is at a crossroads. “In the 1990s the quaint fishing village appeal of the Down East Communities and the close-knit lifestyle has been threatened by the development of land which has attracted second-home owners, retirees and vacationers” (Salsi and Eubanks 2003). Down East, once an isolated group of fishing communities, is starting to face the development pressures that the rest of coastal North Carolina is experiencing. This development can lead to rapid population increases, environmental degradation, loss of the working waterfront and loss of traditional cultures. The Down East communities are also experiencing a change in economic activities.

The residents of Down East are concerned with the loss of public water access, the loss of their cultural heritage and a changing landscape that threatens the appearance of the traditional
fishing village. For example, the town of Marshallberg and Down East Tomorrow, a non-profit organization, are currently involved in a legal fight to save Marshallberg Harbor. Private owners of the land surrounding the harbor are trying to privatize access to the water. This would eliminate the main water access for the town of Marshallberg and would force some fishermen to find another docking location for their boats.

All of Down East is currently unincorporated and unzoned. Therefore, the Carteret County Board of Commissioners has full decision-making power over Down East. The public has a right to state their opinions during County Commissioners’ meetings, but the Commissioners are only required to follow state laws, federal laws, and the Carteret County land Use plan when making decisions concerning Down East. Therefore, there is a lack of communication and cooperation between the County Commissioners, who make the decisions, and the residents of Down East, who have to live with the decisions. Down East is at the mercy of the county because the residents have little chance of influencing decisions.

In addition, the majority of Carteret County Commissioners are pro-development. For example, during the County Commissioners’ meeting on September 11th, 2006, an alternative Down East Conservation Ordinance was approved by a four to three vote. This alternative ordinance was not presented ahead of time and therefore, no one was able to agree or disagree with the new ordinance. The residents of Down East face an uphill battle against the County Commissioners, with Commissioner Jonathon Robinson, a Down East fisherman, being their biggest, and possibly only, ally.

Most Down East residents recognize these problems, but they do not know what to do about them. All that the residents know is that they don’t want to become the next Harkers Island. Harkers Island is a Down East community that has been transformed by developers. For
example, the first four rows of the island are now multi-million dollar homes and the harbor now contains more yachts than fishing boats. Therefore, Harkers Island is acting as a blueprint for what the other Down East communities don’t want to become.

Therefore, following this introduction is a resource document that will help guide the residents of Down East in their fight for sustainable development, environmental restoration and economic improvement. The necessary information exists, but its not all in one place, its not easy to find and its hard to understand. This includes information on incorporation, smart growth, low impact development and economic renewal. Therefore, this resource document pulls together all of the relevant information into one document and includes numerous examples. These examples are an important feature of the guide because they show that things like smart growth and low impact development are not just theories, but that they are really working in other places, even in other North Carolina coastal towns. Most importantly, the guide is a neutral and unbiased collection of relevant information. Therefore, I will not be making any recommendations at the end of the guide. I have simply tried to provide an unbiased summary of the information necessary for Down East residents to make an informed decision about their future.

Another goal of this resource document was to realize that the residents of Down East have a strong connection to the natural environment and most want to protect it, but also that these communities are struggling economically. Therefore, the resource document will show that it is possible for Down East to develop in a smart way that limits environmental and cultural impacts, but also improves the economic condition of the community. Down East must find a common ground between economic development and environmental conservation. This can
come through low impact development, smart growth, land use planning and economic renewal principles.

The guide is also split into sections so that it is easier to understand and so that the reader can go directly to the section that they are interested in. There are sections on incorporation, community planning, smart growth, low impact development, economic renewal, current activities, and future research.
INCORPORATION

This section will discuss the benefits and costs of incorporation, the process that a town must go through in order to incorporate, the opportunities and responsibilities of incorporation, how to finance a newly incorporated town and how to form a town government. Included at the end of this section are a model town budget and a sample town charter.

Gloucester was, and still is, a good place to grow up and live. In all my travels over the years, there is no prettier site than crossing the North River Bridge heading East, knowing you are almost home.

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3 The majority of the incorporation section, unless directly cited, is taken from:
4 Picture: http://www.downteasttour.com/gloucester-welcome.htm (Gloucester, NC)
5 Quote: http://www.downteasttour.com/gloucester-welcome.htm
A community collectively decides to incorporate as a town because its citizens want one or more of the advantages that accompany town government. One of these advantages is that the town is now authorized to provide the entire range of services associated with a town government, such as police and fire protection, street maintenance, solid waste collection and disposal, water and sewer services, and recreation facilities. North Carolina law allows, but does not require every incorporated town to provide the full range of community services. After incorporating, the town, through its elected governing board, decides which services, if any, it will provide.

Incorporation also gives ordinance-making powers that allow a town to regulate its citizens and their property. The most common ordinances created when a town incorporates are those that zone property, control dogs, limit commercial solicitation, and restrict the use of firearms. A third advantage to incorporation is that the town no longer faces the possibility of annexation by a neighboring city. Finally, a variety of other advantages and rights accompany incorporation. For example, an incorporated town is eligible to receive federal and state grants or loans that an unincorporated community is not eligible to receive.

A variety of benefits are given to a community that decides to incorporate, but there are also costs directly related to these benefits. For example, it costs money to provide town services and most of this money must be collected through taxation. Also, not all citizens may agree with certain town regulations, with some welcoming the new regulations and others viewing them as unnecessary encroachments on their freedom. Therefore, citizens must weigh the costs and benefits of incorporation as they apply to the particular circumstances of their community. For
example, citizens should consider how serious the need is for services or regulations and how much these services would cost.

**How to Incorporate**

Under current North Carolina law, a town may only be incorporated by an act of the General Assembly. The General Assembly is not bound by any standards of population density, development, or tax base. For example, the General Assembly may incorporate an area with only a few residents and a largely rural character, or it may incorporate an area in anticipation of development, before a town even exists. A North Carolina constitutional provision requires that certain incorporations be approved by a three-fifths vote in the General Assembly. These include communities that lie within 1 mile of the limits of an existing city with a 5,000+ population, within 3 miles of a city with a 10,000+ population, within 4 miles of a city with a 25,000+ population, or within 5 miles of a city with a 50,000+ population.

The General Assembly may also seek the advice of the Joint Legislative Commission on Municipal Incorporations. This commission may only act on incorporation proposals that are received at least 60 days before the next regular legislative session and that include a petition signed by 15 percent of the registered voters in the area proposed for incorporation. When analyzing an incorporation proposal, the commission is directed to consider the town’s proximity to existing towns or cities, its population, the nature and degree of its development, and whether it will be able to provide municipal services at a reasonable tax rate. The commission makes either a positive or negative recommendation to the General Assembly regarding the proposed incorporation after the investigation is concluded. A negative recommendation is required if the proposed town is close enough to an existing city or town to require a three fifths vote in the General Assembly for incorporation, the proposed town has a population of less than 100, the
proposed town has less than 40 percent of its area in urban development, or the proposed town will be unable to provide municipal services at a reasonable tax rate.

After approving an incorporation proposal, the General Assembly may make the incorporation effective immediately or it may require the approval of the town’s residents. This decision rests with the General Assembly, as local voters have no inherent constitutional right to approve an incorporation.

In addition, Section 5 of the federal Voting Rights Act applies to 40 North Carolina counties and requires that the U.S. attorney general approve an incorporation proposal in any of these 40 counties. If a community is located within any of the 40 counties, it is the county attorney’s responsibility to seek the necessary federal approval. No North Carolina incorporation has failed to be approved under this procedure, but it may delay a referendum or the effective date of incorporation. Due to this constitutional provision, community leaders should get in touch with the legislators who represent their community in the General Assembly. If the legislators will introduce and support a bill to incorporate the community, the bill should pass with little difficulty.

There are a variety of practical concerns that a community should deal with before the General Assembly considers a bill to incorporate that community. First, the supporters of the incorporation bill need to set the tentative town limits. This will serve as a basis for drawing up the legal documents incorporating the town and as a point of reference for the community. “The General Assembly’s drafting office, which upon request of any legislator will draft the bill itself, much prefers to be given a boundary description phrased either in metes and bounds or by reference to recorded instruments such as deeds or subdivision plats; descriptions that refer only to tax maps often are inadequate.”
Once the town boundaries are determined, the total value of taxable property within the town limits should be determined. The total value of taxable property is essential to estimating the financial implications of incorporation. The county tax supervisor’s office should be able to provide the community with these figures. The community advocates of incorporation should also meet with other county officials, such as the manager, the planner and the finance officer, to determine what the county is currently involved in with the community and to become familiar with any county studies that are relevant to the community, such as land use, utility and topography studies.

The town’s charter describes the town boundaries and establishes the size, length of terms, and method of election of the town’s governing board. The charter will be essential during the process of incorporation because it gives guidelines about the town’s governing board. The proponents of incorporation have several options for how the governing board is to be structured and are required to forward their choices to the General Assembly’s drafting office. A sample town charter is included at the conclusion of this section.

Proponents of incorporation should realize that the majority of the community will want to know how much a town government will cost, especially in terms of the property tax rate. Therefore, developing a model budget for the town is a useful tool for the supporters of incorporation. For example, residents will want to know what public and private agencies are currently providing services in the community and at what cost. The model budget can be used to compare the current costs to the anticipated costs of services after the town incorporates. In addition to the model budget, visits to nearby towns of similar size are also helpful. A model town budget is included at the conclusion of this section.
The final practical concern that needs to be taken care of before the General Assembly reviews an incorporation proposal, involves the entire community. The proponents of incorporation need to know what the majority of the community thinks about incorporation. The legislative delegation will usually want concrete evidence of the community’s desire to incorporate before it begins the incorporation process. This information can be collected in a variety of ways. For example, community meetings can be held to explain incorporation and obtain responses, petitions in support of incorporation can be circulated around the community, or house-to-house surveys can be conducted that will document community needs and thoughts on incorporation. A referendum, like the Harkers Island referendum, can also gauge a community’s interest in incorporation.

**The Opportunities and Responsibilities of Incorporation**

North Carolina state law requires an incorporated town to provide only one service: enforcement of the State Building Code. However, smaller towns usually contract with the county or a nearby city in order to complete the required inspections. Most towns do provide for street maintenance, law enforcement and a few other basic core services, such as fire protection, water and sewer services, and solid waste.

The North Carolina Department of Transportation (DOT) maintains the public roads of an unincorporated community. However, once the community is incorporated, its officials meet with DOT’s district engineer and negotiate which of the public roads will become town streets and which will remain state roads. The maintenance of town streets will become the town’s responsibility and the maintenance of state roads will remain the state’s responsibility. The state typically retains responsibility for all through highways and other roads that lead to major destinations within the town; all other roads usually become the town’s responsibility. In
addition, once a town assumes responsibility for its streets, it becomes eligible for part of North Carolina’s street aid. Many small towns contract with DOT for assistance in maintaining town streets, using the street aid money for the town’s street maintenance needs. This street aid money usually covers all of a small town’s street maintenance costs.

Towns typically employ one or more police officers because sheriffs’ departments usually do not provide law enforcement within incorporated towns. North Carolina state law mandates that all police officers meet training and certification requirements of the North Carolina Criminal Justice Training and Standards Council.

Volunteer fire departments usually serve smaller communities and incorporation does not need to affect existing arrangements. If the fire department is funded by contributions, the newly incorporated town may decide to provide financial assistance, but is not required to. Similarly, if the community is part of a rural fire protection district or a county service district for fire protection, incorporation does not remove the town from this district.

A newly incorporated town may want to make no changes to its current water or sewer system. However, if the system is private, the operator may prefer that the town takeover responsibility and will sometimes deed the system to the town for a nominal amount. If there is no sewer or water system, the town will usually have to borrow in order to build a system. Water and sewer systems are very expensive to install and new towns often try to contract with a nearby city or with the county for water supply or for sewage treatment and disposal. This would significantly reduce the capital costs of installing a new water or sewage system.

A new town can also decide to provide its residents with solid waste collection and will typically find it more convenient to form a contract with a private collector. This contract will allow the town to avoid the need to purchase expensive collection vehicles.
Financing a Town

There are a variety of principle revenues that are available to a newly incorporated town. These include a property tax, a sales tax, a beer and wine tax, a franchise tax, state street aid, user charges, and ABC revenues. The property tax is the major locally controlled revenue source of local governments. North Carolina state law determines what kinds of property are taxable and therefore determines a town’s tax base. In addition, the county determines the tax valuation of all taxable property within the county’s boundaries and each town must accept those tax values. The town then levies a tax against the tax base valuation certified to it by the county. This tax is levied in June or July when the annual budget is adopted. The town may collect its own tax levy, but most towns contract with the county to collect town taxes, as well as county taxes, because tax collection is a very complicated matter.

Another major local tax source is the 2 percent sales and use tax. The tax is actually three separate taxes that are each levied by the board of county commissioners. This 2 percent sales and use tax, in addition to the state’s 4 percent sales tax, are allocated to the 100 North Carolina counties by the state. The state distributes part of a county’s allocation to the towns within that county. This allocation, determined by the county, is either based on population of the town or on the dollar amount of the town’s tax levy. Finally, the North Carolina Department of Revenue can help a community estimate how much sales tax revenue it would receive as a town.

About a quarter of North Carolina’s tax on beer and half of the state’s tax on table wine is distributed, on a per capita basis, to the cities and counties where the sale of these beverages is legal. Once a town is incorporated, it becomes eligible for the revenue from the beer and wine tax, either because the town is in a wet county or because the town had a successful beer or wine
referendum. The North Carolina Department of Revenue can also help a community estimate the prospective revenues from the beer and wine tax.

The state also levies a franchise tax on three different public utilities—electric, gas, and telephone—and shares almost all of the proceeds with its cities and towns. The revenue from a 3.09 percent tax on each utility’s gross receipts collected in each city or town is typically returned to that city or town. The North Carolina Department of Revenue can also help a community estimate the prospective revenues from a franchise tax.

A newly incorporated town must complete two tasks before it can qualify for state street aid. First, the town must have levied a property tax of at least 5 cents for the year in which the distribution is made. Second, the town must have submitted a map showing the town’s streets to the North Carolina Department of Transportation. This map must be prepared and certified by an engineer or a registered land surveyor. Money for the state street aid program comes from a state tax on both the retail and wholesale of motor vehicle fuels. The proceeds from a retail tax of 1.75 cents per gallon and from a wholesale tax of 6.5 percent are distributed to cities and towns to be used exclusively for street and sidewalk maintenance and construction. 75 percent of the proceeds are distributed based on population, while the rest is distributed on the basis of non-state street mileage within each city or town. In 1996, cities and towns received about $23 per person and $1,650 per street mile from the state street aid program. Finally, a town can get help estimating prospective revenues from state street aid from the Department of Transportation.

User charges are another source of revenue to a newly incorporated town. For example, many small towns typically charge residents for water and sewer service, garbage collection, and cemetery lots. Towns are not restricted by the state when devising user charges. However, most
towns try to develop user charges that make services, especially sewer and water, self-supporting. Revenues from user charges begin to be collected as soon as the town starts to provide the service.

Finally, the profit from local ABC systems is distributed to the local government. However, general North Carolina law allows all profits from county operated ABC systems to go directly to the county government. However, part of the profits of some county ABC systems is distributed to the towns within the county due to special legislation enacted for particular cities or counties. A newly incorporated town may receive some money from the county run ABC system if it is located within a county to which this special legislation applies.

**Starting a New Town**

It is important to understand that proceeds from the aforementioned sources of revenue will not begin to arrive until several months after incorporation. Therefore, providing money to operate during the town’s first few months is a major problem for newly incorporated towns. However, there are a variety of options that a newly incorporated town can utilize during the first few month after incorporation. For example, some suppliers of goods and services are willing to wait a few months to be paid. In addition, some residents or businesses that owe large property tax bills may be willing to pay early, especially if the town offers discounts for early payments. A town can also borrow in anticipation of future revenues. Finally, a town can delay the beginning of town services until revenues start to be received.

