

1 **PRESENT:** Ernest Cutler, *Chair*; Iris Wooliever, *Vice Chair*; Jackie Attaway;
2 William Alfred Gray; Nicole Brunns

3
4 **EXCUSED:** Bob Warren

5
6 **UNEXCUSED:** Joshua Monnens

7
8 **STAFF PRESENT:** Katrina Marshall, *AICP, Planning Director*; Sue Steinhauser,
9 *Planner/ Zoning Code Enforcement Officer* and Sandra Gahlinger,
10 *Secretary to the Board*

11
12 **ALSO PRESENT:** NONE

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14 **A. CALL TO ORDER & ROLL CALL**

15 Chair Ernest Cutler called the February 7, 2023, Planning Board meeting to order at 5:30 p.m.

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17 **B. MOMENT OF SILENCE**

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19 **C. PLEDGE OF ALLEGIANCE**

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21 **D. APPROVAL OF MINUTES**

22 Ms. Wooliever moved to dispense with the reading of the January 3, 2023, minutes. Ms. Attaway
23 seconded. The vote passed unanimously (4-0).

24
25 Ms. Attaway moved that the minutes be accepted as presented. Ms. Wooliever seconded. The vote
26 was unanimous (4-0).

27
28 **F. OLD BUSINESS** NONE

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30 **F. NEW BUSINESS**

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32 **AGENDA ITEM F-1** REVIEW DRAFT CAMA LAND USE PLAN
33 UPDATE AND MAKE A RECOMMENDATION TO
34 THE BOARD OF COMMISSIONERS FOR
35 ADOPTION OF THE DRAFT PLAN

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37 The Draft CAMA Land Use Plan (LUP) was reviewed by the Planning Board at the joint meeting
38 with the Board of Commissioners on June 14, 2022. At that meeting, the Board recommended
39 forwarding the draft LUP to the Commissioners recommending approval. The Board of
40 Commissioners reviewed the draft LUP and adopted it at their meeting on June 27, 2022.

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42 As required, the plan was forwarded to the Coastal Resources Commission for review and
43 certification. Coastal Resource Commission provided comments that needed to be addressed in
44 the adopted plan and staff has been working with our consultants at Insight Planning and
45 Development to incorporate the changes.

46

47 Included in your packet is a comprehensive list of edits made since your last review and
48 recommendation (Attachment A) and an overview of the Land Use Plan Certification process
49 (Attachment B). The draft plan is available for review on the City's website at
50 https://www.havelocknc.us/DocumentCenter/View/845/DRAFT-CAMA-LUP_12-14-2022. If
51 you need a hard copy, please let us know.

52

53 To ensure compliance with state statutory requirements, the Planning Board needs to review the
54 draft document and make a recommendation to the Board of Commissioners.

55

56 Staff recommends approval of this draft CAMA Land Use Plan Update. Once adopted by the Board
57 of Commissioners, this plan will replace the current plan.

58

59 The draft CAMA Land Use Plan update is consistent with NCGS 160D as the City is required to
60 adopt and reasonably maintain a comprehensive land use plan as a condition of adopting and
61 applying zoning regulations.

62

63 **Discussion**

64 A question was asked regarding the process for changing the Land Use Plan in the future if
65 needed. Ms. Marshall responded that it would go through the amendment process which would
66 include a public hearing. She explained that it is recommended to review and update the Land
67 Use Plan every five years.

68

69 There being no further discussion, Mr. Cutler called for a motion to forward the draft CAMA
70 Land Use Plan update to the Board of Commissioners recommending approval. The Plan is
71 consistent with the requirement of N.C.G.S.160D-501 which requires adoption of a land use plan
72 as a condition of adopting and applying zoning regulations. Ms. Wooliever made the motion. Mr.
73 Gray seconded. The motion was unanimous (4-0).

