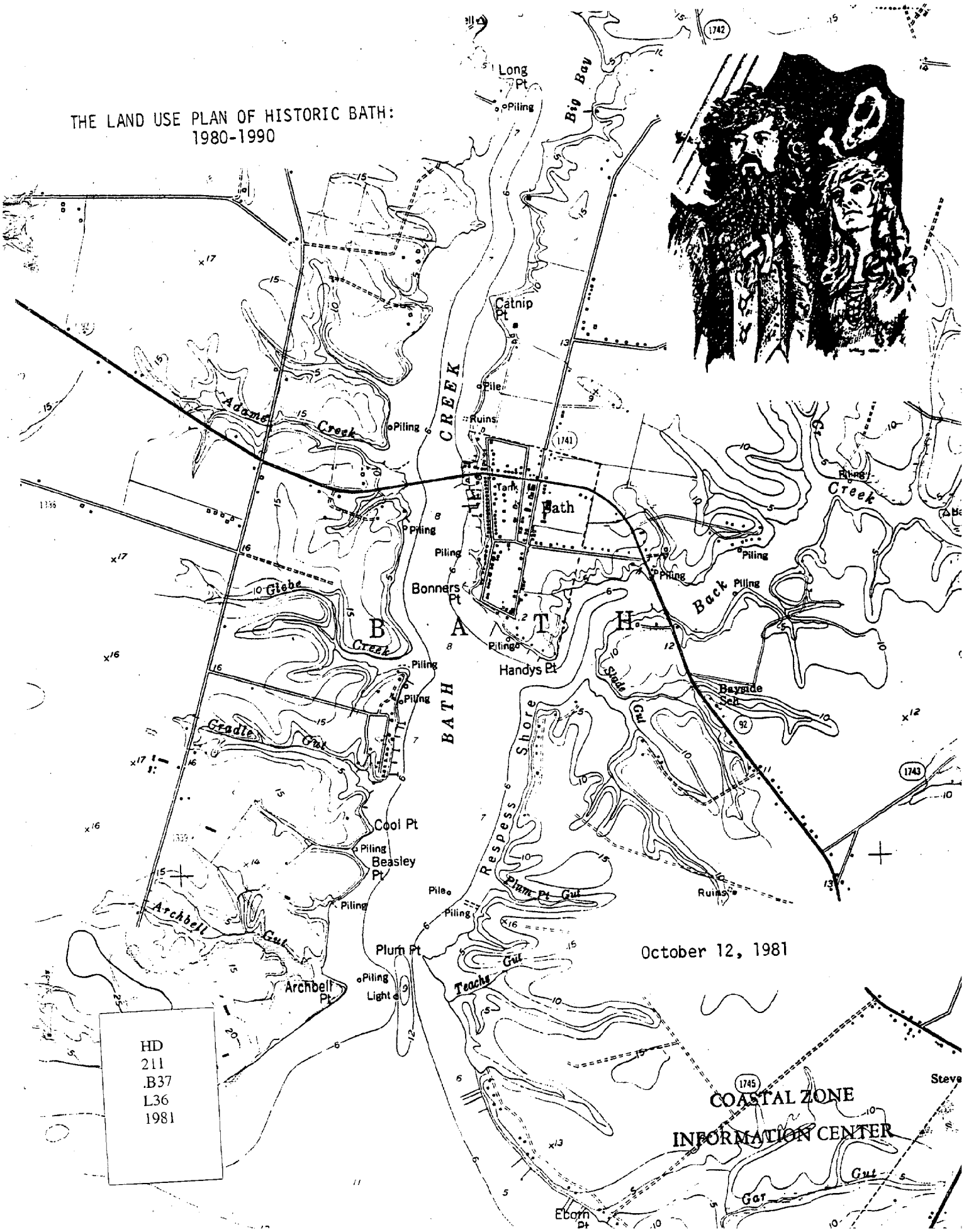
THE LAND USE PLAN OF HISTORIC BATH: 1980-1990