There are numerous other start-up steps that a town is recommended to complete. Following are six steps that David M. Lawrence, of UNC’s School of Government, recommends:

1. The new town’s officials should notify the county tax officials of the town’s existence and boundaries. The tax supervisor’s office needs to notify the town of its tax base, and
either the town or the county—depending on which will collect town taxes—must prepare tax collection records.

2. The town needs to decide whether to join the Social Security system (towns may choose whether to join; almost all do) and the state-administered Local Government Employees’ Retirement System. Information pertinent to both decisions is available from the Retirement Systems Division of the state treasurer’s office.

3. If the area within the new town has been subject to county zoning, the county’s zoning regulations expire no later than sixty days after the effective date of incorporation. The new town therefore needs to act quickly to put its own zoning in place. The county planning department can perhaps help the new town in this process.

4. The town also needs to decide whether to appoint a municipal board of elections or have town elections conducted by the county board of elections. (Most towns choose the latter alternative.) If the county board is to conduct town elections, payment arrangements must be made.

5. An engineer or a surveyor must be engaged to survey and map the town’s streets, as a condition to receiving state street aid.

6. From the outset the town should be precise in establishing and maintaining town records, particularly financial records and minutes of town and board meetings. Assistance in establishing financial records is available from the State and Local Government Finance Division of the state treasurer’s office. The certified public accountant who is engaged to perform the annual audits of town finances can be helpful as well.
In addition, there are two essential steps that the town’s first governing board should take. First, the town governing board should hold an organizational meeting where the new officials are sworn into office and the mayor pro tempore is elected from the board members. A town clerk and a town attorney should also be appointed and a schedule of regular meeting days for the board should be established during this organizational meeting. Second, the board members should learn about the limitations on their legal ability to contract with the town, in their private business capacities. In towns of less than 7,500 people, a board member can conduct private business with the town as long as that business does not exceed $15,000 per year. Therefore, board members should consult with the town attorney before entering into a contract with the town.

**Conclusion to Incorporation**

Currently, the Carteret County Commissioners typically make decisions for Down East without taking the residents’ opinions and needs into consideration. This will most likely lead to the relatively uncontrolled development of Down East. In addition, the local culture and the local environment will be threatened if the County Commissioners continue to make decisions for the Down East communities. The increased development of Down East would ultimately lead to an economic improvement for the residents, but would also negatively impact the environment and the local culture. There is a better way to improve the local economy than uncontrolled and unsustainable development that will also conserve the environment and local culture.

Incorporation would allow a Down East community to create its own zoning plan without approval from the Carteret County Commissioners. Incorporation would also allow the town to become more self-sufficient and less dependent on the county for services. The increase in taxes
is typically the main reason why residents of unincorporated towns tend to oppose incorporation. Most residents do not understand what they could gain from incorporation and worry that the new local government will just take the place of the County Commissioners and continue the same negative trends. The residents of Down East need to understand that this process can be done for them and not to them. Incorporation would allow Down East to break free of the county’s control and allow the residents to have a larger impact on decisions that affect the town. The town could allow a specific level of development, but would be able to set restrictions on this development. For example, development restrictions could include impervious surface limits and building height restrictions. Therefore, the residents could determine the level of development that is needed to improve economic conditions, but that will also preserve the local culture and the local environment. Finally, incorporation would allow the residents of Down East to control the level of economic, environmental and social impacts that occur due to the decisions that are made by the town.
SAMPLE CHARTER

The following is a sample charter for the fictional town of Boroughville taken directly from David M. Lawrence’s *Incorporation of a North Carolina Town*. The town’s charter describes the town boundaries and establishes the size, length of terms, and method of election of the town’s governing board. The charter will be essential during the process of incorporation because it gives guidelines about the town’s governing board. The proponents of incorporation have several options for how the governing board is to be structured and are required to forward their choices to the General Assembly’s drafting office.

*Charter of the Town of Boroughville*

**Chapter I**

**Incorporation and Corporate Powers**

1-1. *Incorporation and corporate powers.* The inhabitants of the Town of Boroughville are a body corporate and politic under the name “Town of Boroughville.” Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

[Comment: This chapter simply states the corporate existence of the city and gives it all the powers of cities under North Carolina Law.]

**Chapter II**

**Corporate Boundaries**

**Article 1. Town Boundaries**

2-1. *Town boundaries.* Until modified in accordance with law, the boundaries of the Town of Boroughville are as follows: [Describe boundaries.]
Article 2. Electoral District Boundaries

2-5. Electoral district boundaries. Until modified in accordance with law, the boundaries of the electoral districts of the Town of Boroughville are as follows: [Describe the district boundaries.]

[Comment: If a town is divided into districts (or wards) for purposes of electing the governing board, this section would be the appropriate place in the charter to refer to the boundaries of those districts.]

Chapter III

Governing Body

3-1. Structure of governing body; number of members.

[Choose one of two]

[A] The governing body of the Town of Boroughville is the Board of Aldermen, which has five members, and the Mayor.

OR

[B] The governing body of the Town of Boroughville is the Board of Aldermen, which has five members.

3-2. Manner of electing Board.

[Choose one of four]

[A] The qualified voters of the entire Town [nominate and] elect the members of the Board.

OR

[B] The Town is divided into five electoral districts. The qualified voters of each district [nominate and] elect one member to the Board. To be eligible for [nomination and] election to
the Board from a district and for service on the Board as member for a district, a person must reside in the district.

OR

[C] The Town is divided into five electoral districts. The qualified voters of each district nominate persons for one seat on the Board, and the qualified voters of the entire Town elect the members of the Board. To be eligible for nomination and election to the Board from a district and for service on the Board as member for a district, a person must reside in the district.

OR

[D] The Town is divided into five electoral districts, and each district is represented on the Board by one member. The qualified voters of the entire Town [nominate and] elect the members of the Board. To be eligible for [nomination and] election to the Board and for service on the Board as member for a district, a person must reside in the district.

3-3. **Term of office of Board members.**

[Choose one of two]

[A] Members of the Board are elected to two-year terms.

OR

[B] Members of the Board are elected to four-year terms. In [1983] and each four years thereafter, two members of the Board shall be elected. In [1985] and each four years thereafter, three members of the Board shall be elected.

3-4. **Election of Mayor; term of office.**

[Choose one of two]

[A] The qualified voters of the entire Town elect the Mayor. He or she is elected to a two-year term of office.
[B] At the organizational meeting of the Board following each election, the Board shall elect one of its members to serve as Mayor. The Mayor shall serve as such at the pleasure of the Board.  

[Comment: This chapter of the charter provides for those details of governing board structure that will differ from city to city and must therefore be provided for by charter. It names the governing board, provides for its size, specifies the manner of election of its members and the length of their terms, and provides for the method of electing the mayor. A discussion of each of the sections follows:]

**Section 3-1.** This section established the basic structure of the governing body. The two alternatives differ with regard to how the mayor is elected. If the mayor is elected separately by the voters, the mayor and the governing board constitute the governing body; this is alternative A. If the mayor is elected by and from the governing board, the mayor remains a member of that board, and the governing board is the governing body; this is alternative B.

Whichever alternative is selected, this section will specify the name of the governing board and the number of its members. The number, of course, can be anything, and the board might just as well be called the “Board of Commissioner” or the “Council” as the “Board of Aldermen.”

**Section 3-2.** This section specifies whether board members are to be elected at large or from electoral districts (or wards). The four options embody the four basic possibilities:

A. No districts, with all members elected at large.

B. Districts, with all members elected from districts.

C. Districts, with all members nominated by district voters but elected at large.

D. Districts, with all members required to reside in districts but elected at large.
Draft options A, B, and D all contain language in brackets that pertains to the nomination process. Whether the bracketed language will be included in a particular charter depends on whether that city will hold primary elections.

These four basic election options can be modified. A governing board might have some members elected at large and others from districts; or some of the districts might be represented by more than one member. Space does not allow for the setting out of each possible modification.

Section 3-3. This section specifies the length of governing board terms and presents two alternatives. In alternative A all members serve two-year terms; in alternative B all members serve four-year terms and the terms are staggered. (The four-year terms need not be staggered.)

If a city uses electoral districts and the members of its governing board serve staggered terms, this section should specify which district seats are to be filled in which years.

If both are simple, section 3-3 and 3-2 could easily be combined.

Section 3-4. This section details how the mayor is elected; the choice of alternative provisions should parallel that made for section 3-1. Alternative A provides for a mayor elected directly by the voters and should be used with alternative A of section 3-1. Alternative B provides for a mayor elected by and from the governing board and should be used with alternative B of section 3-1.

Within each alternative presented, the mayor’s term of office can be varied. Many mayors elected directly by the voters are elected for four-year terms. (The mayor’s term need not be the same length as that of the governing board members.) Some mayors elected by their governing boards serve established terms of one or two years.]
Chapter IV

Elections

4-1. Conduct of town elections.

[Choose one of four]

[A] Town officers shall be nominated and elected on a partisan basis, as provided by G.S. 163-291.

OR

[C] Town officers shall be elected on a nonpartisan basis and the results determined by a majority of votes cast, with a runoff election if necessary, as provided by G.S. 163-293.

OR

[D] Town officers shall be nominated and elected on a nonpartisan basis, as provided by G.S. 163-294.

[Comment: Since there is a uniform Municipal Election Law, a charter need only specify the city’s choice among the four optional methods of conducting city elections. The four options presented each embody one of the methods, and each contains the appropriate citations.]

Chapter V

Administration

5-1.

[Choose one of two]

Town to operate under council-manager plan. The Town of Boroughville operates under the council-manager plan as provided in G.S. Chapter 160A, Article 7, Part 2.
**Town to operate under mayor-council plan.** The Town of Boroughville operates under the mayor-council plan as provided in G.S. Chapter 160A, Article 7, Part 3.

*Comment:* The two possibilities presented represent a town’s decision on whether to have a manager. Whatever the decision, the section will state it and then simply refer to the general law, which contains the necessary legal framework.

**SAMPLE BUDGET**

The following is a sample budget for a town with 500 residents. The purpose of presenting this model budget is to demonstrate the financial implications of incorporation over the long run. The model budget is based on a set of assumptions that will be explained before the sample budget is presented. In addition, the model budget is for an established town, not a newly incorporated town. Therefore, the operating budget that is presented will be somewhat larger than that of a newly incorporated town. However, it is assumed that within a few years the new town would develop to a point where its operating budget will be similar to this model budget.

The model budget is also representative of independent urban communities, with both residential and business districts and with one or more industrial plants located within the town’s boundaries or nearby. Therefore, the sample budget is not representative of a resort community or a residential suburb of a larger city.

The model budget is taken directly from David M. Lawrence’s *Incorporation of a North Carolina Town*. It is important to note that this book was written in 1998 and the dollar amounts given are therefore somewhat outdated.
Assumptions

1. The town has five employees. The town clerk acts as clerk to the board, keeps the books, and collects water and sewer bills. The clerk is paid $20,000 annually. There are two police officers, each earning $21,000 a year. The other two employees act as general maintenance men—one for streets and the water and sewer system, the other for water and sewer only. One is paid $20,000 per year, the other $18,500; the water and sewer fund pays $28,000 of the total, the general fund the rest.

2. The town’s five board members are paid $150 annually, its mayor $250.

3. The town contracts for several services. The county inspects buildings and is remunerated by keeping the inspection fees. The state maintains town streets, charging for this service roughly what the town receives in the annual state street aid allocation. A private hauler collects garbage in the town, under contract with the town. A volunteer fire department provides fire protection in the town and the surrounding area. This service is funded primarily by a county contribution and private fundraising, but the town pays for insurance and vehicle maintenance.

4. The town owns four vehicles: two police cars, a tractor, and a pickup truck. (The fire department owns its own vehicles.)

5. The town serves about 225 water and sewer customers, including a few who reside outside its limits. The minimum monthly charge is $17.

6. The town’s assessed valuation is $22,500,000. The levy is $.51 per $100 valuation, and the anticipated collection percentage is not quite 97 percent.

7. The town has borrowed $975,000 from the Farmers Home Administration to develop its water and sewer system; debt service on the loan is $27,250 annually. There is no
general debt: the fire department owns its own building and equipment, and the town rents office space.

The Budget

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td><strong>General Fund</strong></td>
</tr>
<tr>
<td>Administration</td>
<td>Sources</td>
</tr>
<tr>
<td>Board</td>
<td>Property tax</td>
</tr>
<tr>
<td>Clerk</td>
<td>$1,000</td>
</tr>
<tr>
<td>Fringe benefits</td>
<td>Sales tax</td>
</tr>
<tr>
<td>Professional fees</td>
<td>$20,000</td>
</tr>
<tr>
<td>Supplies</td>
<td>Beer/wine tax</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$4,750</td>
</tr>
<tr>
<td></td>
<td>Franchise tax</td>
</tr>
<tr>
<td></td>
<td>$10,000</td>
</tr>
<tr>
<td></td>
<td>State street aid</td>
</tr>
<tr>
<td></td>
<td>$4,300</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous</td>
</tr>
<tr>
<td></td>
<td>$4,250</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>$44,300</td>
<td>$200,150</td>
</tr>
</tbody>
</table>

| Police                        |                           |
|                              | Officers (2)              |
|                              | $42,000                   |
| Fringe benefits               | $12,000                   |
| Vehicle expense               | $8,000                    |
| Capital outlay                | $3,000                    |
| Miscellaneous                 | $5,200                    |
|                              |                           |
| $70,200                       |                           |

| Streets/sanitation            |                           |
| Maintenance worker            | Insurance/bonding         |
|                               | $10,500                   |
| Fringe benefits               | $6,500                    |
| State street contract         | Utilities                 |
|                               | $16,000                   |
| Garbage collection            | $11,000                   |
| Vehicle expense               | $48,250                   |
| Street lights                 |                           |
|                               | $7,200                    |
| Miscellaneous                 |                           |
|                               | $5,200                    |
|                              |                           |
| $58,900                       | $17,500                   |

| Nondepartmental              |                           |
| Insurance/bonding            |                           |
|                               | $6,500                    |
| Utilities                    |                           |
|                               | $11,000                   |
|                              |                           |
| $17,500                      |                           |

**TOTAL**                     |                           |
| $200,150                     |                           |

| Water and Sewer Fund         | Water and Sewer Fund      |
| Maintenance workers (1.5)    | Customer charges          |
|                               | $28,000                   |
| Fringe benefits               | Miscellaneous             |
|                               | $7,250                    |
| Supplies                      |                            |
|                               | $12,500                   |
| Utilities                     |                            |
|                               | $14,700                   |
| Water                         |                            |
|                               | $48,250                   |
| Vehicle expense               |                            |
|                               | $3,000                    |
| Debt service                  |                            |
|                               | $27,250                   |
| Capital outlay                |                            |
|                               | $18,175                   |
| Miscellaneous                 |                            |
|                               | $5,000                    |
|                              |                           |
| $164,125                     | $164,125                  |
COMMUNITY PLANNING

One of the most important functions of a local government is influencing the use and development of land. Therefore, community planning is one of the first steps that a town government should take after the town is incorporated. The land use and development planning process allows a town to look to the future. This section emphasizes that land use planning is something that can be done for the community and not to the community.

Three specific examples are included in the community planning section to show how other communities have included special environmental and cultural provisions into their land use plans and other local programs. These examples include the Wanchese, NC zoning ordinance, the Varnamtown, NC workbook land use plan, and Maine’s working waterfronts initiative.