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76 **AGENDA ITEM F-2**

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**REVIEW DRAFT NEUSE RIVER BASIN
STORMWATER ORDINANCE FOR NEW
DEVELOPMENT AND MAKE A
RECOMMENDATION TO THE BOARD OF
COMMISSIONERS FOR ADOPTION OF THE
DRAFT PLAN**

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85

The Planning Board is being asked to review the "Neuse River Basin Stormwater Ordinance for
New Development" (Exhibit A) and to provide a recommendation to the Board of
Commissioners regarding adoption of the ordinance. This includes amending Code of

86 Ordinances Chapter 53, Stormwater Management, and various sections of the Unified
87 Development Ordinance (UDO).

88 The Neuse and Tar-Pamlico Nutrient Management Strategies were updated by the NC Division
89 of Environmental Quality (DEQ), and revised rules were adopted effective April 1, 2020. This
90 included revised rules addressing post-construction stormwater control on new development. The
91 original versions of the Neuse and Tar-Pamlico Stormwater Rules were written before
92 comprehensive NPDES (National Pollutant Discharge Elimination System) Phase 2 Stormwater
93 Rules had been developed and provided little on post-construction requirements. The new Rules
94 explicitly define applicability and disturbance thresholds, and specifically require meeting
95 relevant parts of other regulations.

96 These rules were readopted as Neuse Nutrient Strategy: Stormwater, 15A NCAC 02B .0711, and
97 Tar-Pamlico Nutrient Strategy: Stormwater, 15A NCAC 02B .0731. A requirement of these rules
98 was revision of Local Programs for communities subject to the older versions of the rules.

99 To incorporate the new rules into the City Code and UDO, the City was provided with a model
100 ordinance which has been modified to apply specifically to Havelock. In reviewing the revised
101 ordinance sections, please be aware that the black text is carried forward from the old versions,
102 the red text reflects deletions and the blue text is additions.

103 Since Appeals and Variances are reviewed by the City's Board of Adjustment, these sections are
104 recommended to be added to the UDO with cross references in the new Chapter 53 text. Additional
105 sections of the City Code and UDO are included to update the references.

106

107 Another requirement of the readopted stormwater rules was the development of a new Model
108 Program to provide guidance to local governments in the development of new or revised Local
109 Programs. The "Local Program Document to Implement Neuse Stormwater Rules" fulfills that
110 rule requirement. (Exhibit B)

111 Approval of this text amendment is consistent with the City's Land Use Plan Environment and
112 Natural Resources Element goals and policies regarding protecting and enhancing the
113 availability and quality of natural resources in the City.

114 Once adopted by the Board of Commissioners, this ordinance will be effective May 1, 2023.

115

116 **Discussion**

117 Ms. Marshall explained the history of the ordinance and that there are two components: the
118 stormwater ordinance update and the local program update. The purpose was to streamline the
119 ordinance and make it easier to apply while putting more responsibility on the owner. There will
120 be staff training in March and April, and the deadline for compliance is May 1, 2023.

121

122 There being no further discussion, Mr. Cutler called for a motion to forward the draft Neuse River
123 Basin Stormwater Ordinance for New Development (Chapter 53 and associated articles) to the
124 Board of Commissioners recommending approval. The draft ordinance is consistent with the City's

125 Land Use Plan, environmental and natural element goals and policies. Mr. Gray made the motion.
126 Ms. Attaway seconded. The motion passed unanimously (4-0).

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128 **G. UPDATE FROM THE PLANNING DIRECTOR**

129 Ms. Marshall gave an update on the billboard recommendation. The Board of Commissioners
130 closed the public hearing and decided to take the issue to a workshop in order to more completely
131 review the whole scope of billboards and implications of change.

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133 She also announced that Commissioner Karen Lewis will be the Commissioner Liaison for the
134 next two years.

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136 **H. ITEMS FROM THE CHAIR AND/OR BOARD NONE**

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138 **I. ADJOURNMENT**

139 Ms. Attaway made the motion to adjourn. Ms. Wooliever seconded. The motion carried
140 unanimously (4-0). The meeting was adjourned at 6:17 pm.

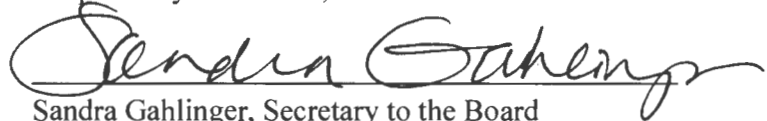
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Respectfully Submitted,

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Sandra Gahlinger, Secretary to the Board

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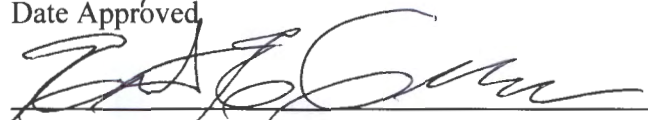
3/7/23

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Date Approved

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Ernest Cutler, Chair