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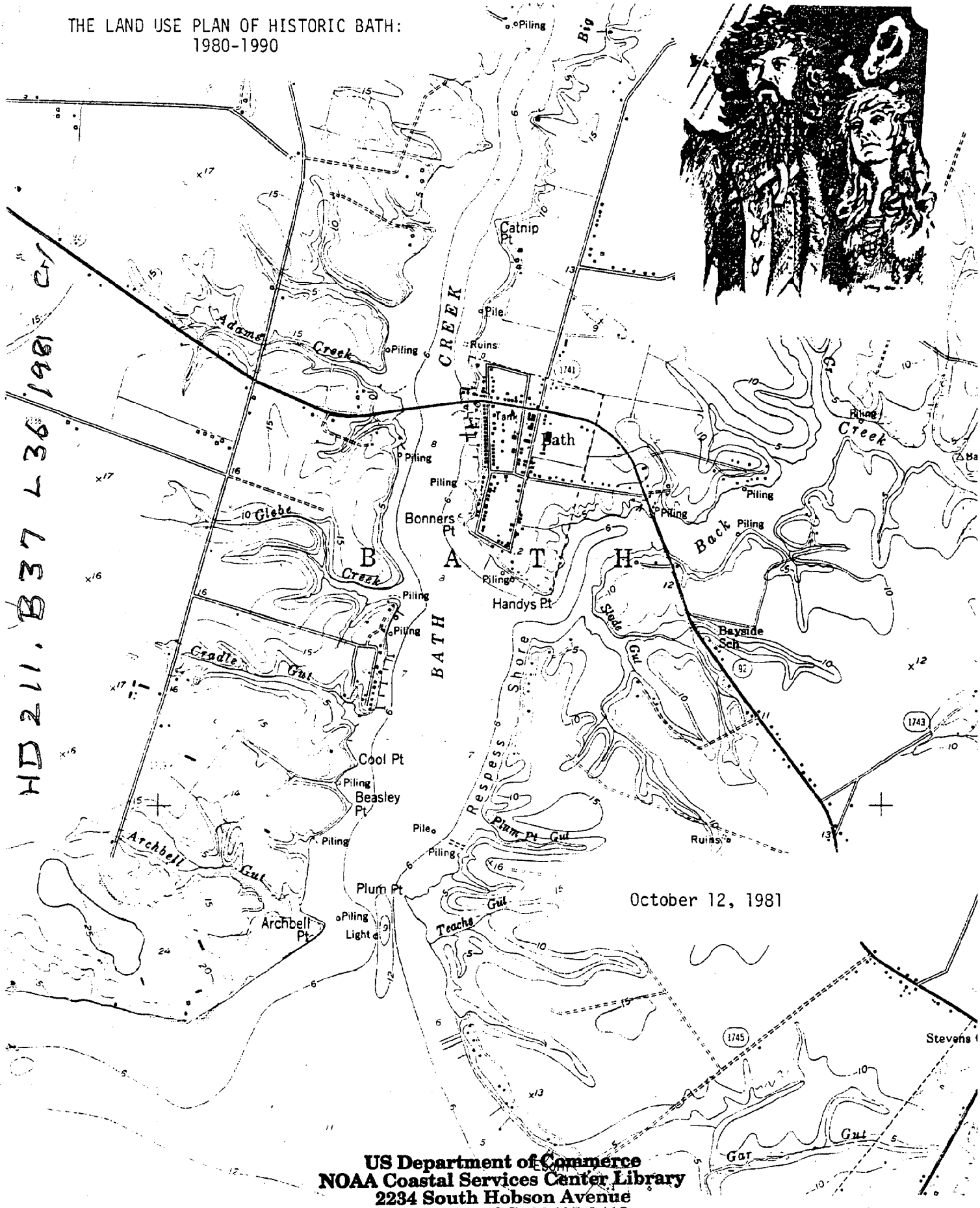

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HISTORIC BATH

OLDEST TOWN IN THE STATE

BATH, NORTH CAROLINA 27808

October 12, 1981

Mr. J. Parker Chesson, Jr.
Chairman
Coastal Resources Commission
P.O. Box 27687
Raleigh, NC 27611

Dear Mr. Chesson:

Pursuant to the public hearings held on August 17 and October 5, 1981, as advertised in The Washington Daily News newspaper on July 15, and September 4, 1981, this plan was adopted on October 12, 1981 with the attached amendments by the Commissioners of the Town of Bath. We hereby submit it to the Coastal Resources Commission for your certification review.

Sincerely,

Mayor Ray S Brooks

Ray S. Brooks,
Mayor

RHT/at

Attachment: Adopted Amendments

THE LAND USE PLAN OF HISTORIC BATH: 1980-1990

BOARD OF COMMISSIONERS, TOWN OF BATH

Ray C. Brooks, Mayor
Judy Edwards, Mary Brooks, Gene Kirk, Ira Hardy II, M.D.
Pearson Chrismon, Town Administrator

PREPARED BY: THE BATH PLANNING BOARD

James R. Edwards, Chairman
Erma Tankard, Rachel Tankard, O.J. Gaylord, Guy Cutler, Helen Brooks, Teeny Mason, Ed Swindel
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The preparation of this plan was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration. The Town of Bath contributed cash and in-kind services.

Adopted by the Town Commissioners: October 12, 1981

Amended: August 9, 1982

Certified by the Coastal Resources Commission: October 30, 1981

Amendment CRC Certified: August 27, 1982

LAND USE PLAN OF HISTORIC BATH: 1980-1990

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LAND USE PLAN OF HISTORIC BATH: 1980-1990

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I. INTRODUCTION:

A. Why plan for Bath's future?

The Town of Bath, incorporated in 1705, is the oldest town in North Carolina, located at the confluence of Bath Creek and Back Creek in central Beaufort County.

Bath has played an important role since English colonists first began to settle North Carolina. The harbor served as the port of entry for most of the state and it attracted a variety of historical figures, from the first General Assembly to the notorious pirate Blackbeard.

That scenic setting at the juncture of the creeks and the historic heritage of the Town still make Bath a pleasant year round home for 184 people (1980 final census counts), and it lies at the center of a township which holds another 3300 people. The natural beauty and good recreational and commercial fishing attract others to Bath on a seasonal basis and provide an opportunity for growth for this small farming community.

Because of its role in history and its function in today's tourist/recreational economy, the Town of Bath has double incentive to plan seriously for its future. The Town Board of Commissioners, through its Planning Board, has been about such work for several years. Already in place are impressive community planning elements such as the 1977 Land Development Plan, its companion Zoning Ordinance (1979) which includes a Historic District Ordinance, and the development of this, the 1981 Land Use Plan prepared under the NC Coastal Area Management Act. The Town has established and zoned a one-mile planning jurisdiction, which also serves as the planning area for this document. The Town participates in the county's solid waste disposal program, has hired a Town Administrator, and is beginning work to leverage private and public funds for development.

The Town realizes that if it is to provide for its present and future citizens, Bath must systematically tackle some increasingly complicated problems, including:

- How to promote more farming, attract light industry and stimulate business and local employment.
- How to improve the water system and treat wastewater to provide better service to townspeople and future development.
- How to guide and encourage development of second homes and other recreational projects in the area without harming the Town's natural and historic character.