The majority of the community planning section, unless directly cited, is taken from:


The community must come together to stop it, or there is no hope. 8

7 Picture: http://www.downeasttour.com/bettie/bettie-welcome.htm (Bettie, NC).
8 Quote: Gail Cannon, Down East resident.
COMMUNITY PLANNING, LAND USE AND DEVELOPMENT

Community Planning

“The term community planning describes a process by which a community
(1) determines its goals and objectives; (2) chooses a combination of actions and programs for
achieving these goals; (3) carries out its plans and programs in a systematic manner; and (4)
evaluates its success and makes necessary adjustments.”  Community planning in most North
Carolina towns means land use and development planning.  “Land use and development planning
is an application of the planning process to all public and private activities that affect the use and
the development of land and the growth and the character of a community.”  One of the most
important functions of a local government is influencing the use and development of land.

A town can influence development in a variety of ways.  For example, a town can
influence development by providing public programs and services and constructing and
maintaining public facilities, such as streets, utilities, parks and schools.  By regulating the use,
the development and the maintenance of private and public property, a town can also influence
development.  This regulation can include zoning and subdivision regulations and a minimum
housing code.  A town can also influence development by providing direction to induce private
parties and other units of government to act consistently with municipal plans and policies.

Finally, a town can influence development by extending subsidies, loans and special incentives
to induce private parties to act consistently with municipal objectives.  The following table, from
David M. Lawrence and Warren Jake Wicker’s Municipal Government in North Carolina,
elaborates on the four main methods used by cities to influence land use and development.
Many of these methods can also be combined into one program.
Methods Used by Cities for Influencing Land Use and Development

1. Providing public programs and facilities
   Estimating needs, selecting sites, and determining sequence and timing of capital improvements (e.g., streets and roads)
   Influencing pattern of development
   Extending utilities to manage growth
   Protecting future roadway corridors
   Establishing capital improvement program (CIP) to link budgeting to comprehensive land use planning
   Acquiring land and public improvements
   Purchasing sites in advance
   Encouraging donations of land
   Requiring compulsory dedication of land and improvements in new developments (e.g., park land, streets, and utilities)
   Requiring compulsory reservation of land
   Imposing impact fees to pay for capital improvements required to serve new growth

2. Regulating land use and development
   Regulating division of land and construction of community or public improvements
   Enforcing land subdivision ordinance
   Adopting utility-extension policies
   Regulating soil erosion and sedimentation control
   Adopting watershed protection ordinance
   Adopting special assessment and cost reimbursement policies for public facilities
   Regulating water supply and wastewater disposal systems
   Establishing standards for designing, constructing, and accepting subdivision streets
   Enforcing driveway permit regulations
   Regulating use and development of land
   Enforcing zoning ordinance
   Adopting watershed protection regulations
   Setting development standards for flood hazard areas
   Adopting airport zoning
   Designating historic landmarks
   Adopting special-purpose police-power ordinances (e.g., governing mobile home parks, outdoor advertising, and junkyard
   Requiring local environmental impact statements
   Adopting roadway corridor official map ordinances
   Enforcing State Building Code
   Establishing property maintenance and public health and safety standards
   Adopting minimum housing code
   Condemning abandoned or unsafe structures
   Establishing junked-car program
   Controlling weeds and litter
   Abating public nuisances

3. Providing direction and leadership
   Adopting comprehensive plan and publicizing it
   Providing assistance to property owners, neighborhood groups, environmental groups, and other nonprofit organizations
   Establishing voluntary design guidelines

4. Providing financial incentives
   Providing rehabilitation grants and loans for housing
   Providing housing rental subsidies
   Providing loans and grants for historic preservation
   Acting as economic entrepreneur
   Engaging in land banking (purchase of land for later resale to private parties)
   Constructing and leasing shell buildings; making site improvements on privately owned land
The land use and development planning process allows a town to look to the future. This is an important advantage of land use planning because town officials typically become emerged in the day-to-day affairs of local government and overlook the emerging trends, potential problems, and government capacity to meet the demands for future services.

The organization of a community planning program usually differs from one community to another, but the most important elements of a local planning program are the city council, the planning agency, the zoning board of adjustment, and staff assistance. These elements are represented in the following figure taken from David M. Lawrence and Warren Jake Wicker’s *Municipal Government in North Carolina*.

Figure 2: Organization of a community planning program
The city council is the key to the success of a municipal land use and development planning program because it has a variety of powers that affect a land use planning program. For example, the city council approves the municipal budget and the financing for capital projects. The city council also allocates funds for boards, agencies and departments that carry out planning-related responsibilities. In addition, the city council is directly involved in development decisions by approving the location and the design of public buildings and other public facilities. The council also adopts and amends a variety of land use and development ordinances and has the ultimate authority to enforce these ordinances and to approve legal action against violators. The city council appoints officials to the planning board, the zoning board of adjustment, and other planning-related commissions and agencies. The quality of these appointments can affect the town’s planning program.

The planning board, also known as the planning commission, is one of the primary citizen boards that are essential to a town’s planning program. The city council usually appoints laypersons to the planning board that typically act in an advisory capacity. For example, the planning board has the responsibility of supervising the development of the town’s comprehensive plan and may arrange for and supervise the preparation of special studies, land use plans and policies, and drafts of ordinances. The planning board also has specific duties having to do with the town’s zoning ordinance, including the preparation and certification of the original ordinance. “Virtually all city zoning ordinances also grant the planning board a thirty-day opportunity in which to make a recommendation concerning any proposed amendment to the land development ordinance before the council acts on the proposal.” A town planning board may also have the authority to review development proposals, in addition to its advisory responsibilities. For example, the planning board may have the authority to approve subdivision
plans. Finally, the town council can delegate the responsibilities of other agencies, such as the duties of the zoning board of adjustments, including approval of zoning variances and issuance of conditional use permits, to the planning board. This makes the planning board one of the most versatile town agencies. In addition, the planning board may be designated the municipal historic preservation commission if two or more members demonstrate special interest, experience, or education in history or architecture.

North Carolina state law delegates the zoning board of adjustment three primary responsibilities. The zoning board of adjustment interprets the zoning ordinance. This typically involves hearing appeals from decisions of the zoning enforcement official when an applicant for a permit or another aggrieved party claims that the zoning official has misinterpreted the ordinance. The board of adjustment also has the responsibility of granting variances to the zoning ordinance. Finally, the town council can give the board of adjustment the authority to grant conditional use permits for certain land uses and types of development outlined in the ordinance. The board of adjustment is typically in charge of these three duties; however, the town council can delegate any of the duties to the planning board. Most of the board of adjustment’s major decisions, such as the issuance of a variance or a conditional use permit, must be approved by four-fifths of its members. The decisions made by the board of adjustment may not be appealed to the town council, but judicial review of these decisions may be taken to the county superior court.

There are a variety of other municipal planning organizations, in addition to the town council, the planning board and the zoning board of adjustment. The historic preservation commission initiates special review of development in a historic district and designates a property as a historic landmark. The town council may appoint a local historic preservation
commission or it may assign the duties to the planning board or to a community appearance commission.

The town council may also appoint a community appearance commission to focus on the entire community’s aesthetic condition. This commission typically has no permit-granting or mandatory-approval authority and therefore its powers are persuasive and advisory in nature.

An economic development commission may also be appointed by the town council in order to promote local economic development. The commission, and any staff it hires, may become involved in community promotion and business recruitment. The development commission may also provide advice, analysis and assistance concerning economic and business development matters. Finally, the commission may help form nonprofit corporations that develop industrial park sites and shell buildings for relocating businesses.

The city manager has a generally unrecognized role in a land use planning program. In small towns, the city manager may make recommendations on matters affecting the town’s development, enforce planning-related ordinances, and supervise the preparation of plans.

A municipal land use planning program will typically need some professional planning help, which may be provided in any of the following ways:9

1. The city may hire staff. Most cities with a population over 10,000 employ at least one staff planner to help execute a land use planning program. Usually planning staff are hired by and ultimately responsible to the city manager, but serve as staff to the planning board and other appointed boards with planning-related responsibilities.

2. The planning board itself may hire staff. The governing body that creates the planning board may authorize it to hire its own full-time staff with funds allocated for this purpose.

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9 Taken directly from David M. Lawrence and Warren Jake Wicker’s Municipal Government in NC.
(G.S. 160A-363). Except for joint planning boards that represent more than one jurisdiction, however, this authority has not been used.

3. A city may contract for technical planning services provided by some other local unit of government (G.S. 160A-363).

4. Several local government units may share staff, each jurisdiction retaining its own planning board. Arrangements may be established through an interlocal agreement (G.S. Ch. 160A, Art. 20, Pt. 1).

5. A joint planning board created by two or more local governments may hire staff (G.S. 160A-261, -363). Some of the state’s large planning agencies are city-county boards with their own staff. The interlocal agreement establishing the joint planning board determines the financial contributions of each jurisdiction, the manner of appointment of board members, personnel practices affecting staff members, and the way in which work is assigned and supervised.

6. A private consultant may furnish technical assistance. Private planning consultants have been particularly active in preparing municipal zoning ordinances, economic development plans, and plans for downtown revitalization.

7. A substate regional organization may furnish technical assistance. North Carolina is divided into eighteen regions, each represented by a lead regional organization (LRO). LROs in North Carolina take one of three forms: a “regional planning commission” (G.S. 153A-395), a “regional planning and economic development commission” (G.S. 153-398), or a “regional council of governments” (G.S. 160A-475). Most of the LROs provide at least some municipal planning and related technical assistance.
8. The Division of Community Assistance of the North Carolina Department of Commerce may furnish technical assistance. This source provides a broad range of planning and managerial assistance through six field offices. It and its predecessor agencies have prepared a number of land use plans and zoning and subdivision ordinances for communities throughout the state.

A zoning enforcement official is in charge of enforcing the zoning plan. In many small towns this official may also be a building inspector, city manager or clerk, or a police chief, or may enforce other local ordinances. The inspection department is the primary enforcement agency for a variety of development-related ordinances and codes. For example, the inspection department typically enforces the State Building Code, the minimum housing code and the zoning ordinance.

**General Comprehensive Planning (Land Use Plan)**

“A general comprehensive plan is designed to give a community an overview of its current physical development and to serve as a guide to its future development policy.” This plan typically includes a sketch of the town’s historical development and statistical information about the community. The plan also discusses urban development issues and problems and presents a series of maps displaying current information and future projections. “However, the primary function of the plan document is to outline in writing the policy that the community intends to pursue with respect to growth and development issues and to determine the steps necessary to put this policy into effect. For this reason the process by which the community establishes its development goals and objectives and the extent to which the community develops a consensus about the proper role that government can play in influencing development is key.” The process that shaped it determines the effectiveness of the comprehensive plan.
The land use plan, based on projections of population growth and land development patterns, is a pivotal component of the general comprehensive plan. Numerous towns use general comprehensive plan and land use plan interchangeably. The main goal of a general comprehensive plan is to guide local governments when they make important development-related decisions.

Strategic planning, as opposed to comprehensive planning, “is a process that emphasizes focusing on a few critical issues that are important to the community’s future rather than trying to deal with everything at once.” The action oriented nature of strategic planning shows what steps must be taken to achieve goals, who must take them, how much it will cost, and who will pay. “Although comprehensive planning is still the primary model used in land use and development planning, it has been substantially influenced by the principles of strategic planning.”

Zoning is typically the best-known aspect of land use planning. There are four main purposes of zoning: (1) zoning can ensure that the town’s land uses are properly situated in relation to one another so that one use does not become a nuisance for its neighbors; (2) zoning can ensure that adequate land and space is available for various types of development; (3) zoning can ensure that the location and density of development are consistent with the government’s ability to provide the area with streets, utilities, fire protection, and recreation services; and (4) zoning can set minimum design standards so that new development reflects aesthetic values, is of appropriate scale, and helps protect privacy.

Zoning can protect property values and foster economic development and expansion. “Although zoning is primarily a tool for influencing the use of private property, in North Carolina it is applicable to the construction and the use of buildings by the state and its political
subdivisions.” However, only land uses that began after the implementation of the zoning ordinance must comply with all regulations. Zoning regulations are different from district to district rather than uniform throughout a town. This permits the tailoring of zoning to address development problems.

A zoning ordinance divides the land within a town’s jurisdiction into a number of zoning districts and several types of regulations govern the land within each of these districts. These regulations include (1) use regulations; (2) dimensional requirements, including back and density standards; and (3) other, miscellaneous requirements dealing with off-street parking, landscaping and screening, property access, required public improvements, and signs.

There are three basic types of zoning districts—residential, commercial and industrial—and various types of specialized zones—office and institutional, flood hazard, mobile home park, agricultural, and planned unit development. Zoning districts may also be classified as general use districts or conditional use districts, also known as special use districts. There are also a variety of zoning regulations that include extra water quality provisions and protect fishing village heritage and public water access. Following are three examples of special zoning regulations and programs from other communities.
WANCHESE, NC ZONING ORDINANCE

Dare County was in the process of updating its Land Use Plan in late 2002 and county planners designated the south end of Roanoke Island, including large tracts of wetlands, as generic community use (NCCF 2006). This designation would allow most types of development throughout the south end of Roanoke Island.

The Mayor of Manteo, John Wilson, and a native Wanchese resident, Sybil Daniels Ross, warned the residents of southern Roanoke Island that they needed to become active in the zoning process or risk losing the natural beauty and working-class nature of their village. Many residents were worried that the southern end of Roanoke Island would become overrun with upscale condominiums and marinas. Therefore, the community got together to tell the Dare County Commissioners that they wanted the marshes put back on the map as a conservation district. In addition, the residents asked that the remaining area be designated as ‘village community.’ This would allow mixed commercial and low-density residential development. (NCCF 2006)

However, in early 2004, the Dare County Commissioners began taking steps to zone the unincorporated parts of the county. The Commissioners were going to zone all of Wanchese as S-1, an open classification that allows for dense development with requirements such as property line setbacks and replacement of non-conforming buildings. Due to the threat of a S-1 zoning classification, the local fishermen and fish house owners were preparing for a fight. Therefore, the Dare County Commissioners asked Lorraine Tillett, a long-time county zoning administrator and Wanchese resident, to work with the citizens of Wanchese in order to design an acceptable zoning map. Tillett realized that she was going to have to be creative to make zoning work.
“We just had to get out in the community and talk to people to find out what they wanted Wanchese to be.” (NCCF 2006)

The majority of Wanchese residents agreed that the generic community use designation and the S-1 zoning classification would threaten their way of life, but the independent-minded citizens were reluctant to accept zoning of their property. Lorraine Tillett met with Wanchese fish dealers and asked if they would support zoning if it included special provisions, including scaled-down parking requirements, room for out-buildings on residential lots, and a relaxation of property line setbacks to allow wharves over the harbor. (NCCF 2006)

Two public meetings were held to introduce the concept of zoning to the residents of Wanchese and to answer any initial questions that they had about zoning. Most of the people who attended the meetings wanted to know how the zoning would affect their own properties. Tillett created a committee of 20 volunteers to help with the zoning process. “Overwhelmed by individual inquires, she asked the volunteers to split up the village and examine it street-by-street to make sure the zoning designations would preserve traditional uses” (NCCF 2006). In addition, the volunteers organized 45 additional community meetings to discuss zoning with the residents of Wanchese. “The result is a zoning crazy quilt that restricts development but still allows for net houses, crab shedders, chicken coops, and small, on-site businesses. The tiny community has 11 different zoning districts, each of which was set up in consultation with residents” (NCCF 2006).
Table 1: Wanchese, NC Zoning Districts

<table>
<thead>
<tr>
<th>GOALS</th>
<th>ALLOWABLE USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Residential (VR)</td>
<td>Preserve traditional family-fishing atmosphere; protect environmentally-sensitive coastal wetlands</td>
</tr>
<tr>
<td>Waterfront Residential (WR-1)</td>
<td>Preserve traditional family-fishing village with neighborhood of mixed-uses; accommodate future development of accessory commercial and residential uses that is sensitive to the coastal environment</td>
</tr>
<tr>
<td>Baumtown Residential (BT)</td>
<td>Recognize and preserve traditional family-fishing village lifestyle; promote and accommodate environmentally sensitive future development; provide a compatible, harmonious, orderly business relationship as a way of life</td>
</tr>
<tr>
<td>Residential Business (RB)</td>
<td>Recognize and preserve current commercial occupations; establish land uses that protect family-fishing coastal village</td>
</tr>
<tr>
<td>Neighborhood Commercial (NC)</td>
<td>Preserve and protect traditional family-fishing village lifestyle; encourage individual commercial uses that compliment the area; allow for the continuation of uses that compliment the village setting</td>
</tr>
</tbody>
</table>

