

# MILITARY OCEAN TERMINAL SUNNY POINT JOINT LAND USE STUDY



ADVISORY COMMITTEE MEETING  
OCTOBER 16, 2018

# MEETING AGENDA

- Conflict Resolution Strategies Discussion
- Upcoming Meetings
- General Discussion
- Adjourn

# CONFLICT RESOLUTION STRATEGIES

BENCHMARK

# CONFLICT RESOLUTION STRATEGIES



Zoning Ordinances

Legal Agreements

Land Acquisition

State / Fed. Statutes

Comprehensive / Land Use Plans

Interagency Coordination

Easement Purchases

Joint Planning

Development Guidelines

MOUs

Advocacy Groups

Promotional Activities

BENCHMARK

# EXAMPLES OF “MANDATORY” STRATEGIES

# CONFLICT RESOLUTION STRATEGIES



Zoning  
Ordinances

Legal  
Agreements

Land  
Acquisition

State / Fed.  
Statutes

BENCHMARK

# ZONING

- Implementation through base district regulations overlays, special / conditional use permits.
- **Example:** Regulations to protect compatibility along the rail corridor
  - Types of Uses (overlay or base district)
  - Density (overlay or base district)
- **Example:** Regulations for tall structures that may be more susceptible to blast pressure
  - Height, location, orientation
  - Special / Conditional Use Permits
  - Tie in to additional building code standards (glass fragmentation etc.)

# ZONING

- Zoning regulations are the responsibility of each local government.
- Coordination between local governments necessary to enhance effectiveness (implementation of the same regulations).
- Coordination with local government Comprehensive Plans necessary to give them a sound legal basis (plan consistency).



# LEGAL AGREEMENTS

- Examples include easements, leases, licenses, permits, and other legally enforceable instruments.
- Used to guarantee adherence to contract standards.
- MOTSU has a large number of lease / license agreements with local governments.
- Incorporate performance standards for the compatible use of property on MOTSU land / within safety zones.

# LAND ACQUISITION

- Used in cases where fee-simple ownership of land is necessary to achieve a requirement
- Subject to budget / market constraints, willingness of sellers, and hesitance to use mandatory acquisition options.
- Provides the greatest degree of control and protection – especially with regard to physical security and safety.
- **Example:** MOTSU owns easements rather than fee simple title to the majority of the rail corridor.

# STATE / FEDERAL STATUTES

- Mandates for the public, local governments, federal + state agencies, etc. to comply with.
- **Example:** Cape Fear River Restricted Area (33 CFR 334).
  - Prohibits access to MOTSU operational area by unauthorized vessels.
  - Enforced by MOTSU Commander
- **Example:** NCGS 160A-364 requirement to provide notification to military installations regarding certain land use actions.

# EXAMPLES OF “BLENDED” STRATEGIES

# CONFLICT RESOLUTION STRATEGIES



**Comprehensive  
/ Land Use Plans**

**Interagency  
Coordination**

**Easement  
Purchases**

**Joint Planning**

# COMPREHENSIVE / LAND USE PLANS

- Guidance to local governments, developers and property owners about a community's vision for development.
- Serves as the basis for enacting zoning and other land use regulations (support mandatory strategies).
- NC requires zoning regulations to be consistent with land use plans.
- **Example:** Development in Areas of Environmental Concern (AEC) at MOTSU require CAMA plan consistency.

# INTERAGENCY COORDINATION

- It is mandatory for local governments to provide notice to MOTSU for certain land use decisions within 5 miles of the installation.
- Coordination requires reciprocal communication to be effective. Also a commitment to pursue good-faith recommendations.
- **Example:** While most local governments have been sending required zoning notices to MOTSU, a response is rare, and therefore likely unexpected by the local government partners.
- **Example:** A highlight of MOTSU's relationship with local governments is the large number of long standing public safety agreements that are in place.

# EASEMENT PURCHASES

- Examples of easements include purchase of development rights (conservation easements), right-of-way, and compatible use easements.
- MOTSU has pursued compatible use easements to enhance safety in areas of potential explosives hazard around the installation.
- Nonprofit organizations have acquired significant acreage in conservation easements near MOTSU and along portions of the rail line.
- Can be a financially / politically beneficial alternative to fee simple acquisition or regulation, but...requires monitoring.



# JOINT PLANNING

- A good companion to, and sets the stage for, a range of other implementation measures.
- Most local governments already engage in joint planning – primarily with regard to transportation.
- Enhances the ability to coordinate policies and regulations across jurisdictions and between agencies.
- Provides a venue to initiate other coordination activities.

# EXAMPLES OF “VOLUNTARY” STRATEGIES

# CONFLICT RESOLUTION STRATEGIES



**Development  
Guidelines**

**MOUs**

**Advocacy  
Groups**

**Promotional  
Activities**

**BENCHMARK**

# DEVELOPMENT GUIDELINES

- Often used as an interim step to provide guidance to private property owners and developers on compatible development techniques.
- **EXAMPLE:** Local governments in NC are not permitted to enact local modifications to the building code. Voluntary guidelines can provide property owners with more knowledge and help them make good decisions.

# MEMORANDA OF UNDERSTANDING

- Provides for a more formalized agreement between parties to act toward a common goal without being mandatory.
- Can be used for a variety of purposes, such as setting the parameters for interagency coordination, joint planning, data sharing, and similar activities.
- Often allows parties to withdraw at any time, and allows for changes to be made to respond to changing conditions.

# ADVOCACY GROUPS

- Provides a venue for regional coordination and support for common goals.
- Numerous examples of military related compatible growth advocacy groups in NC and around the country.
- Can be part of a COG or other local government, but often most effective when established as an NGO (particularly for advocacy).
- More effective support for items of local importance when engaging legislators.

# PROMOTIONAL ACTIVITIES

- Focused on delivering clear, consistent messaging to the public, elected officials, developers, and other target audiences to build and maintain support for mission sustainment and compatible growth.
- Often undertaken by an advocacy organization with messaging support from the installation.
- Not necessarily “advertising” but more focused on outreach to affected groups that builds bridges and enduring relationships.

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# UPCOMING MEETINGS

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- November 19: Policy Committee
  - Review background research, compatibility analysis, and conflict resolution strategies.
- December 4: Advisory Committee Meeting
  - Discuss Draft Recommendations
- December 4: Public Meetings
  - Boiling Spring Lakes (Afternoon)
  - Carolina Beach (Evening)

# PROJECT SCHEDULE

Date	Meeting
<b>2018</b>	
February 23	Project Team Meeting
April 11	Project Kickoff, Installation Tour & Committee Meetings
May 21-24	Stakeholder Interviews
June 26	Advisory Committee Meeting – Review Background Research
July 30	Public Meeting – Overview & Research - 1 Day (2 locations)
August 28	Advisory Committee Meeting – Review Compatibility Analysis
October 16	Advisory Committee Meeting - Review Conflict Resolution Strategies
November 19	Policy Committee Meeting – Review Conflict Resolution Strategies
December 4	Public Meetings – Interim Findings - 1 Day (2 locations)
December 4	Advisory Committee Meeting – Draft Recommendations
<b>2019</b>	
January	Policy Committee Meeting – Draft Recommendations
February	Advisory Committee Meeting – Present Draft Study Documents
March	Advisory & Policy Committee Meetings – Finalize Study Documents
April/May	Public Meetings – Final Presentation - 1 Day (2 locations)

# GENERAL DISCUSSION

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