It is in wake of these challenges that the Town Board offers this 1981 CAMA Land Use Plan.

The purpose of this Land Use Plan is to provide the Town of Bath and its extraterritorial zoning jurisdiction a guide for orderly and desirable growth. While it is important that the Citizens of Bath be protected in advance from the adverse effects of phosphate mining and other types of development, it is absolutely not the intent of this Plan to deny any legally vested development rights currently held by individual land owners. Examples of such rights include all rights granted by existing zoning as a matter of law or substantial change in position (action) on a permit already obtained. The Planning Board could decide to consider the mere acquistion of permit as the point of having such rights, but is not required to do so. It is the objective of this plan to guide the growth in and within one mile of Bath so that the end result will be a product of orderly planning with all new development 'fitting in' with the environment. In fact, it is recognized that good development should be encouraged as a means of insuring the economic health of the community.

B. What is the Bath Land Use Plan?

This document, then is the pivotal statement of policy for use by local, state and federal officials in decisions regarding Bath's development over the next 10 years. Additionally, it is an important piece in the Land Planning efforts of Beaufort County and an important element in the state's plan for the rational and coordinated management of coastal resources.

The Coastal Area Management Act establishes a base for protection of areas of statewide concern within the coastal area. In the Bath planning district, Public Trust Water and Coastal wetlands (marshes) have been designated for such protection and are addressed specifically in Section II below. The Act also, through its guidelines for land use planning (15 NCAC 7B), sets forth important principles of land use planning which have been emphasized in this document:

1. This plan has environmental protection as a priority in its own right, while at the same time, advocates appropriate economic and community development.

2. This plan is based upon real citizen participation in the planning process, through the Bath Planning Board, citizen survey and public meetings.

3. This plan has a strong action orientation. Policies are stated as desired situations toward which the Town Board and Planning Board are willing to work.

4. This plan is a sound basis for continuation of earlier work in Bath to improve the community for those who live and visit there.

5. This plan is designed for continuous improvement as new information becomes available. It is to be updated at least once every five years, and more frequently, if required by the Town Board, under advisement of the Planning Board.

Based upon these principles, then, Section II goes directly to the heart of the Plan--policy discussion. Here, a brief description of issues, alternative policies, chosen policies, and implementation statements is presented.

Section III features the Land Classification Map which translates these policies into future desired land use patterns and discusses the relationships between the Land Classification Map and the policy statements in Section II.

Section IV presents in more detail the information base upon which the policies and Land Classification Map have been developed. The elements of this section are outlined in the Table of Contents.

Finally, Section V is an appendix which presents exhibits regarding submission and adoption of the Plan. A synopsis of this Plan is provided on page 101.

Before getting into the policy discussion, it is important to review the uses of this document. After all is said and planned, it is only the use of this document which will make it a reality in the Town of Bath and its planning area.

C. What Are the Uses of the Land Use Plan?

Land use plan which are prepared by local governments in the coastal area are distributed widely, and have many uses. Those reviewing and using the plans are local governments, regional councils of government, state and federal permitting agencies and public and private funding and development groups.

The discussion of policies, the land classification map and the relationship of the two serve as the basic tools for coordinating policies, standards, regulations and other government activities at the local, state and federal levels. The coordination is described by three applications:

1. The policy discussion and the land classification map encourage coordination and consistency between local land use policies and the state and federal governments. The local land use plans are the principal policy guides for governmental decisions and activities which affect land uses in the coastal area.

2. The local land use plans provide a framework for budgeting, planning and for the provision and expansion of community facilities such as water and sewer systems, schools and roads.

3. The local land use plans will aid in better coordination of regulatory policies and decisions by describing the local land use policies and designating specific areas for certain types of activities.

Local Government Uses - Counties and municipalities should use the local land use plans in their day to day decision making and in planning for the future. The land use plans should provide guidance in local policy decisions relating to overall community development. The plans also provide the basis for development regulations and capital facility planning and budgeting. By identifying how the community prefers to grow, land use plans help to assure the best use of tax dollars as public utilities can be extended to areas designated for development necessitating public services.

Regional Uses - The regional coucils of government or planning and development commissions use the local land use plans as the basis for their regional plans and in their function as regional clearinghouse (A-95) for state and federal funding programs. The local plans indicate to these regional agencies what types of development the local community feels are important and where the development should take place.

State and Federal Government Uses - Local land use plans are used as the major criteria in granting or denial of permits for various developments within the coastal area. State and federal agencies must be sure that their decisions consider the policies and land classification system which are described by the local governments in their plans. The Coastal Area Management Act stipulates that no development permit may be issued if the development is inconsistent with the local land use plans. Similarly, decisions relating to the use of federal or state funds within coastal counties, and towns and projects being undertaken by state and federal agencies themselves must also be consistent with the local plans. State agencies also use the plans in thier A-95 review. It is thus vitally important that local governments take the opportunity to be as definitive as possible in developing their policy statements and land classification system to minimize interpretive decisions on the part of state and federal review, permit and funding agencies.

II. POLICY DISCUSSION AND STATEMENTS

A. Overview.

"Policy" is most simply defined as an expressed set of adopted statements which are to be used to guide future decisions. Taken together, and adjusting them for interrelationships, policies constitute a broad development direction for the future and may be embodied in the heart of the plan.