10 Taken directly from the Wanchese, North Carolina Zoning Ordinance.
<table>
<thead>
<tr>
<th>Location</th>
<th>Goals</th>
<th>Allowable Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Mill Landing Marine (HML)</td>
<td>Protect and preserve historic pattern of the village; ensure the preservation of unique features and structures; promote constructive improvements to existing businesses; provide for development of new services related to marine interests; protect surface water and groundwater quality</td>
<td>Allows for future compatible land uses such as hotels; residential housing including single-family homes, duplex dwellings, mobile homes; encourages advanced wastewater treatment systems</td>
</tr>
<tr>
<td>Wanchese Village Commercial (WVC)</td>
<td>Protect and preserve traditional family-fishing village lifestyle; permit land uses that will not change or overwhelm existing land uses; uses provide alternative methods for implementing community goals; manage development to protect surface water and groundwater quality</td>
<td>Mixed-uses with various individual commercial services and small retail businesses that complement the area; traditional village businesses (owner lives and works on same lot)</td>
</tr>
<tr>
<td>Harbor Road Marine Commercial (MC-2)</td>
<td>Protect existing marine-oriented uses that require waterfront location; promote marine-oriented uses and other commercial businesses that do not require waterfront location, but are related to or serve marine interests; promote constructive improvements to existing businesses, orderly growth and future development that is environmentally sensitive</td>
<td>Encourages advanced wastewater treatment systems; diverse types of marine commercial activities and land uses; continued use of flexible mix of single-family dwellings, duplex homes and mobile homes</td>
</tr>
<tr>
<td>Wanchese Wharf Marine Commercial (MC-1)</td>
<td>Preserve and protect continuation of harbor activities; promote constructive improvements to existing businesses; allow for future environmentally sensitive development; protect surface water and groundwater quality</td>
<td>Harbor activities; flexible mix of residential housing including single-family homes, duplex dwelling and mobile homes; encourages advanced wastewater treatment systems</td>
</tr>
<tr>
<td>Highway 345 Business (H345)</td>
<td>Allow a mix of uses that provide a variety of services and commodities; allow for future compatible land uses; protect wetland areas, surface water quality and groundwater quality</td>
<td>Mix of residential and commercial neighborhoods; single-family and duplex homes; allows for future compatible land uses such as hotels; land uses that provide goods and services for people and industry</td>
</tr>
</tbody>
</table>
Wanchese Seafood Industrial Park (WSIP)

<table>
<thead>
<tr>
<th>GOALS</th>
<th>ALLOWABLE USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Established for the continuation of existing general maritime and marine-related uses, industries and activities; promote future development and activities within the park</td>
<td>NC Seafood Industrial Park Authority determines and regulates uses, such as wharves, docks, piers and warehouses</td>
</tr>
</tbody>
</table>

The residents of Wanchese, North Carolina took control of their future by accepting the zoning of their property. The town and residents of Wanchese are very similar to the Down East communities and its residents. Therefore, Wanchese provides a great example for the Down East communities to follow.

**VARNAMTOWN WORKBOOK LAND USE PLAN**

The town of Varnamtown, North Carolina adopted a simplified CAMA Land Use Plan that addresses a number of elements; including a statement of community concerns, aspirations and vision, an existing land use map, a land suitability analysis, local growth and development policies, and a future land use map. The Town Council adopted the Varnamtown Workbook Land Use Plan on March 13, 2006. “At the beginning of the preparation of this document, the Town of Varnamtown adopted a Citizen Participation Plan which is intended to ensure that all interested citizens have an opportunity to participate in the development of this plan through both oral and written comments.”

The residents of Varnamtown were involved through ongoing discussions during publicly advertised meetings throughout the entire Workbook Land Use Plan process. The Varnamtown

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11 The majority of the Varnamtown, NC section, unless cited directly, is taken from: Holland Consulting Services, Inc. 2006. *Town of Varnamtown Workbook Land Use Plan*. Wilmington, NC.
residents discussed some of the same issues that also concern Marshallberg residents. The
Varnamtown process identified a number of key issues, including preservation of the waterfront,
stormwater control, water quality, height restrictions along the waterfront, maintaining moderate
density development, and public waterfront access development standards. The Land Use Plan
also includes a Varnamtown community vision stating, “The Town of Varnamtown has
historically enjoyed a single family, rural lifestyle. The town would like to see this trend
continue in an effort to provide citizens with a safe, quiet, and family-friendly community. To
attain this desired state, future development will consist primarily of single-family development
on lots with moderate densities.”

Varnamtown has experienced substantial growth since 1980, with a growth rate of 46.7
percent. In addition, it is estimated that between the years of 2000 and 2030 the growth rate will
increase to 82.3 percent. The town exists primarily as a bedroom community, meaning that there
are limited job opportunities within the town’s jurisdiction. Therefore, the majority of
Varnamtown residents must commute to jobs throughout Brunswick County and the surrounding
region.

Holland Consulting Planners of Wilmington, North Carolina was hired to write the
Varnamtown Workbook Land Use Plan. This group conducted a natural systems analysis that
included an examination of topography, climate, flood zones, soils, and water supply.
Environmentally fragile areas were also identified as part of the natural systems analysis. The
Varnamtown Areas of Environmental Concern (AECs) include 404 wetlands, public trust areas,
estuarine waters and shoreline, and significant natural heritage areas. An assessment of water
quality was also included in the natural systems analysis. Varnamtown is adjacent to the
Lockwood Folly River and water quality varies slightly within the town’s planning jurisdiction.
The Lockwood Folly River is closed to shellfish harvesting from north of Varnamtown to the mouth.

The Varnamtown Workbook Land Use Plan also includes an analysis of existing land use. Completing an inventory of what currently exists, in terms of public access points and commercial businesses, such as fish houses, is an important first step in the land use planning process. For example, a land use map identified the land use within Varnamtown as predominantly residential in nature and the citizens prefer to maintain this character through existing and future land use controls. In addition, the land use map shows that the majority of commercial land use within Varnamtown is located along the waterfront and serves the fishing industry. The existing land use section of the Varnamtown Workbook Plan also includes an analysis of potential growth areas. Approximately 43 percent of Varnamtown is vacant land and the development within the town is expected to continue at a moderate pace. The lack of a central sewer system within Varnamtown is one of the most significant deterrents to rapid growth. Therefore, the residents have decided not to tie into Brunswick County’s sewer system for the time being. The residents are concerned with both the cost and the potential for rapid uncontrolled growth that comes with tying into the county’s sewer system.

The Land Use Plan also contains an environmental composite map and a land suitability map. The land suitability map depicts underutilized land that is suitable or not suitable for development. A foundation for discussion and formation of a town-wide land use policy can be drawn from this map.

An inventory of community facilities, including transportation, health care, law enforcement, fire and rescue, administration, water and sewer facilities, solid waste, school, and recreation, is also included in the Varnamtown Workbook Plan. An analysis of community
facilities, as well as the analysis of existing land use, contributes to the essential inventory of what currently exists within the jurisdiction of Varnamtown.

An examination of the existing codes, plans, and ordinances is also included in the Varnamtown Workbook Land Use Plan. This section lists and briefly explains all of the regulations that apply to the town of Varnamtown. For example, the Town of Varnamtown Development Ordinance is explained as establishing “setback standards for the development of property not included in the Subdivision Ordinance or Riverside I Subdivision Ordinance. It is designed to provide orderly growth and development.” A variety of other development ordinances are listed and explained, such as the North Carolina State Building Code and the Town of Varnamtown Manufactured Home Park Ordinance. Non-development ordinances are also explained in this section, such as the Town of Varnamtown Campground Ordinance, the Town of Varnamtown Adult Entertainment Ordinance, and the Brunswick County Hazard Mitigation Plan.

The Plan for the Future section is one of the most important parts of the Varnamtown Workbook Land Use Plan because it lays out the community’s vision for the future of its town. The Land Use/Development Goals and Implementing Actions subsection is intended to guide the development and use of the land in Varnamtown’s planning jurisdiction. A future land use map and various policies were developed to support Varnamtown’s goals. The future land use map is intended to guide the Town Council when they review private development proposals and when they make decisions on the location of public facilities.

The Policies/Implementing Actions subsection is intended to “serve as a guideline to assist in assuring that this land use plan will guide the development and use of the land in a manner that is consistent with the management goal(s), planning objective(s), and land use plan
requirements of this plan.” Conservation related policies and implementing actions, including public access, environmental conservation, stormwater control, natural hazard areas, and water quality, are emphasized throughout the Varnamtown Workbook Plan. Varnamtown has never adopted a zoning ordinance. Therefore, the Workbook Land Use Plan will act as a guide for development within the town’s planning jurisdiction. If the town does decide to establish a zoning ordinance, the Workbook Plan will serve as the basis for the zoning document.

Varnamtown, just like Down East, has taken a fairly relaxed approach to land use regulation until this point. “Due to the rapid development occurring throughout Brunswick County the town sees this plan as the first step towards controlling future development and redevelopment within Varnamtown.” In addition, the Varnamtown Workbook Land Use Plan is not a static document, it is meant to be adapted as the town changes and the needs of its residents change as well.

The third subsection of the Plan for the Future is called Land Use Plan Management Topics. “The purpose of the Coastal Resources Commission (CRC) management topics are to ensure that CAMA Land Use Plans support the goals of CAMA, to define the CRC’s expectations for the land use planning process, and to give the CRC a substantive basis for review and certification of CAMA Land Use Plans.” The Land Use Plan Management Topics include public access, land use compatibility, infrastructure carrying capacity, transportation, natural hazard areas, water quality, and local areas of concern.

The Future Land Use subsection is the final subsection of the Plan for the Future. “The future land use map depicts application of the policies for growth and development and the desired future patterns of land use and land development.” The future land use map must include planned conservation areas or open space and a description of the compatible land use and
activities. Areas planned for future growth and development must also be included in the future land use map. The information depicted on the environmental composite map and the land suitability analysis map must be reflected in the future land use map.

The Varnamtown Workbook Land Use Plan also includes a description of future land use acreages. “The town sees the development of a zoning ordinance as the key to protecting the character and residential nature of the community.” Varnamtown plans to develop a town-wide land development code after the certification of the Workbook Plan. The Workbook Plan will serve as the basis for the establishment of zoning districts within Varnamtown.

The following are examples of future Varnamtown zoning districts:\textsuperscript{12}

- Moderate-Density Residential: The purpose of this district shall be to maintain a minimum lot size of 20,000 square feet and to allow for single-family dwellings and such other uses permitted as special uses which would not substantially interfere with the district and would not be detrimental to the quiet residential nature of the areas included within the district.

- Neighborhood Business District: The purpose of this district is to provide areas where a limited range of business establishments can be located near or adjacent to residential development without adversely impacting the adjacent residential area. The lot area shall be a minimum of 20,000 square feet (0.5 acre) and a maximum of 43,560 feet (1 acre). Building height in this district should be kept to a maximum of 40 feet from average ground level. Where feasible within this district, a vegetated buffer should be established between commercial establishments and adjacent residential areas.

\textsuperscript{12} Taken directly from \textit{The Town of Varnamtown Workbook Land Use Plan}.
• Waterfront Development District: The purpose of this district is to protect the portion of Varnamtown which lies adjacent to the Lockwood Folly River. The town would like to see future development and redevelopment take place in a fashion that will also for a mix of uses including residential, commercial, and possibly, multi-family residential development. The mixed-use zone allows various uses for all land located within this district, but none specific to any particular property. Varnamtown views the waterfront as one of the town’s most valuable resources, and wants to ensure that this resource is protected. Building height should be limited to 36 feet from average ground level on each individual lot that a building is to be situated. Lot area for commercial development should not exceed 43,560 square feet.

• Conservation: The conservation class is designated to provide for effective long-term management of significant limited or irreplaceable areas which include the following categories: natural resource fragile areas, 404-weltsands, and public trust waters. Policy statements in this plan address the town’s intentions under this classification and support 15A NCAC 7H CAMA regulations for protection of AEC’s. Land that falls within the conservation district corresponds to the least suitable portions of land identified through the land suitability analysis.

The Varnamtown Workbook Land Use Plan is one of the first steps taken by the town to manage development. This plan plays an important role in the decision-making process concerning future land use and should be consulted by the Town Council prior to making decisions on land use development. When the town decides to enact a zoning ordinance, the Workbook Plan will serve as the basis for delineating zoning districts and establishing development guidelines within these zones.
Finally, the Varnamtown Town Council adopted a citizen participation plan to ensure adequate citizen participation during the preparation of the Workbook Plan. “Adequate citizen participation in the development of the plan is essential to the preparation of a document responsive to the needs of the citizens of the Town of Varnamtown.” The town will encourage citizen input and public participation in all land use decisions and procedure development. The town will also advertise all public meetings where significant issues regarding the future development of the town will take place. These issues may include new codes and ordinances or proposed infrastructure projects. Residents of Varnamtown were also involved during the development of the Workbook Plan. For example, a public information meeting and a meeting to identify community concerns, key planning issues, and aspirations were held during the planning process in order to involve the public.

Varamtown, like Wanchese, is also a great example for the Down East communities to study. Both of these case studies show that small towns in coastal North Carolina have the ability to take control of the future and to listen to the residents’ wants and needs.

**MAINE’S WORKING WATERFRONTS INITIATIVE**

The traditional fishing villages scattered along the Maine coast are facing many of the same pressures that Down East is beginning to face. The state of Maine has enacted a number of creative methods to preserve the traditional fishing villages and has recognized the importance of an active and involved citizenry. The Maine State Planning Office, with help from private consultants, has conducted studies on working waterfronts, commercial fishing access, and paths

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and piers. Maine’s program provides a great example of communities coming together to protect its common interests.

Maine’s Working Waterfronts Initiative is an example of communities coming together to determine the future of their towns and how to manage growth. Dozens of Maine towns have undertaken a comprehensive planning process that leads to a clear vision for balanced future growth. This process also ensures that future change does not interfere with what residents value most about their community.

Community members come together to discuss issues and envision solutions during the comprehensive planning process. The Land Use Planning staff at the Maine State Planning Office can also provide guidance and small technical assistance grants during the planning process. The recommendations that residents contribute to the comprehensive plan can lead to land use regulations and zoning in ways that benefit the community’s long-term interests. These long-term interests are developed by the community members and are agreed upon by the majority of the community.

The comprehensive management plans can be revised and refined over time to reflect the changes in the community and the changing needs of the residents. For example, the town of Camden, Maine updated its Harbor and Waterways Ordinance to ensure that the town’s remaining commercial fishermen have access to the town dock.

The Maine State Planning Office believes that “careful planning can ensure that many different parties enjoy the shorefront and local waters without conflict and without degrading the place.” The office has compiled a number of recommendations for waterfront planning.¹⁴

¹⁴ Some statements are taken directly from Maine’s Working Waterfronts Initiative.
1. Learn from the experience of other communities. For example, Down East may want to contact Wanchese, NC to inquire about the town’s zoning designations that preserve traditional uses. The Varnamtown Workbook Land Use Plan would also give the residents of Down East an example of a simplified CAMA Land Use Plan that addresses community concerns.

2. Gather data on past and current growth trends in order to estimate future growth. This growth analysis is a critical part of early planning and should lead to actions that will make the town’s waterfront more accessible and vital.

3. Clearly define the challenges that your community is facing in terms of its waterfront. Once there is agreement on problems and opportunities, the town should set objectives for what the residents wish to accomplish. These objectives may include increasing the number of access points or keeping water-dependent businesses along the shorefront.

4. Include as many people as possible in the initial stages of planning and goal-setting. This will ensure that the entire community stands behind the final waterfront plan. Possible ways to engage the community include:

   - Selecting a diverse cross-section of representatives to serve on the planning committee
   - Conducting surveys to solicit opinions
   - Conducting workshops and hearings to gain public input
   - Inviting frequent press and news coverage
   - Holding public waterfront tours
   - Involving school children in the planning process

5. Design a strategy to address these objectives. This includes identifying the work that is needed, who will do it, and how it will be funded.
6. Try to recruit dedicated and knowledgeable volunteers to help with the planning process. Many Maine communities have found that a five to six member committee helps lend momentum to waterfront planning efforts. Down East Tomorrow is a good example of volunteers who are passionate and dedicated to Down East issues.

7. Try to build consensus by clearly summarizing points of agreement and disagreement and identifying alternate courses of action.

8. Weigh the pros and cons of the numerous ways to put new changes into practice before deciding on a course of action. These include new ordinances, capital improvements built into the town budget, better management of the waterfront, and private incentives. A consensus should be reached that addresses the concerns of most residents.

9. Once the plan is clear, make sure that the community has the support of local officials and local citizens, and that there is a clear timetable with objectives that can be achieved. A variety of funding sources will most likely be necessary to support the planning process. In Maine, funding sources include loans, municipal tax increment financing, municipal bonds, grants, donations, and local taxes.

Waterfront ordinances specify how municipal waters and waterfront facilities will be managed. These ordinances also establish consistent rules and minimize conflicts by delineating what activities will occur where. Waterfront ordinances establish boundaries and make it clear where regulations, such as speed limits and dock rules, apply. The ordinances can also provide for the number and placement of moorings, the length of private docks, the length of vessels allowed at docks, and channel setback requirements.

Public access is one of the keys to maintaining a traditional waterfront community. A community must encourage varied waterfront uses, such as commercial fish houses and
recreational fishing piers. For example, Down East should consider using their zoning and subdivision authority to require that new development set aside space for public and commercial access. Local governments have the authority to require access for commercial fishermen in any new marina—even those built for private real estate development.

There are a variety of creative approaches that Maine communities are using to maintain and improve waterfront access. These approaches include the outright purchase of shorefront lands and the acquisition of land easements that grant permanent guaranteed access for working fishermen. In addition, the Maine Coastal Program, through the Right-of-Way Discovery Grant Program, helps communities reclaim traditional rights of way to the shore.

Water dependent businesses are another essential factor to the continuing success of a traditional waterfront community. These businesses can be vulnerable to increasing property taxes and other rising expenses because these businesses usually cannot pass increased costs on to customers. Therefore, support for water dependent businesses can come from the private sector, such as commercial loans, as well as from the public and nonprofit sectors, such as low-interest loans, guarantee funds, and technical assistance.

Concerned individuals and organizations formed the Maine Working Waterfront Coalition in 2003 to help water dependent businesses keep their presence along Maine’s coast. This statewide program supports community level planning and encourages investments in Maine’s public and private piers. The Working Waterfront Coalition also advocates for partnerships and policies that preserve and enhance Maine’s working waterfronts. The Coalition has grown from 11 to 91 members since 2003. The members meet monthly to discuss the creation of a ‘toolbox’ of strategies for working waterfront protection. Strategies include current
use taxation, a circuit breaker program, purchase of development rights, public investment, private investment, strong local policies, and planning ordinances.

A Working Waterfront Loan Fund provides low-cost financing for dredging, pier maintenance, repairs and environmental upgrades. The fund provides loans for pier and wharf operations, commercial fishing, aquaculture, boat repair, and boatbuilding operations. In addition, some loans can be used to acquire access rights or real estate. “The Working Waterfront Loan Fund promotes economic development in coastal communities by offering low-interest loans to fishing and marine-relates businesses; forging strategic partnerships with local banks to stimulate waterfront investments; providing interim financing to acquire development rights; and offering direct technical assistance.”

In addition to the Working Waterfront Loan, the state of Maine offers Tax Increment Financing (TIF), a local economic development tool. Tax Increment Financing “allows a municipality to use all (or a portion of) new property taxes (the ‘increment’) from an investment project to assist in project financing within a designated district (such as a working waterfront zone).” A municipality can designate a TIF district by a majority vote, following a public notice and a public hearing. A TIF district may last up to 30 years and is implemented through a binding Credit Enhancement Agreement between the municipality and the investing business.

Maine’s Working Waterfronts Initiative is another example of techniques that Down East communities can adopt to protect local heritage and culture. Maine has one of the best working waterfront programs in the United States and Down East should further research its various programs.
SMART GROWTH

Smart growth strategies are designed to reconfigure development in a more eco-efficient and community oriented style. Smart growth, which can be incorporated into a town’s land use plan, is an alternative to traditional development that preserves open space and involves the community in the decision making process. This section provides information and examples on a variety of smart growth principles.

Davidson, NC preserves its small-town feel through careful, inclusive planning. Everyone in the community has a chance to help shape development proposals to meet the town’s goals.

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15 The majority of the smart growth section, unless directly cited, is taken from: Smart Growth Network. *This is Smart Growth*. www.smartgrowth.com
16 Picture: Smart Growth Network. *This is Smart Growth*. www.smartgrowth.com
17 Quote: Smart Growth Network. *This is Smart Growth*. www.smartgrowth.com
SMART GROWTH

“Smart growth strategies are designed to reconfigure development in a more eco-efficient and community oriented style” (USEPA 2000). Smart growth, which includes a variety of low impact development principles, takes advantage of compact building design and mixed land uses. It creates a range of housing opportunities and choices for potential residents. Smart growth fosters distinctive, attractive communities where residents have a strong sense of place and a range of housing opportunities and choices. It preserves open space, farmland, natural beauty, and critical environmental areas. Smart growth also makes development decisions predictable, fair, and cost effective and it encourages community and stakeholder collaboration in development decisions.

When development is based on smart growth principles, it can bring services and jobs to the community and make housing more affordable. Smart growth developments usually include ‘live/work’ units that are designed to provide for both residential and commercial uses. Live/work owners conduct business on the first floor, such restaurants, stores, law offices, real estate brokers, nail salons, and other neighborhood services, while living upstairs.

Smart growth can restore economic vitality to neglected areas with the help of a concerted community effort. For example, “East Liberty, a declining neighborhood in Pittsburgh, Pennsylvania, reversed its fortunes by working with national retailers, local activists, and government and nonprofit agencies to bring back stores, jobs, services, and well-built affordable homes. The stores and construction companies made commitments to hire people from the neighborhood for decent-paying jobs. Following closely behind the revitalization of the neighborhood were new and renovated houses and apartments affordable to the current residents, along with market-rate homes.”
One smart growth principle is to provide safe, convenient neighborhoods with homes that people can afford. For example, “When plans were being created to redevelop Denver’s old Stapleton Airport into a neighborhood with homes, offices, schools, and shops, citizens wanted it to include housing in every price range. The Stapleton neighborhood has a wide variety of homes at different prices, so that everyone from a receptionist to a CEO can live in the same neighborhood. There are apartments for retirees and people with lower incomes, as well as townhouses and single-family homes. Some residents live close enough to their jobs to walk to work, and many children can walk to school.” This principle is based on the idea that neighborhoods should include a blend of residents with different incomes and at different stages of life. Many communities face the problem that its police officers, firefighters, teachers, and other essential workers cannot afford to live anywhere near their jobs. “Breckenridge, Colorado, a historic resort time, faced this problem. Rising home prices were pushing workers farther and farther out, forcing some to brave a 45-minute commute over often-snowy mountain passes. To give Breckenridge residents more choices, the town government, citizens, and property owners worked together with state and federal officials to support the construction of Wellington, a neighborhood of more than 100 homes. Eighty percent of the homes are reserved for purchase by people who work in the county, who get them for about one-third (or less) of the median home price in Breckenridge.” Smart growth communities, such as Wellington, gives residents the opportunity to live near jobs and amenities in neighborhoods that are safe and affordable.

Another smart growth principle is that development decisions should be fair to everyone involved. “Developers expect a timely and predictable approval process, and citizens expect that new development will not harm them and will be consistent with the community’s vision. Both groups should work constructively with local government and each other on development
proposals. Local officials should establish development policies and priorities that use tax dollars wisely, protect public health and welfare, balance the needs of residents and developers, include citizens in the decision-making process, and plan for the long term.” A ‘charrette,’ a participatory process, ensures that various interests are balanced fairly. This process includes a series of workshops where community members are able to voice their concerns, ideas, and goals for development. During these workshops, developers can also explain their proposals and professional designers can illustrate the issues discussed and suggest ways to fulfill the community’s vision. Every development proposal for Davidson, North Carolina must go through a charrette in order to ensure that development decisions are fair to everyone involved. The collaboration involved in a charrett system gives residents a fair chance to express their concerns and goals. The charrett system also benefits developers because the process is predictable and it allows the developers to build public support so that their projects can move forward smoothly.

Conventional development that brought new jobs, stores, and homes used to mean the loss of farms, streams, and culture. However, local governments, developers, and residents are now finding smarter ways to grow by improving economic opportunity while also preserving the landscapes for the future.

Smart growth principles, which are similar to low impact development principles, have been shown to save both developers and taxpayers money. The main way that smart growth does this is by limiting the costs of providing services and infrastructure, such as roads and sewers. Strategic public involvement can also provide a community with renovated buildings, new amenities, an increased tax base, and a dynamic downtown that will attract visitors and residents. “Public investments in communities should be wise and enduring. Communities have
to balance their limited resources between taking care of what they have and building new places. Thoughtful public investments based on smart growth principles can accomplish both of these goals.”

The idea that natural landscapes help to define the character of communities is why smart growth seeks to protect and preserve natural heritage and working lands. Protected open space not only conserves the environment, but it also increases the property values of nearby homes and attracts tourism and recreation to the area. Working lands, such as farms, provide food, support the local economy and strengthen the tax base. Protecting and restoring environmentally important areas, such as wetlands, can reduce the need for expensive water treatment facilities. “Coffee Creek Center in Chesterton, Indiana, is capitalizing on many of these values. By restoring nearly 170 acres of land that naturally manages stormwater, developers reduced the need to build expensive infrastructure. Conserving this land also protects the beauty of the prairies, woods, and wetlands for visitors and residents of this traditional, walkable neighborhood, which has five miles of trails and other outdoor amenities.”

Smart growth principles can also protect a local community’s traditional way of life, such as fishing or farming, from surrounding rapid development. One way to protect working and natural lands is to buy land or development rights. For example, Skagit County, Washington’s Farmland Legacy Program buys development right from interested farmers so that they can keep farming. This program also directs development away from farmlands to more suitable areas. “In this way the county is able to grow while protecting agriculture that means so much economically and culturally.”

Making it easy and attractive to live in more developed areas, reducing the demand for development of green space is another way to protect working and natural lands. “Cuyahoga
County, Ohio, home to Cleveland and its inner suburbs, had lost more than 300,000 residents from the 1970s through the late 1990s. Families who were looking for larger or newer homes unavailable in the urban county moved out to previously undeveloped areas. Now the county offers an innovative, low-interest, home-improvement loan program that makes it easier and less expensive for residents to repair, renovate, or improve their homes—and that is keeping people in the county.” Preserving green space in urban areas is also important to residents’ quality of life.

Smart growth also promotes multiple routes and types of transportation. Streets should be designed to not only keep vehicle traffic moving but also to be safe and appealing for pedestrians, cyclists, and transit users. The design should include appropriate speeds, widths, and sidewalks, as well as buildings, trees, and even benches. For example, walking is easy in Arlington County, Virginia because homes, offices, stores, and civic buildings are in close proximity to each other and are grouped near subway stations. “People want more transportation choices, whether it’s to save money on gas, to get into shape by walking or biking to their destinations, or to have a more relaxing commute. Communities can provide these choices by making it easy for residents and visitors to drive, walk, bike, or take transit. Large or small, every community can use smart growth techniques to give people the freedom to choose how they get around.”

Smart growth contributes to the health of a community’s residents and natural environment. Transportation alternatives to cars help to reduce traffic and air pollution, while preserving green space helps to protect water quality and make communities more attractive. Smart growth communities are designed to promote active lifestyles by creating walkable neighborhoods and open space. “Places designed with smart growth principles—such as making
walking and bicycling safe and attractive, protecting natural resources vital to our health, and supporting communities where people of all ages can live comfortably—help everyone in the community lead healthier lives. Making the healthy choice the easy choice can encourage physical activity and reduce pollution.”

A community should plan for the future so that it can articulate the legacy it wants, set goals to achieve this legacy, and create benchmarks it can use to check its progress and make necessary changes along the way. “By preserving tangible links with our history, we honor our past. By planning new development that we can be proud of, we honor our future. With thoughtful planning, we can pass on a legacy of beautiful and vibrant communities for generations to come.”

In numerous places, developers, environmental organizations, and smart growth groups are working together to support development projects that meet economic, environmental, and community goals. Many communities are also using smart growth development to solve a variety of local problems. For example, communities are revitalizing vacant buildings and properties, creating new housing choices, and bringing new amenities, such as grocery stores and schools, to neighborhoods. “It makes sense that each new development project should improve the entire community. We have to work with local governments and developers to achieve this standard and use our power as citizens to ensure that as our communities grow, they grow smarter.”
LOW IMPACT DEVELOPMENT\textsuperscript{18}

While smart growth strategies are intended to reconfigure development in a more eco-efficient and community oriented way, low impact development addresses many of the environmental practices that are essential to these smart growth principles. Low impact development is an ecologically friendly approach to site development and stormwater management that aims to minimize development impacts to land, water and air. This section provides information on a variety of low impact development principles and includes four case studies that emphasize the benefits of low impact development.

\textsuperscript{18} The majority of the low impact development section, unless directly cited, is taken from: USEPA. 2000. \textit{Low Impact Development: A Literature Review}. Washington, DC.

\textsuperscript{19} Picture: http://riverdunes.com/index.asp?n=24&p=7&s=24
LOW IMPACT DEVELOPMENT

While smart growth strategies are intended to reconfigure development in a more eco-efficient and community oriented way, low impact development addresses many of the environmental practices that are essential to these smart growth strategies. For example, low impact development addresses the conservation of open space, a strategy also essential to smart growth. However, low impact development does not address the availability of public transportation, even though it is an important smart growth strategy.

Low impact development (LID) is an ecologically friendly approach to site development and storm water management that aims to minimize development impacts to land, water and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. Low impact development is not a land use control, but a management and design strategy that is integrated into the proposed land use. It has been shown to decrease costs to developers and to increase the desirability and value of the property. The practice has been successfully integrated into many municipal development codes and stormwater management ordinances throughout the United States.\(^{20}\)

Low impact development, also known as sustainable development, promotes clustering development and conserving open space, rather than sprawl (Jenkins 2007). Sustainable development also mimics natural hydrology by minimizing and disconnecting impervious surfaces and by using decentralized stormwater treatment practices (Jenkins 2007).

\(^{20}\) Paragraph summarized from the NAHB Research Center’s *Municipal Guide to Low Impact Development*. 
Figure 3: Clustering development includes the same number of lots as conventional development, just with smaller yards that conserve open space.

The goals of low impact development are to:

1. Preserve open space and minimize land disturbance.
2. Protect natural systems and processes (drainage ways, vegetation, soils, sensitive areas).
3. Reexamine the use and sizing of traditional site infrastructure (lots, streets, curbs, gutters, sidewalks) and customize site design to each site.
4. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
5. Decentralize and micromanage stormwater at its source.