The following policies, then, represent desired states or "goals" towards which the Board of Commissioners and the citizens of the Town of Bath are willing to work. These particular policies were chosen after careful analysis of the 1977 Development Plan, published data, responses to the citizen survey, analysis of current plans, policies, and programs, and work sessions of the Town's capable Planning Board. From this work, issues were identified, prioritized, and shaped by the Planning Board, and preferred policies were selected.

Their work is presented below in the five major categories of policy discussion outlined by the Coastal Resource Commission: resource protection, resource production, economic and community development, citizen participation, and special issues.

For each issue, this section presents:

a definition of the scope and summary of the importance of the issue in the locality (more detailed information may be found in Section IV).

the alternative policies that have been considered for the issue.

a description of how the local policy will be implemented.

With this understanding, we turn to the first category of issues, Resource Protection.

B. Resource Protection.

In accordance with the CAMA guidelines for land use planning, the following issues are identified for policy discussion within the resource protection category for the Town of Bath:

Areas of Environmental Concern (Coastal Wetlands and Public Trust Waters)

Constraints to Development (Water Quality, capacity of Water System, inadequate wastewater treatment, unsuitable soils)

Specific Local Resource Development Issues (Phosphate mining)

Other Hazardous or Fragile Land Areas (Cultural and Historic Resources),excessive erosion, man-made hazards, prime farm lands

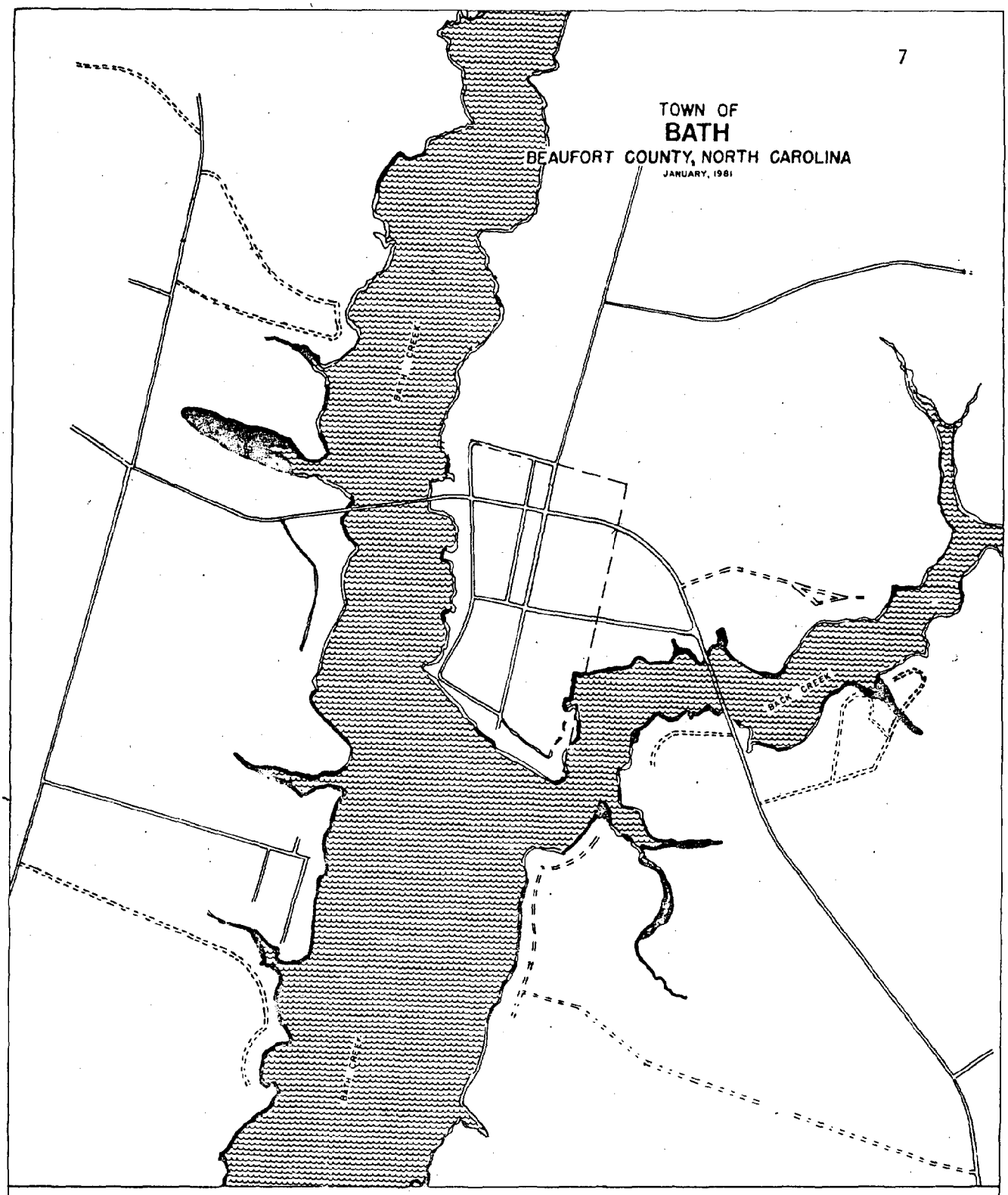
Hurricane and flood evacuation needs and plans

1. Areas of Environmental Concern.

The designation and regulation of critical resource areas is one of the major purposes of the Coastal Area Management Act. The 1974 Legislature found that "the coastal area, and in particular the estuaries, are among the most biologically productive regions of this state and of the nation," and in recent years the area "has been subjected to increasing pressures which are the result of the often conflicting needs of the society expanding in industrial development, in population, and in the recreational aspirations of its citizens." The Act further states that, "unless these pressures are controlled by coordinated management, the very features of the coast which make it economically, aesthetically, and ecologically rich will be destroyed."