The overall goal of low impact development, a site design strategy, is to maintain or replicate the predevelopment hydrologic system through the use of design techniques to create a functionally equivalent hydrologic landscape. There are a variety of design strategies that form the basis of LID, such as stormwater retention and detention areas, reduction of impervious

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21 Figure from Randall Arendt’s *Conservation Design*.
22 Taken from the NAHB Research Center’s *Municipal Guide to Low Impact Development*. 
surfaces, and lengthening of flow paths and runoff time (Coffman 2000). Preserving and protecting environmentally sensitive site features, such as riparian buffers, wetlands, steep slopes, mature trees, flood plains, woodlands, and highly permeable soils, is also an important LID design strategy.

Low impact development principles are based on controlling stormwater at the source by using small-scale controls that are distributed throughout the site. This system of small-scale controls can reduce or eliminate the need for a large centralized stormwater facility. On the other hand, conventional development conveys and manages runoff in large facilities located at the base of drainage areas. This conventional stormwater system has been shown to effectively remove pollutants, but it negatively affects the natural hydrology. The detrimental impact on natural hydrology can still have negative effects on ecosystems, even if water quality is not affected. Conventional runoff control reduces groundwater recharge, increases runoff volume and changes the timing, frequency and rate of discharge. This can cause flooding, water quality degradation and stream erosion.

Low impact development techniques can be used to retrofit existing areas with pollution controls, as well as address environmental issues in newly developed areas. LID techniques can be applied to a variety of lot sizes, but the appropriateness of LID practices is also dependent on site conditions, not strictly spatial limitations.

There are a variety of low impact development practices that will reduce runoff volume and filter pollutants, such as bioretention facilities or rain gardens, grass swales and channels, vegetated rooftops, rain barrels, cisterns, vegetated filter strips, and permeable pavements. Most of these practices are much less expensive than traditional structural stormwater conveyance systems.
Bioretention systems are designed based on soil types, land uses and site conditions. A mix of functional components, each performing different functions in the removal of pollutants and reduction of stormwater runoff, comprises a bioretention system. There are typically six components found in bioretention cells. Grass buffer strips filter particulate matter and reduce runoff velocity. Vegetation removes pollutants through nutrient cycling and removes water through evapotranspiration. Planting soil, the area for stormwater storage and nutrient uptake by plants, contains clays that absorb pollutants such as nutrients, hydrocarbons and heavy metals. A sand bed assists in the flushing of pollutants from soil materials and provides aeration and drainage of the planting soil. A ponding area provides storage of excess runoff and facilitates evapotranspiration for excess water and the settling of particulates. Finally, an organic layer decomposes organic material by providing a medium for biological growth to degrade petroleum-based pollutants. This organic layer also prevents soil erosion and filters pollutants.

Grass swales or channels are relatively inexpensive, are flexible in design and layout, and are adaptable to a variety of site conditions (USDOT 1996). Generally open channel systems are typically used along residential streets and highways because they are most appropriate for smaller drainage areas with mildly sloping topography (Center for Watershed Protection 1998). These open systems reduce runoff velocity and function as filtration/infiltration devices. Pollutants are primarily removed through sedimentation, with infiltration and adsorption also contributing to pollutant removal.

Vegetated roof covers, also referred to as green roofs, are highly effective in reducing total runoff volume in high-density urban areas. Green roofs reduce urban stormwater runoff by reducing the percentage of impervious surfaces in high-density areas. “A green roof is a multilayered constructed material consisting of a vegetative layer, media, a geotextile layer and a
synthetic drain layer.” Vegetated roof covers reduce energy costs, extend the life of roofs and conserves land that would otherwise be required for stormwater runoff controls.

“More than thirty different studies have documented that stream, lake and wetland quality is reduced sharply when impervious cover in an upstream watershed is greater than 10%.” The use of permeable pavements, such as paving blocks and stones, effectively reduces the percent of imperviousness in a drainage basin. Coastal areas with sandy soils and flatter slopes are the ideal location for the installation of porous pavements, which are best suited for low traffic areas, such as parking lots and sidewalks. Traditional pavement, such as asphalt, produces large volumes of rainfall runoff that require conveyance and treatment. However, porous pavements allow stormwater to infiltrate the underlying soils, encouraging pollutant treatment and recharge.

Shared driveways and parking lots, center islands in cul-de-sacs, alternative street designs rather than traditional grid patterns, and reduced setbacks and frontages for homes are all techniques that will also reduce the percent of imperviousness in a drainage basin. Relaxing side yard setbacks and allowing narrow frontages to reduce total road length will decrease the amount of impervious surfaces in a drainage basin (Jenkins 2007). Up to 20 percent of the impervious cover in a residential subdivision consists of driveways (Jenkins 2007). Therefore, relaxing front setback requirements to minimize driveway lengths will also decrease the percent of imperviousness (Jenkins 2007). Narrower roads that are still accessible to emergency vehicles and pedestrian pathways made of permeable materials is another way to limit runoff (Jenkins 2007). Limiting the clearing and grading of natural vegetation and conserving trees by additional planting and clustering of tree areas are additional techniques that will reduce the percent of imperviousness (Jenkins 2007).
The implementation of rain gutter disconnects is another strategy that will minimize the impacts of development. The rooftop runoff conveyed in rain gutters is redirected out of storm sewers and into grass swales, bioretention systems, and other functional landscape devices. Redirecting this rooftop runoff into functional landscape areas can significantly reduce runoff flow to surface waters. Rain gutter flows can also be redirected into rain barrels or cisterns for later use in irrigating lawns and gardens. The disconnection of rain gutters can be successfully implemented on existing properties with little change to the present site designs.

![LID Site Diagram](image)

Figure 4: Low impact development techniques create a hydrologically functional landscape. Therefore, vegetation has a larger role to play than just looking nice.

The use of low impact development principles provides both economical and environmental benefits. For example, LID results in less disturbance of the development area

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23 Figure from the Low Impact Development Center in Maryland
and conservation of natural features. Low impact development can also be less costly than traditional stormwater control mechanisms. In addition, these cost savings are not only experienced during construction, but also for long-term maintenance and life cycle costs.

Low impact development gives developers the opportunity to reduce costs and increase marketability (Jenkins 2007). It reduces the need for stormwater ponds, drainage pipes, wide streets, curbs, and gutters. The elimination of ponds also allows for more developable area, which increases lot yield and profitability (USEPA 2005). Therefore, LID reduces costs by 25 to 30 percent over conventional development (USEPA 2005). Finally, low impact development protects water quality from the beginning of the development project, rather than trying to restore it after the development project is completed (USEPA 2005). In other words, conservation is always cheaper than restoration. Therefore, low impact development uses taxpayers’ money more efficiently than conventional development.

Low impact development can also provide a variety of benefits to municipalities and residents, as well as the environment. LID gives municipalities the ability to balance growth needs with environmental protection (Jenkins 2007). Residents can connect to the natural environment and create a ‘sense of place’ in that environment through the principles of low impact development. Finally, low impact development preserves the integrity of ecological and biological systems (Jenkins 2007).

The biggest obstacle to the implementation of low impact development is the outdated development rules that many counties still operate under. These rules, such as subdivision codes, zoning regulations, and parking and street standards, sometimes restrict innovative practices that would reduce impervious cover. For example, Down East, North Carolina communities are currently at the mercy of Carteret County’s development rules and some
developers have started to approach the county about their inability to use low impact
development principles due to the existing development codes. Therefore, the Carteret County
planning commission is working on a conservation development amendment to their subdivision
ordinance that will allow for these alternative types of development (Jenkins 2007). The Down
East Conservation Ordinance will be summarized within the ‘Current Activities’ section.
LOW IMPACT DEVELOPMENT CASE STUDIES

*Green Cove Basin Low Impact Development Strategy (Olympia, WA)*\(^{24}\)

In October of 2001, the Olympia City Council realized that low impact development is an important tool that helps balance environmental protection and increased development. Therefore, the City Council adopted a unique set of *mandatory* low impact development regulations to prevent further damage to aquatic habitat from urban development in the Green Cove Basin. A three-year process of research, analysis and peer review was needed to design the low impact development program. The City Council completed a comprehensive policy revision based on this process. The comprehensive policy revision covered development density, impervious surface coverage, lot size, open space/tree retention, street design, street, width, block sizes, parking, sidewalks, and stormwater management requirements.

*Island County Stormwater Code—Low Impact Development Requirements*\(^{25}\)

In December of 1998, Island County, Washington adopted a stormwater ordinance that gives developers the *option* of utilizing low impact development techniques. Developers must meet the special performance requirements included in the Island County Stormwater and Surface Water Ordinance in order for their development proposals to qualify as low impact development. The Stormwater and Surface Water Ordinance contains four performance requirements: runoff volume control, peak runoff rate control, flow frequency duration control, and water quality control.

\(^{24}\) Taken from the Puget Sound Action Team’s *Natural Approaches to Stormwater Management: Ordinances and Regulations.*

\(^{25}\) Taken from the Puget Sound Action Team’s *Natural Approaches to Stormwater Management: Ordinances and Regulations.*
**Woodsong—Shallotte, Brunswick County, North Carolina**

Low impact development and smart growth techniques are being used right here in North Carolina. The Village of Woodsong, located in Shallote, North Carolina, took advantage of a variety of low impact development and smart growth principles. Woodsong is a traditional walking neighborhood that includes a range of civic spaces, natural areas, and living choices. Socializing, shopping, working, and recreation are all within walking or biking distance or a short car ride. Woodsong hosts a variety of cultural events, including a free concert and lecture series. There are also plans for an arts symposium and a farmer’s market. One of the goals of the Woodsong community is to respect the local culture. Therefore, the variety of housing and workplace choices creates an agreeable ensemble of structures, rather than a collection of discrete, unrelated buildings and honors the North Carolina coastal architectural tradition.

The developers of Woodsong completed a natural resource inventory before designing the community (Jenkins 2007). The developers used clustered housing techniques to conserve open space. The community also conserves vegetation and protects wetlands, ponds, parks, and nature trails and maintains and mimics natural drainage by using constructed wetlands for stormwater treatment (Jenkins 2007). Another goal of the Village of Woodsong is to connect its residents with their natural environment. Therefore, natural areas contain a neighborhood green, vicinity parks, a constructed wetland water-garden, nature trails, and a preserved wetland forest. “The innovative environmental design has gained widespread recognition and was envisioned to keep natural systems functioning within a healthy range and to conserve site features to the greatest extent possible.”

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26 Taken from: www.villageofwoodsong.com
River Dunes—Pamlico County, North Carolina

The developers of the River Dunes, like the Village of Woodsong, used low impact development and smart growth techniques while designing the residential development. For example, the development protects wetlands with conservation easements and uses swales and vegetated structures, rather than curbs and gutters, for stormwater treatment (Jenkins 2007). The River Dunes development was a collaborative project with local governments, state agencies, and conservation groups (Jenkins 2007). It is based around the water and includes a marina, a nature center, and biking and walking trails. “In a time when waterfront developments are often pushed fast-forward in response to market needs, River Dunes is a study in contrast. Our master plan has been a careful and thoughtful process of balancing the opportunities for exceptional recreational living and boating in a pristine setting that has been untouched for half a century, with a deep commitment to good stewardship.”

ECONOMIC RENEWAL

Economic renewal is a process for bringing about sustainable development at the community level that takes into account low impact development and smart growth principles. It focuses on easier, cheaper and less risky means to achieve the same end as recruitment of outside businesses. Economic renewal also typically fosters a deeper kind of community spirit and self-reliance that comes from solving problems locally instead of waiting for salvation to come from the outside. This section summarizes the four principles, the nine tools and the eight steps to economic renewal. However, I strongly recommend consulting Michael Kinsley’s Economic Renewal Guide for a more in depth discussion and instructions for carrying out the process of economic renewal.

Davis, may it ever stand, along the wind swept shores…Tell me of a place more perfect and I’ll say it isn’t true.

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28 The majority of the economic renewal section, unless cited directly, is taken from:

29 Picture: http://www.downeasttour.com/williston/williston-welcome.htm (Williston, NC)

ECONOMIC RENEWAL

There is a common assumption that economic prosperity requires growth. However, growth has two fundamentally different meanings: (1) expansion and (2) development. “Expansion means getting bigger; development means getting better, which may or may not involve expansion. Though a sound economy requires development, including vigorous business activity, it doesn’t necessarily require expansion of community size.” Most communities with declining economies focus too much on expansion, when they should be focusing on development.

Declining communities typically experience business failures, loss of jobs and population, lack of opportunities for young people, deteriorating infrastructure, and loss of hope. The local economies of these communities are also usually based on one or two resources, such as fish. When a community’s basic industry, such as fishing, is threatened, the usual response is to call for any type of economic development. Business recruitment, a single, cure-all strategy, is typically pursued indiscriminately. However, communities should broaden their approach to economic improvement. On the other hand, some declining towns will do nothing to strengthen their economies because the town is paralyzed by a community-wide negative attitude. Other communities may realize that there is a problem, but is too busy focusing all of its energy on blaming those it believes caused the problem, such as the government or environmentalists.

Sustainable development is a viable alternative to economic development strategies that are based on expansion. Sustainable economic development is a more balanced approach that weighs social and environmental considerations alongside of conventional economic considerations. Sustainable development, rooted in stewardship, is the careful, economical, long-term management of land, community and resources.
The process of economic renewal developed by the Rocky Mountain Institute can serve as a useful resource for any community development effort. Economic renewal, field-tested in numerous towns since 1986, is a practical means by which communities can improve themselves sustainably. Economic renewal focuses on easier, cheaper and less risky means to achieve the same end as recruitment of outside businesses. It also typically fosters a deeper kind of community spirit and self-reliance that comes from solving problems locally instead of waiting for salvation to come from the outside. This approach to development integrates economic, community and environmental concerns. Community residents and leaders, through a process that minimizes controversy and maximizes creativity, choose development projects.

Sustainable development:31

- Redefines prosperity, weighing quality of life, community character, and the environment alongside economic considerations.
- Seeks true development, in the sense of getting better, instead of expansion, which is merely getting bigger.
- Advocates the long-term stewardship of community resources, ensuring that present actions don’t erode the basis for future prosperity.
- Pursues self-reliance and a more democratic approach to decision-making, representing community-wide interests over those of an elite few.
- Stresses diversity, resilience, and a conviction that many small efforts work better than a single one-size-fits-all solution.

Economic renewal is a practical way to achieve sustainability at the community level that is based on a set of guiding principles and tools. The four principles will help guide a

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31 Taken directly from Michael Kinsley’s Economic Renewal Guide.
community in identifying specific projects that will strengthen the community and its economy. In addition, the economic renewal tools can be applied in every stage and aspect of an economic development project. “Together, they offer new perspectives on old problems, revealing opportunities that might otherwise be over-looked.”

**The Four Principles of Economic Renewal**

The economic renewal road to sustainable development is based on four interrelated and often overlapping principles. The first principle is described as ‘plugging the leaks,’ an important and often overlooked economic opportunity. Economists refer to this principle as import substitution in which imports are replaced by local products at no extra cost. When a community plugs an unnecessary leak through import substitution, it puts money back into the local economy. More money in local circulation creates more value, pays more wages, finances more investments, and ultimately creates more jobs. Even when a commodity cannot be produced locally, such as energy, it can typically be used more efficiently to achieve the same net result.