Through a subsequent nomination process, interim areas of environmental concern (IAECs) were reviewed by the Coastal Resources Commission and 13 categories of AECs were proposed for final designation. These are explained in detail in 15 NCAC 7H.

As recognized through field observation with David Gossett, the NRCD Field Consultant for Beaufort County, the following map shows the two categories of AECs in the Bath planning jurisdiction: Coastal Wetlands and Public Trust Waters.



FRAGILE AREAS

N

SCALE 1" = 1500'

0 375 750 1500 3000

WETLANDS (MARSHES)

PUBLIC TRUST WATERS

NOTE: This map is intended to indicate general location of AEC's only. Actual specific location may be determined only through site inspection.

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Coastal Wetlands in Bath consist of salt marshes which "are subject to regular or occasional flooding by tides, including wind tides..." Like other wetlands, they support the unique productivity of the estuarine system through entrapping decayed plant material and other nutrients. Without the marsh, the high productivity levels and complex food chains typically found in the estuaries could not be maintained. Such are essential for estuarine dependent species of fish and shell fish and waterfowl and other wildlife feeding and nesting. (See appendix for excerpt from CAMA regulations, page 82).

Currently, protection of the marshes has been achieved through thoughtful monitoring of bulk-heading and enforcement of permit authority by the CAMA permit officer. This level of concern should be maintained in the future.

Alternative policies considered by the Bath Planning Board toward dealing with these areas included: listing specific uses which would be appropriate and inappropriate in each AEC; closely monitoring further development in the AEC's; and the policies presented on page 9.

The second type of AEC in the Bath planning area is public trust waters. As encompassed in Section .0207 of 15 NCAC 7H, public trust waters in Bath essentially means all navigable waters, that is, all the waters of Bath and Back Creek. Such waters are important to the Town, as well as to the CRC, because the public has access rights (see page 45) and use rights of these areas for navigation , recreation and commerce. Additionally, these waters have aesthetic value and are commercially important resources for economic development. (See appendix page 84).

With specific regard to public trust waters, the Planning Board discussed alternatives including not developing any additional commercial piers or marinas in the planning areas; allowing no additional ski ramps in the public trust waters; taking no official action through Town ordinances toward improving such access to the public unless adequate funding, parking and policing could be obtained and the policies chosen on pages 9 and 45.

The extensive use of the public trust waters for recreation, plus the effective regulation of permitted uses around the marshes lead the Planning Board to recommend policies which support the tourist trade and promote the area outside the Town as a choice site for second or recreational homes. The Board chose the following policies which stimulate desirable uses rather than stifles development altogether:

Goal: To safeguard and perpetuate the biological, social, economic, and aesthetic value of the coastal wetlands and public trust waters inside the Town of Bath and its planning area.

Objective 1:
To permit only those uses in coastal wetlands which are demonstratively consistent with the goal in the following priority: conservation; development activities which require water access and cannot function elsewhere.

Given that areas of environmental concern cross the boundaries of the zones now established in the Town Zoning Ordinance, stress consideration of these AEC protection policies in the Board of Adjustments deliberation on applications for development. Incorporate Section .0205 of 15 NCAC 7H into the town's zoning ordinance. Additionally prohibit in salt marshes and other marshes all uses which, by their design, may destroy the marshes.

Objective 2:
To prevent significant increase in the pollution of Bath Creek and Back Creek along the public trust waters (and shorelines, although the shorelines are not AEC's themselves).

Implementation Strategies.

Based on the use standards in Chapter 7H of the CAMA regulations, the Planning Board shall monitor all proposals for development which require CAMA permits and submit prepared statements, if appropriate, to the proper CAMA officer.

Review all proposed uses including those already normally permitted as outlined in .0207 of subchapter 7H. The unpermitted uses listed in .0207 shall not be permitted in the Bath planning area nor shall the following: open dumping of waste including wastewater, dumping of trash, or improperly operating motor-driven boats which contribute gas and oil pollution to the public trust waters. Prohibit all commercial wet docking storage facilities in Bath or Back Creeks. Multi-level dry docking storage facilities are to be discouraged.

Establish a local ordinance enforcing the existing requirement (by the health department or the coast guard) prohibiting dumping as referenced immediately above. This ordinance should also require the installation of a pump-out facility either fixed or mobile, at all commercial piers and marinas. In addition to a pump-out facility said ordinance should require availability of an adequate receiver into which raw sewage from the pump-out facility will be transferred. Acceptable receivers include a waste pipe connected to a septic tank or to a privately or municipally owned and operated wastewater treatment facility which has been properly approved by the agency having jurisdiction over such systems. Such jurisdiction may be the Beaufort County Health Department, N.C. Division of Health Services or Division of Environmental Management. Assurance of availability of pump-out and treatment as described above is the responsibility of the developer.

Develop a program for removing existing impediments in the public trust waters, particularly the pilings in Back Creek at the location of the construction of the new bridge. Assistance from the North Carolina Department of Transportation should be acquired in pulling up those pilings.

Permit future development of commercial piers and marinas only in areas designated as "transition mixed" or "rural-commerical" on the Land Classification Map on page 51, and there only in districts officially zoned B-2 on the Town's Official Zoning Map. Any rezoning designated for the development of commercial piers and marinas should be so zoned only after giving the highest priority to the Goals and Objectives of this plan. Further require that development of marinas and piers be consistent with paragraphs (5) and (6) of 15 NCAC 7H, Section .0208 (pages 89 and 90 in the Appendix of this document) except that commercial wet docking storage facilities are prohibited, and multi-level dry docking storage facilities are to be discouraged.

In zoning area of Bath, marinas are defined as private, commercial, or public places which provide facilities for the launching and recovery of boats or provide any of the following uses: launching facilities and accessory uses which are limited to restaurants, boat rentals and sales and service, and water-related recreational facilities. Excluded from this definition are residential boat ramp facilities allowing access only and none of the permitted uses enumerated in this paragraph.

Prohibit improper drainage of waste (except water) in any zone in the Town's zoning ordinance, particularly those which include AECs.

Amend the Town's Zoning Ordinance to add the following condition to the "Dimensional Requirements, Minimum Side Yard Requirements," for each zone: Minimum side yard 15 feet.... Under this provision the property line shall be considered the recorded line on the land plus the imaginary extension of that property line from the point at which the property touches the Creek's high water mark, to the middle of the main channel. Under this provision, piers may come no closer than 15 feet to this imaginary line at any point, including the "T" or other pierhead."

Develop an ordinance which prevents the unattended mooring of boats within the public trust waters for longer than a 7 day period. The ordinance although it might be difficult to enforce, should state that such moorings present safety hazards for boat traffic and otherwise inhibit the free access to this public trust area. This allows for emergency situations, weather or storms, and a reasonable use by all, of the public trust waters. For safety sake, all unattended boats should abide by all Coast Guard regulations and common sense practices.

2. Constraints to Development.

a. Water Quality.

For several years, the Town of Bath has experienced coliform bacteria contamination of the Town's water supply. According to the regional office of the state Department of Health Services, Environmental Health Section in Greenville, contaminate levels indicating "the need to make the public aware of potential health problems" were found in July, August, and December of 1979 and May, June, and July of 1980. Because the nature of the samples indicate either a positive or a negative reading, it is impossible to determine a quantified level of the problem.

The Health Department and Regional Environmental Health indicate that this problem could emanate from septic tanks and possibly from wildlife migration over the area. Also, because of the high water table and soils in certain portions of Bath, coliform contamination could have seeped into the water. system through simple functions such as repair of broken water mains, and even hand-to-sample contamination during the actual taking of the survey. Because of a four to five day lapse between taking the sample and analysis, it is extremely difficult to determine what the cause of the problem has been.

While the Town has found need to notify its population through newspapers (in conformance with the State Clean Water Act), at no time has instruction for boiling been rendered. The Regional Office of Environmental Health, based upon its data, indicates that the level of contamination is not an alarming problem in the Town. However, discussions at the Planning Board meetings indicate that there is considerable concern among the Town's population regarding the taste of the water and the inconvenience of having to deal with this problem.

As indicated by the designation as a "potential health problem", the persistence of this issue could reduce attrativeness for development and result in further health danger to the citizens of the community.

Alternative policies considered include ignoring the problem, since it presented only a "potential threat"; undertaking improvements to the water system itself; developing a wastewater system which would partially eliminate bacteria in the surface; and seeking improved surveillance by the County Health Department and Regional Department of Environmental Health. Because of the activity already underway at the County and Regional level, the following short-run policies were selected:

Goal: To reduce the incidence of coliform pollution in the community's water system.

Objective:
To engage authorities of the County Health Department and the Regional Office of Environmental Health in ascertaining the cause of the coliform contamination in acquiring their assistance in the design of the solution.

Implementation Strategies:

Continue existing monitoring process of sampling the system and taking system-wide corrective measures including flushing mains and resampling as needed. Monitor the movement of septic tank effluent into Bath and Back Creek and into the local groundwater.

Approach the County Health Department and the Regional Office of Environmental Health for a dye study or a series of wells to determine whether septic tanks are a main part of the coliform problem.

Determine the cost and benefits of developing a sewer system which would prevent the additional deposit of human waste into the surface of the Town of Bath, thereby reducing the probability of coliform bacteria pollution upon this repair of the water system. Submit a grant request to CAMA to finance this preliminary study.

b. Condition and Service Area of the Town's Water System.

The following map of community facilities shows Bath's water distribution system. As discussed in Section IV below, the system is operating only at 9.7% of full capacity, representing considerable capacity for accommodating future growth. However, complaints presented to the Planning Board and interviews with the Regional Office of Environmental Health indicate that the water system acts as a constraint to development in another manner.

Because of anticipated need for repair, an additional new well is needed within the next eight years. Maintenance is needed on the water plant facility, particularly on the areation tower. The tower has an extremely damp atmosphere and it almost requires a full time carpentry program to keep the building in shape.

In addition to lack of maintenance, the water system suffers from gaps in service. The Regional Office of Environmental Health suggested that performance may be improved by connecting the system along NC 92 and along Bowen Ave. so as to accommodate choice development nearby. The Planning Board concurred with the latter suggestion, since commercial and residential development is to be encouraged in those areas, respectively. This "connecting" would require 360,000 inch/ft. or about 7,200 feet of 6-8 inch pipe.

Alternative policies considered included allowing the water system to continue as it is until the well fails and the areation tower falls down; to develop a full time company program to maintain the areation tower; to take measures to acquire funding for maintaining and connecting the system between now and 1990.