“Leak-plugging can turn a town’s whole attitude around. For instance, in the early ‘90s the future looked bleak to many residents of Tropic, Utah. The timber mill had closed and ranching was part-time for most. But some made a living serving tourists visiting nearby Bryce Canyon National Park, and high school students in an entrepreneurship class noticed that tourists were buying a lot of bottled water. In 1995, with the help of their teacher, Kaylyn Neilson, they started producing and selling Bryce Canyon Mist, local spring water bottled with an attractive label depicting the national park’s red and yellow cliffs rising out of the morning fog. The new product hasn’t single-handedly saved the town, but it has demonstrated to residents that they can improve their local economy by replacing imports with local products.”
Some communities also promote leak plugging through official buy-local programs or through informal, barter economies that enable local goods and services to replace imports. “Leak-plugging—through import substitution, resource efficiency, buy-local programs, and a stronger informal economy—is an important step toward greater self-reliance, and a crucial aspect of any community’s development strategy in an increasingly globalized and unpredictable economy. The more efficiently resources can be used, and the more local purchases (especially necessities) can be produced locally at reasonable prices, the more resilient the local economy will be, and the more able it will be to withstand externally created shocks and changes.”

The second principle involves supporting the economic heart of a community—its small businesses. Supporting local existing business can be done through leak plugging or through other innovative ideas. However, a community’s development effort must deal with the two most important causes of failure: (1) inexperienced management and (2) inadequate financing. Federally supported small business development centers can help a community deal with the causes of failure by offering classes in basic business skills, such as management and accounting. Community development corporations are also important to towns because they lend to businesses, develop commercial and industrial space, and create housing. There are more than 2,000 community development corporations in the United States that usually target services to lower-income people. For example, the Mountain Association for Community Economic Development, headquartered in Berea, Kentucky and operating throughout the state, works on issues of forest products, displaced workers, micro-enterprise, affordable housing, water quality, and access to local government.

Encouraging new local enterprise is the third economic renewal principle that can cause start-up businesses to outnumber business failures. The previous two principles—plugging the
leaks and supporting small existing businesses—both lay a firm foundation for the encouragement of new local enterprise. “Many communities whose industries are based on limited resources can create new businesses and jobs by adding more value to the products they export. A classic example is the logging town with its own timber mill: by shipping milled lumber instead of raw logs, the town creates more jobs per trees cut down than a town without a mill. Some troubled logging communities are taking this concept a step further by processing milled lumber further into furniture or other finished goods, thus supporting even more jobs with a limited resource base.” Adding value to resources, such as timber, grain, cattle, coal or fish, is a powerful strategy for stimulating a local economy. The business incubator is another well-tested method for encouraging new local enterprise. The business incubator, developed by private businesses, local governments, and colleges, varies widely from place to place, but typically provide affordable, sometimes subsidized, space, business services, and consulting under one roof. Creative financing is also needed to encourage new enterprise. For example, most banks won’t lend to local start-ups because of the small size and high risk. Therefore, the Good Faith Community Loan Fund of Pine Bluff, Arkansas was created to provide financing to very small local businesses.

The final principle of economic renewal is recruiting compatible new business. A community will be in a much better position to recruit new business after completing the first three steps because businesses looking to relocate will be more attracted to a community with vibrant local enterprise and a high quality of life. A community that is working hard to improve itself is also more likely to receive resources from government agencies and foundations. Business recruitment can also encourage new enterprises to develop underutilized resources and meet needs unfulfilled by existing businesses. “Incoming companies can bring fresh capital, new
jobs, economies of scale, technical expertise, and participation in national or international networks. If these characteristics complement local resources, the new company can bring renewed vigor to your community.” It is also important for communities not to pursue business at any cost, but rather with regard for community and environmental values.

“Taken together, these four principles offer an important message to every community: do better with what you have, instead of seeking ‘saviors’ from outside the community such as footloose companies and government programs. Whatever direction your community chooses, taking care of what you already have will give your economy the strength to multiply the benefits of any later economic development.”

_The Nine Tools of Economic Renewal_32

1. Ask Why: Asking why helps strip away unfounded assumptions and establish what’s really needed. It shifts the focus from particular proposals, which may divide the community by appealing to entrenched positions, to the underlying goals that unite the community. Having asked why, you can then choose the best way to achieve those goals rather than narrowly focusing on one-size-fits-all solutions. This simple technique helps identify the most creative, sensible solutions to community problems. It can be applied to virtually any issue.

2. Manage Demand: The conventional response to running out of something is to look for more of it. Such ‘supply-side’ solutions often overlook the true nature of demand. The solutions to many problems are often far less expensive when they address demand rather than simply adding new supply. ‘Demand management,’ as this approach is called, starts by asking what job the user wants done, and then determining the most efficient way to

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32 Taken directly from Michael Kinsley’s _Economic Renewal Guide_.

do it. It usually turns out that no kind of new supply can compete with the more efficient use of what you’ve already got. Demand management solutions are not only better for the economy, they’re better for the environment. For example, some cities are realizing that widening roads and highways doesn’t solve traffic problems. ‘Traffic demand management’ programs, such as ride-sharing, can accomplish the same objective much more cheaply.

3. Pursue Development, Not Necessarily Expansion: Growth and development aren’t the same. Growth, in the sense of expansion, is an increase in quantity; while development is an increase in quality. This distinction is particularly important to the many communities that are learning the hard way that growth is not the solution to their economic woes. While they enjoy the benefits of growth, they’re also vexed by the problems it causes: higher taxes, traffic congestion, crime, long commutes, air pollution, increasing intolerance, disrespect for traditional leadership, increasingly cutthroat business competition, higher rents, housing shortages, spiraling costs, and demands for higher wages to meet the higher cost of living. Fortunately, communities have many opportunities to develop that don’t require them to get bigger. They can create jobs, increase income, improve conditions, save money, and provide opportunities for subsistence (non-cash) activities—all of which strengthen the local economy without necessarily requiring its expansion. It’s true that expansion creates jobs in a community; but sustainable development puts people to work, too, without the problems often associated with physical expansion.

4. Seek Small Solutions: Communities with big problems often seek big solutions. But the bigger the solution, the harder it is to pull off, and the greater the risks. In contrast, small
solutions are usually more flexible, less expensive, and more manageable than large ones. When a community embarks on a diverse effort that includes many small projects, each of which can produce results, then the potential for success is high. If a few problems turn out to be duds, no problem. Others will succeed, making the overall effort a success—the kind of success that builds toward a better future. This is not to say that your community shouldn’t attempt a large project—just don’t rely on that big project as the sole basis for your community’s success.

5. Find Problem-Solvers Who Care: Many communities pursuing development seek saviors—a big corporation, government, or maybe a foundation—someone from outside the community who’ll wave a magic money wand and save the community from disaster. It may happen. But the success of this approach depends entirely on an important decision made by people with no direct stake in the community. Entrusting your community’s future to such disinterested outsiders is likely to lead to delay, disappointment, and an unacceptable loss of control over the outcome. This is not to say that a community shouldn’t fully use outside resources; on the contrary, an effective development strategy taps outside resources. But don’t rely on them for your sole support. When looking for problem-solvers, don’t overlook local business people. They, as much as anybody, have an interest in seeing your community thrive.

6. Increase the ‘Multiplier Effect.’ When a dollar enters a community and is then spent outside the community, its benefit is felt only once. If that same dollar is respent within the community, its benefit is multiplied: it adds more value, pays more wages, finances more investments, and ultimately creates more jobs. Thanks to this ‘multiplier effect,’ each additional transaction in which the dollar is involved creates just as much wealth as
a new dollar from the outside, but relies on local decisions made by people who care about the community. Your community can increase its multiplier effect by plugging leaks, supporting existing businesses, and creating new local businesses—especially if those new businesses supply locals with things that had previously been imported.

7. Find Hidden Local Skills and Assets: Virtually every community has some unique asset or skill that can be put to work creating wealth. It could be a raw material, a recreational opportunity, perhaps a traditional craft or a historical affinity for a certain industry. The trick is to examine your community with a fresh eye.

8. Build Social Capital: A community’s most important strength is the capacity of its people to work together for the common good. This capacity is often referred to as ‘social capital.’ Like more conventional forms of capital, the more you give away, the more you get back. A community’s economic success is based on its social capital rather than the other way around. Towns succeed because they’re communities, not just collections of buildings and people. Successful communities have committed volunteers who serve in many ways, some organized, some quietly individualistic. They have lots of organizations, meetings, events, festivals, and parties. Though one of these activities alone may seem insignificant, together they create the foundation for a community and its economy.

9. Organize Regionally: Just as your family needs the community, the community needs its connections to neighboring towns, the region, the nation, and the world. The human scale of a community—which is its strength on a social level—can make for limited economic options and few opportunities to make business connections. A smart development effort looks for ways to tie in more fully to the regional economy.
The Eight Steps to Economic Renewal

“Economic Renewal is a process by which community residents from all walks of life work together to find and develop projects to strengthen their community and its economy.”

This process, with the exception of the first preparatory step, includes a series of town meetings, each designed to build on the results of the previous session. A small team of residents with the help of a larger group of volunteers and sometimes a professional facilitator carries out the economic renewal process. This eight-step process typically takes two to six months and culminates with the development of project action plans.

The first step of the economic renewal process is to mobilize a variety of community residents to participate in the rest of the process. This step is one of the most important because it sets the stage for the rest of the process. There is a better chance of broad community support for a decision if it was developed by all kinds of people within the community. A small group of people, who have decided that economic renewal is the appropriate program, usually begins the mobilization process by trying to generate as much interest in the economic renewal process as possible. Every possible viewpoint should be represented throughout the process, including those that are typically ignored in local public processes. After enlisting the support of a variety of key representatives, organizers should publicize the process and the upcoming meeting through media announcements.

A town meeting to envision the community’s future is the second step in the economic renewal process. The residents use worksheets to identify their values, goals and perceptions, and from them project the community’s preferred future. This step allows a community to itemize what it wants to preserve and what it wants to create. The community is ensured that what’s important to them, in addition to business and jobs will be the basis for the community’s
development program. During this step, most residents come to a realization that community members value the same things. This realization begins to build the trust that it essential to the success of the economic renewal program. This initial town meeting also usually includes an introduction to sustainable development, the economic renewal process, and the people who are conducting it.

The second town meeting, and the third step in the economic renewal process, is to identify what the community has to work with. “This provides a sound and factual basis for the community’s subsequent development effort. Without it, many opportunities would be lost.” During this meeting, participants break into smaller groups to discuss seven important aspects of the local economy: business environment, access to capital, infrastructure, quality of life, the informal economy, natural resources, and human resources. Worksheets listing problems, needs and assets are the products of this session and become the raw data for the next step. Other economic and demographic data can also be included at this point in the process if available.

During step four, participants look for new opportunities by analyzing the community’s inventory that was collected during the previous step. This task includes making connections between community problems, needs and assets. By the end of the meeting, participants have listed dozens or even hundreds of actions that might be pursued to strengthen the community.

The purpose of step five is to generate project ideas that might strengthen the community. Participants during this town meeting identify project ideas based on what they learned during step 4 and on ideas learned from the examples of other towns. “Some communities find they’ve already generated so many project ideas that they need very little time to complete this step, and are able to combine it in the same meeting with Step 6.”
Many of the ideas generated in steps four and five are impractical, incompatible with the community, or too difficult or risky. Steps four and five also tend to generate more project ideas than any community can handle. Therefore, the worksheets used in step six allow participants to evaluate how well project ideas fit the community’s needs. Participants form committees to evaluate the project ideas that were generated in steps four and five. “Each committee starts by clarifying and adding details to the idea, which may originally have been started in general or vague terms, then evaluates the idea for its practicality, sustainability, compatibility with the community’s preferred future, and other appropriate criteria. The projects that aren’t chosen for evaluation at the end of the step are set aside for future consideration.

Even though step six reduces the number of prospective projects, there are still usually too many ideas remaining for the community to implement at once. Therefore, during step seven, which may require more than one community meeting, participants compare project ideas to one another to select the ones that are most promising for the community. “Committees present the results of their project evaluations, which, tempered by comments from all participants, are summarized on a wall-sized ‘project menu.’ When the presentations have all been made and the project menu filled in, participants discuss the comparative merits of each project and agree by consensus which projects should proceed.”

The eighth and final step in the economic renewal process is to develop project action plans. This step begins with a public meeting, but the committees then work independently. The task of these committees is to create a written action plan for each of the chosen projects. During the process of writing the plans, the committees refine project concepts, recruit technical assistance, analyze alternatives, identify barriers to implementation, create budgets, secure financial support, and deal with resistance.
The Measure of Economic Renewal’s Success

A few realistic projects that were chosen by participants will be the outcome of the economic renewal process. The goal of these projects is to build toward a more sustainable future for the community. In order to enhance community support and enthusiasm, the participants should choose one project that can be implemented quickly and easily to achieve a short-term, measurable success. One indicator of success is if many community residents and leaders better understand the community economy and are more comfortable with community development. Participants will also have experienced a collaborative process that is much more creative and less contentious than the usual ways of getting things done. Therefore, they will be more willing to work together because they better understand each other. This experience should also lead to more effective decisions in the future.

Some examples of communities that have created and chosen development ideas compatible with its particular circumstances include:\(^{33}\)

- **Alamosa, Colorado:** Residents dramatically revitalized their downtown, launched alternative crop and fish-farming initiatives, started a community recreation program, conducted a business-needs analysis, planned a community/conference center, and instituted a flood-control program that saves $115,000 in insurance each year. Moreover, Economic Renewal ‘helped bring the town together’ and ‘fired up the people,’ according to town manager Mike Hackett.

- **Kentucky:** The Mountain Association for Community Economic Development used Economic Renewal in three economically distressed counties. Participants selected a variety of development projects including a farmer’s market, a co-op art gallery, a

\(^{33}\) Taken directly from Michael Kinsley’s *Economic Renewal Guide.*
tourism committee, a small-business assistance effort, a value-added wood products business, and downtown improvements.

- Plateau Valley, Colorado: Residents of this rural area started a local newspaper, upgraded their fairground, and inventoried historic structures, and are now investigating alternative local crops.

- Snowflake, Arizona: Economic Renewal participants decided to support local business with a mentoring program, improve tourism by training local tour guides, and support local farmers with a co-op for specialty produce.

- Saskatchewan, Canada: Farmers built a value-added processing facility and started a marketing campaign for their organic products.

Even though some of these communities received minor help from the outside, there were no big government grants or industrial sitings. Therefore, the communities created their success largely on their own.

**Three-Minute Presentation**

Concluding the economic renewal section is a brief verbal description that leaders or volunteers can give to others about economic renewal in a very short period of time. Spoken the way it is written, it should take approximately three minutes. However, the first two paragraphs will suffice as a quick summary if there is less time available. The following is a three-minute presentation taken directly from Michael Kinsley’s *Economic Renewal Guide*.

Economic Renewal is a different way of looking at economic development. Based on the experience of real people in real towns, it shows us that economic development is not just about business, it’s about many ways to make our economy and our community stronger without doing any damage to the environment. In fact, it shows us that the economy, the community, and the
environment are really one thing in the long run. It’s when we separate them that we get into trouble.

Economic Renewal is also a different way of going about economic development. Instead of letting a few people make decisions that generate lots of nasty controversy, it involves people from all walks of life in a collaborative decision-making process that’s creative, practical, and fun.

The Economic Renewal process is a series of carefully thought-out town meetings. In the first, we’ll envision our ‘preferred future’—how we want the community to be. In the next, we’ll figure out what we have to work with—our community’s problems, needs, and assets. In later meetings, we’ll look for ways to use our assets to solve problems or fulfill needs; we’ll study successes from other towns and talk about ideas for projects to strengthen our community and its economy; and we’ll carefully evaluate our ideas and choose the projects that make the most sense for our particular circumstances.

Not only will these sessions result in practical projects that we can implement to make this a better place to live, they’ll help us find common ground and learn to work better with one another—even with people we disagree with. It won’t be quick or easy. It’ll take eight to ten meetings to do it right. But it’ll be creative and fun, and it’ll definitely set us off in a better direction.

Instead of just figuring out who to blame or searching high and low for someone outside the community to come save us, we’ll focus first on how we can do better with what we have. For instance, we could find ways to save money by using resources more efficiently. We might create jobs by figuring out ways to produce locally some of the things we buy from the outside.
Or we could focus on keeping the jobs we’ve got. Also, we’ll probably look for ways to keep local businesses strong.

Economic Renewal will help us identify what we want, find creative new ideas, put those ideas to work, and access resources. But it doesn’t guarantee results. Results depend on our ability to work together, despite our differences. The Economic Renewal process will help us do that, too, so we can get genuinely creative results.
CURRENT ACTIVITIES

The following section summarizes the Down East Conservation Ordinance and the Waterfront Access Committee. These are examples of things that are currently being done to address the situation Down East and the problem of public access to the water.

34 Picture: http://www.downeasttour.com/stacy/stacy-wecome.htm (Stacy, NC)
The Down East Conservation Ordinance is meant to protect the sensitive environmental areas located in the Down East area of Carteret County, North Carolina. One of the major goals of this ordinance is to reduce and control future surface water quality degradation to the Outstanding Resource Waters and Areas of Environmental Concern. In addition, the ordinance seeks to protect and safeguard the general health, safety, and welfare of Down East Residents. The regulations included in the Conservation Ordinance govern development in the following areas: Straits Township, Harkers Island Township, Marshallberg Township, Smyrna Township, Davis Township, Stacy Township, Sea Level Township, Atlantic Township and Cedar Island Township of Carteret County. However, the regulations do not apply to bona fide farms and its related uses, but do apply to non-farm uses on farms.

The Conservation Ordinance includes five main design standards: building height, lot size, buffers, package treatment plants, and minimum setbacks. The maximum building height for structures within the Ordinance’s jurisdiction is 45 feet mean roof height for a single-family dwelling, commercial building, and industrial building. The mean roof height is defined as the “average of the lowest roof eve height and the highest roof peak height.” In addition, the Ordinance restricts the highest roof peak height to 50 feet. Silos, skylights, roof structures for elevators, tanks, ventilating fans, air conditioning or similar equipment for the operation or maintenance of the building and any device used for screening such structures and equipment, telecommunication towers, steeples, flagpoles, chimneys, water tanks, and wind towers are all structures, features, or equipment that are permitted above the height limit.

35 The majority of the Conservation Ordinance section, unless cited directly, is taken from the Down East Conservation Ordinance of September 2006.
The minimum lot size will comply with the Land Use classification of the area as listed in the Carteret County CAMA Land Use Plan. There are four classifications of lot size that apply to Down East: (1) limited transition—densities average three units per acre with a minimum lot size of 10,000 square feet, with the majority of lots having 15,000 square feet or more; (2) rural—densities average two units per acre with a minimum lot size of 20,000 square feet; (3) community—densities average two units per acre with a minimum lot size of 20,000 square feet; and (4) rural with services—densities average two dwelling units per acre with a minimum lot size of 15,000 square feet. In addition, the lot must meet the minimum required lot width of 80 feet. The definition of lot area is “the total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.” The Conservation Ordinance lists four Land Use classifications: limited transition, rural, community, and rural with services. Densities on limited transition lands should average 3 units per acre with a minimum lot size of 10,000 square feet, with the majority of lots having 15,000 square feet or more. Densities on rural and community lands should average 2 units per acre with a minimum lot size of 20,000 square feet. Finally, densities on rural lands with services should average 2 units per acre, with a minimum lot size of 15,000 square feet.

Areas of environmental concern are areas of an environmentally sensitive nature that are designated by the North Carolina Coastal Resources Commission as required under the Coastal Area Management Act (CAMA) of 1975. The Conservation Ordinance requires a 50-foot buffer from the normal high water line, a mark indicating the highest level reached by a body of water,
for all buildings within areas of environmental concern. However, exemptions are permitted as per CAMA regulations. The Conservation Ordinance adds 20 feet to the CAMA required 30-foot buffer. A landowner may choose to have an engineered stormwater plan that maintains 1.5 inches of stormwater per 24 hours on the property rather than maintaining the additional 20-foot buffer required by the Ordinance. Finally, a variance will be given to the property owner if the lot is deemed to be unbuildable due to the additional 20-foot buffer and/or the engineered stormwater plan.

A package treatment plant is defined as a “privately or publicly owned and operated sewage treatment facility that collects, treats and disposes of sewage and uses a combination of physical, chemical and/or biological processes and requires approval by the North Carolina Department of Environment and Natural Resources (NCDENR) wastewater engineering sections.” A package treatment plant is an onsite system that treats the wastewater generated by a single-family home or one business. The wastewater is treated and returned to the environment within the property boundaries of the home or business (KDHEKS 2007). This differs from a large centralized municipal system that usually includes a central treatment plant that handles wastewater from a variety of sources and is collected in gravity sewers with pumping stations as needed (KDHEKS 2007). After a package treatment plant is approved by NCDENR, an operational agreement is given to Carteret County. This contract states that the ongoing operation and maintenance of the plant, and provisions to secure sufficient funds beyond the routine operations and maintenance expenses will be provided. Importantly, the contract also states that the owner or association of the package treatment plant is responsible for all repair, maintenance and/or replacement of the system! The County also has the option to repair or
replace the system and the owner of the treatment plant is responsible to the County for any cost associated with this repair or replacement.

Package treatment plants are prohibited from discharging waste into all 401, 404 and coastal wetlands. In addition, all permitted wastewater disposal areas are required to be located greater than 100 feet away from the mean high water line. However, high rate infiltration systems are required to be located more than 200 feet away from the mean high water mark. Collection system components, such as lift systems, should be protected from flood waters associated with storm events and wind tides and should be placed in areas that will not allow contamination of surface waters or wetlands should an overflow occur.

The State of North Carolina requires that a fence be placed around all package treatment plants, but the Conservation Ordinance also requires a minimum 15-foot wide vegetative buffer to adequately screen the treatment plant from the view of abutting properties. This vegetative buffer should contain evergreen shrubs planted in two tiers. The first tier will be closest to the package treatment plant and should be maintained to not exceed the height of the fence. The evergreen shrubs in this first tier should be taller than those in the second tier. If a vegetative buffer is not appropriate due to a limited lot area, a durable masonry wall or wooden fence that is designed to be compatible with the character of adjacent properties may be used. This wall or fence must be between 8 feet and 10 feet in height, measured from the ground along the common lot line of adjoining properties. A reduction in vegetative buffers is permitted when equipment, such as blowers, generators and electrical equipment, is contained in a enclosed structure that reduces noise, protects the equipment from corrosion, and increases the life expectancy of the wastewater treatment system components.
The Down East Conservation Ordinance also requires that all principal structures to be erected on a lot meet the following minimum setbacks: 20 feet from the front property line, 40 feet from the front property line on a lot abutting a major thoroughfare street, 10 feet from a side property line, 15 feet from the side property line on a corner lot, and 30 feet from the rear property line. Detached garages, carports and accessory building may be constructed a minimum of 5 feet from a side or rear property line. However, these structures must be set back 15 feet from a side property line that abuts a street on a corner lot and set back a minimum of 20 feet from a front property line.

A nonconforming structure is a “building of structure that lawfully existed prior to the initial adoption of the Down East Conservation Ordinance or any subsequent amendments that is not in compliance with this Ordinance.” Article V of the Conservation Ordinance, which places restrictions on the use and development of land by establishing minimum standards, deals with nonconforming structures. The Ordinance takes into account that some land and improvements were developed, or proposals for the use of land were initiated, prior to the adoption of its regulations. Therefore, these uses or proposals may not meet the minimum standards contained in the Conservation Ordinance because they were developed under no specific standards or under standards that were less restrictive. The Carteret County Board of Commissioners recognized that strict application of the Ordinance standards to nonconforming structures or uses may cause hardships for the property owner. Therefore, the Board of Commissioners granted ‘nonconforming status’ to four different uses or situations: nonconforming vacant lots, nonconforming occupied lots, reconstruction of damaged or destroyed structures, and reconstruction of structures. Damaged or destroyed structures are defined as structures that have more than 50 percent structural damage. Reconstruction of structures are defined as structures
that are rebuilt or improved by a property owner for personal reasons, not associated with fire, flood, wind, act of God, or condemnation proceedings. The nonconforming status allows these uses to continue, even though they do not meet the Ordinance standards.

A nonconforming vacant lot is a lot that does not conform to the lot regulations of the Conservation Ordinance or subsequent amendments that may be incorporated into the Ordinance. This type of lot may be used for any use as long as it meets the minimum requirements for front, side and rear yards, buffers, and height of structures. In addition, the lot must not abut a lot that could be combined with it to make it conforming.

A nonconforming occupied lot is a lot that contained a structure at the time the Conservation Ordinance was adopted, but that does not meet the minimum requirements for width, area, front, side or rear yard, height and buffer. Any structures on a nonconforming occupied lot may be improved or expanded, but this expansion must comply with the minimum Ordinance requirements for front, side and rear yard, height and buffer in which the lot is located. In addition, the expansion or improvement of a structure on a nonconforming occupied lot must not increase the nonconformity.

The Down East Conservation Ordinance applies to all new construction. However, any damaged or destroyed homes, sheds, out buildings, etc. that existed before the ordinance was put into affect will be allowed to be rebuilt on the existing building footprint. A building footprint is defined as “the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of decks or courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.” The newly rebuilt structure must comply with the local Flood Damage Prevention Ordinance and FEMA requirements. A structure that is damaged by more than 50 percent of the structural value
can also be rebuilt in the existing building footprint. During the rebuilding process, landowners are encouraged to comply with the Ordinance in order to protect the existing areas of environmental concern, but are not required to do so. Finally, in order to rebuild on the existing building footprint, the landowner must submit a complete application within 2 years from the date the structure was destroyed or damaged.

If a property owner wants to rebuild or improve existing structures for personal reasons, not associated with fire, flood, wind, act of God, or condemnation proceedings, the reconstruction must be in compliance with the Conservation Ordinance.

WATERFRONT ACCESS STUDY COMMITTEE

The Waterfront Access Study Committee (Senate Bill 1352) was filed on May 11, 2006 as “an act to establish the waterfront access study committee and to direct the committee to study the loss of diversity of uses along the coastal shoreline of North Carolina and how these losses impact access to the public trust waters of the State, as recommended by the Joint Legislative Commission on Seafood and Aquaculture.” There is a growing concern that North Carolina is experiencing a loss of diversity of uses along its coastal shoreline as more people seek waterfront property. Numerous waterfront uses—public marinas, boat building and boat servicing companies, commercial fishing facilities, fish houses, and other commercial establishments that depend on water access—are being replaced by residential properties. In addition, the North Carolina Marine Fisheries Commission and the North Carolina Coastal Resources Commission have both adopted resolutions that recognize the importance of waterfront access issues. Therefore, a waterfront access study committee was created to study the loss of public access to the water. This committee is comprised of 21 members representing state and local agencies and
commissions, scholars, and business interests, including economic development, fisheries, marine trades and real estate. The committee has been meeting since September 2006, including three public comment sessions.

The Waterfront Access Study Committee submitted its report, including 27 recommendations, to the North Carolina Joint Legislative Commission on Seafood and Aquaculture, the North Carolina Marine Fisheries Commission and the North Carolina Resources Commission on April 13, 2007. The report’s executive summary states the committee “believes that the need to ensure existing waterfront-dependent uses, to ensure future diverse waterfront-dependent uses of the shoreline, and to retain and enhance public access to coastal public trust waters is an important and urgent issue confronting the people of North Carolina, and that there are grounds for an immediate, comprehensive, and creative response by the State.” This statement is based on the statement that “skyrocketing market demand for this limited, finite shoreline resource, accelerating non-waterfront-dependent development of the shoreline, and steadily increasing real property taxes are among the factors contributing to this loss and strongly suggest that, without State intervention, this disturbing trend will continue to the detriment of the people of the State of North Carolina.”

The 27 recommendations made by the Waterfront Access Study Committee fall into several major areas: 36 (1) retaining and enhancing working waterfronts; (2) enhancing public access to coastal waters; (3) planning and zoning approaches to waterfront and access issues; (4) purchase or transfer of development rights; (5) fishing piers: a North Carolina heritage; (6) fees for public trust of submerged lands easements; (7) meeting environmental compliance costs; (8) need for a socioeconomic study; (9) cooperative state-local partnerships and approaches; (10) 36

educational outreach; and (11) further study and oversight. Following is a brief explanation of each recommendation.\(^{37}\)

In order to retain and enhance working waterfronts, the Waterfront Access Study Committee recommends that state funds be set aside to assist in the retention and enhancement of working waterfronts along coastal public trust waters. To ease the rising tax burden on working waterfront businesses, the committee also recommends extending the present use value taxation option that is now used for farms and forest lands.

To enhance public access to coastal waters, the committee recommends increased funding for existing state programs that promote access to coastal public trust waters. This includes programs within the NC Wildlife Resources Commission, the NC Division of Coastal Management and the NC Division of Water Resources, as well as programs that are supported by Coastal Recreational Fishing License fees.

The commission also suggests a variety of planning and zoning approaches to waterfront and access issues. For example, the committee recommends that local coastal governments research potential uses of special zoning techniques that would retain or enhance working waterfronts and/or public access facility development. The committee also recommends that grants to assist local government efforts be introduced into state guidelines and regulations.

The NC General Assembly should enact legislation that expands the purchase of development rights and the transfer of development rights programs at the local level. This expansion would benefit working waterfront and/or public access retention and enhancement programs.

The committee recommends that the state include all private fishing piers that provide public access within the working waterfrocks definition as part of an expansion of present use value tax eligibility. In addition, the state should provide low-interest loans to cover storm damage to piers. The committee also recommends authorization and funding for the NC aquariums to pilot the development of three public piers to provide access and educational opportunities for anglers and other members of the public.

“The committee recommends that the General Assembly re-examine and possibly reformulate the public trust submerged lands easement fee structure, and recommends that the state review the nature and legality of long-term or permanent sale of docks or ‘dockominiums’ that occupy coastal public trust submerged lands.”

Funding sources and mechanisms should be made available to assist developers of working waterfront and public access facilities in developing or redeveloping facilities along the waterfront that are in full compliance with environmental regulations.

A socioeconomic study of working waterfrocks and access to coastal public trust waters is also needed to examine the issues comprehensively and in detail. The Waterfront Access Study Committee recommends that the General Assembly provide funding for the socioeconomic study.

Working waterfront and public access advisory bodies are also suggested to seek cooperative inter-governmental solutions to waterfront and access issues. The General Assembly should encourage coastal counties and waterfront municipalities to establish these advisory bodies with ex-officio representation from state agencies.
Educational outreach programs, funded by the General Assembly, are recommended by the committee in order to improve the retention and enhancement of working waterfronts and public access to coastal waters.

Finally, the committee recommends the establishment of a formal joint legislative commission, funded by the General Assembly, to continue the work of the Waterfront Access Study Committee and to guide any programs or actions implemented from the study committee’s work or related deliberations.

Michael Voiland, executive director of North Carolina Sea Grant, said that “despite the tight deadline and complexity of waterfront land-use issues, the committee has offered the state a good starting point—an early action plan, if you will—for redressing the loss of waterfront diversity and public access along the state’s shorelines.”
The final section briefly explains two areas of research that can be done to enhance the sustainable development guide. The two types of research include a decision analysis project and a survey of Down East residents.
DECISION ANALYSIS

Decision analysis acts as an information source that provides insight about the situation, uncertainty, objectives and tradeoffs. A decision analysis project usually yields a recommended course of action. Therefore, Down East can use the decision analysis process to test a variety of options for the future, such as incorporation and zoning.

DOWN EAST SURVEY

Zoe Meletis, a PhD student at the Duke University Marine Laboratory has developed a survey to collect information on local views of development, planning issues, and Down East’s future. The completion of this survey will provide important information about residents’ perceptions of what is happening Down East and what the residents hope to see for the future. The survey results will also contribute to the decision analysis process.
REFERENCES


24. Smart Growth Network. *This is Smart Growth.* www.smartgrowth.com