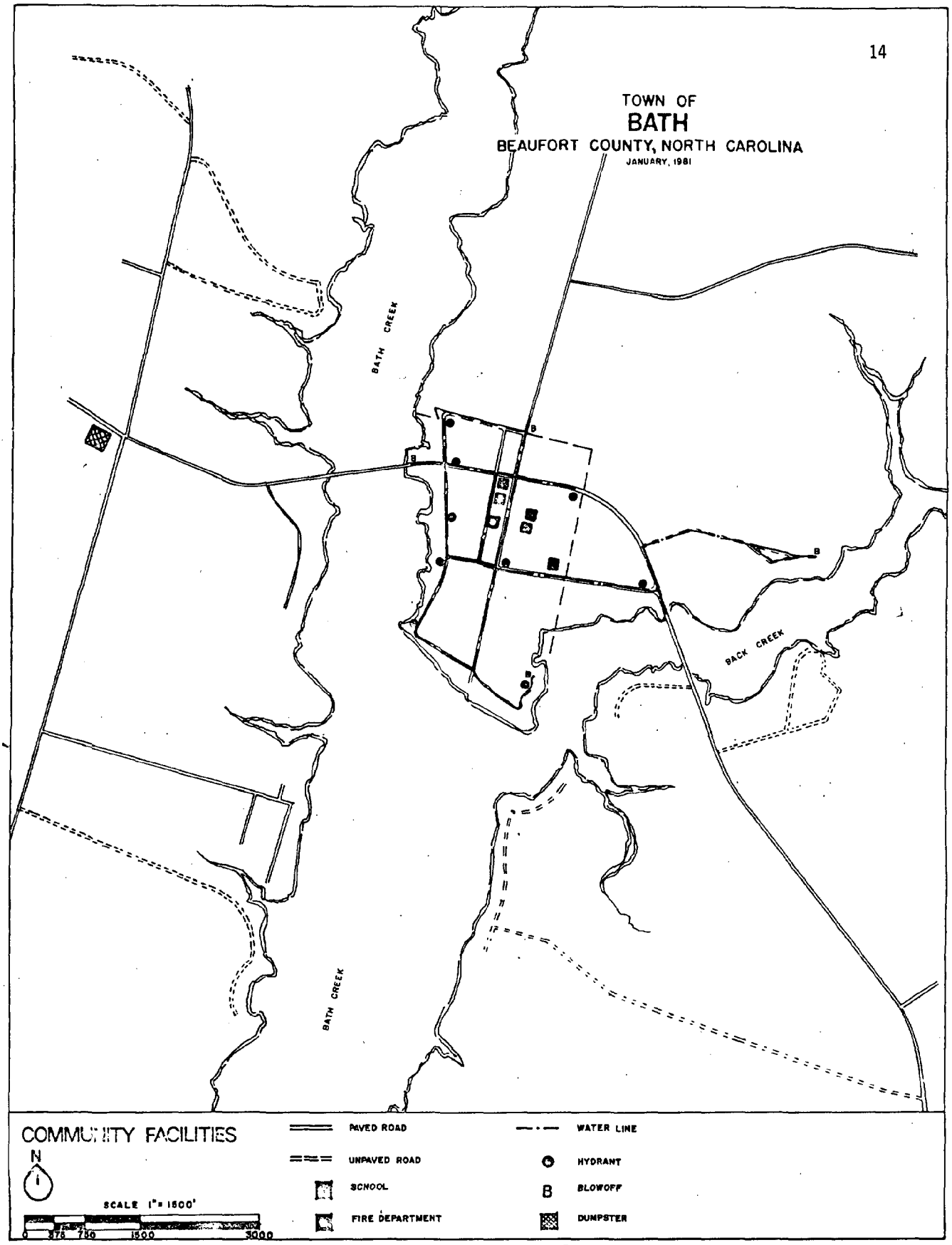
Goal: To adequately provide water service to the residents of Bath.

Objective:
To meet the maintenance and development needs of the water system between 1981 and 1989.

Implementation Strategies.

Work with the Regional Office of Environmental Management to determine the measures required to upgrade the primary water system in the Town as it now exists. Develop a scenario for improving the system with regard to development needs over the next ten years, in accordance with the CAMA land use plan. Determine the sources of coliform bacteria contamination before new construction begins.

Acquire technical assistance for a feasibility study of the Town's application for a state clean water bond grant to undertake the necessary improvements for the Town's water system. This should focus upon the revenue sources of the Town for the projected period and cost upon the Town's citizens of the improvements. Because N.C. law requires annexed areas to be served in the same manner as the rest of the town, financial impacts of serving potential annexations should be considered in this feasibility study.



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c. Inadequate Wastewater Treatment.

Contrary to what is shown on the existing land use map which follows, the amount of area inside the Town limits for development is critically limited. This is even further constrained by the requirement for 20,000 square feet for lots which have a septic tank and a well and is tight also in areas which require only 10,000 square feet on public water. As the Town grows inside the limits, the soils will eventually prohibit further development because of high water table and poor drainage.

In lieu of substantiating data with information regarding the leaching of septic tanks in the past, the Town assumes that part of its coliform pollution problems is from septic tank disruption. Such disruption has been evidenced by leaching into the public trust waters. As mentioned above, rupture of the water system into the polluted surface (not sub-surface) is suspected as a primary cause of coliform pollution.

Discussion with the Regional Office of Environmental Health indicates that the sanitary conditions of the Town could be improved through establishment of a sewer system which would reduce human pollution to the surface.

Alternative strategies considered by the Planning Board in order to increase density shall include: 1) the continued use of septic tanks requiring hook-up to public water; 2) utilization of "package" sewage treatment facilities; and 3) developing a wastewater system for the Town of Bath.

Goal: To adequately handle the wastewater in the Town of Bath.

Objective:
To provide adequate public facilities for wastewater treatment in the Town limits through the year 2000.

Implementation Strategies:

To acquire technical assistance in the feasibility study of developing an innovative and alternative waste treatment system with related financing. This study should involve contacts with the N.C. Office of Environmental Management to determine the timeliness of EPA funding, the availability of Farmer's Home funding for conventional systems, and cost impacts upon the Town. Such assistance is estimated at $26,000. The cost (local share) of such a system is estimated at $113,000 with an anticipated financing from FmHA or the state's wastewater treatment bond program.

Contact the environmental management section of NRCD in Raleigh to determine the feasibility of the Town's application for a wastewater grant.

To establish contact with an engineer for the initiation of work assuming positive findings in feasibility studies related to (a) and (b) above.

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d. Soils.

As shown on the following map, certain parts of the planning area present limitations to development from high water table and poor drainage. While the Planning Board recognizes the limitations for septic systems, building and road foundations, and also in view of the fact that the State of North Carolina and Beaufort County already have set up prescribed procedures for the location and installation of septic systems, the Board will leave these decisions to the county and the state.

Alternative policies considered by the Board range from designating areas with particularly poor drainage and high water table as "conservation" thereby not allowing their development and thereby foregoing public health problems; doing nothing; directing improvements like water and sewer away from areas which have poor soils, thereby directing higher density development toward better soils; and requiring alternative on-site wastewater treatment in areas of "potential difficulty" (i.e. after more detailed analysis of areas mapped on page 18).

Goal: To direct development with proper consideration of soils.

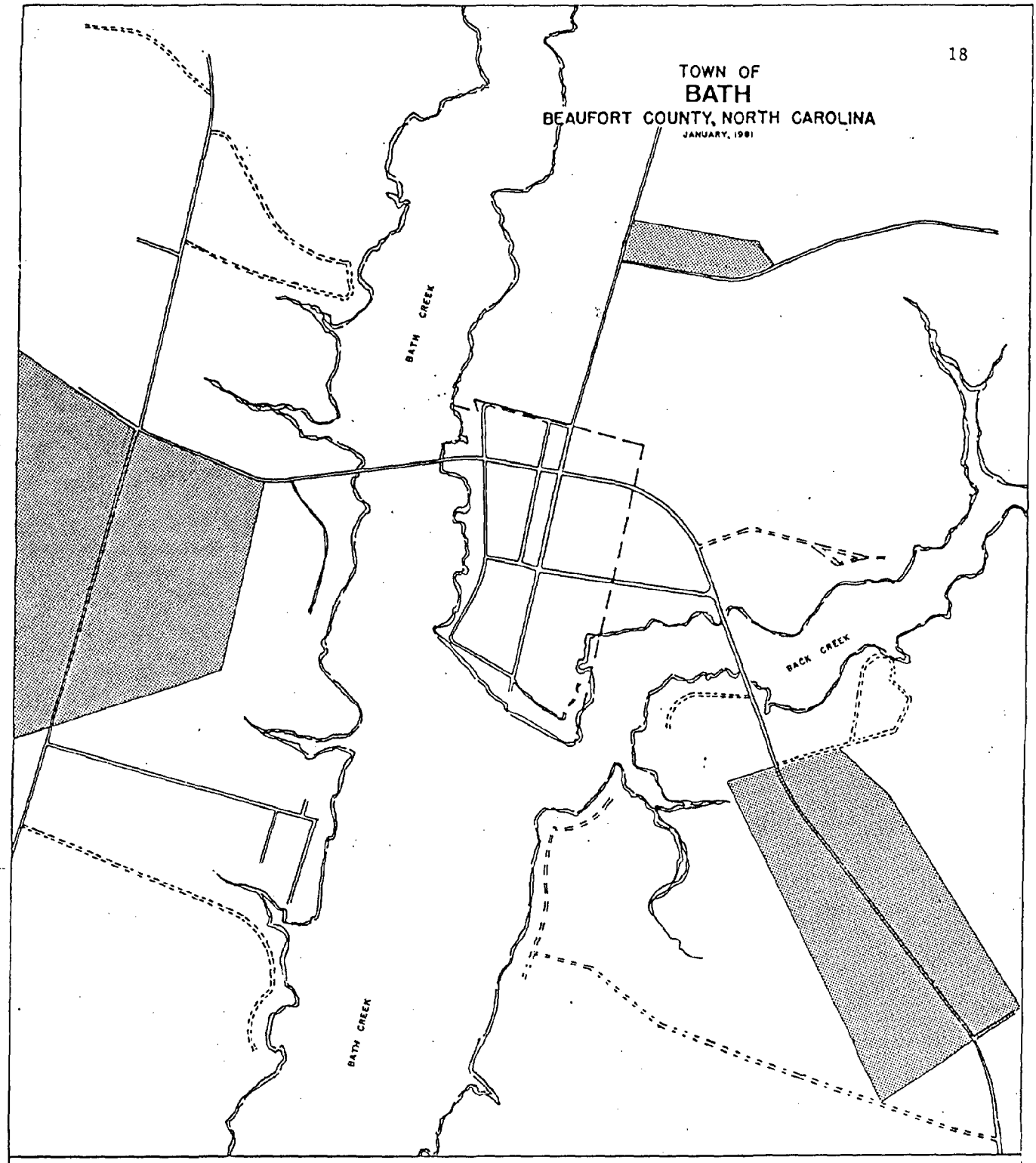
Objective:
To acquire such information as rapidly as possible for incorporation into future planning efforts.

Implementation Strategies.

Approach the District Soil Conservation Service in Washington, NC, and ask that they reset priorities for finishing the current detailed soil survey so that the planning districts and area inside incorporated areas are considered first before addressing unincorporated areas.

Upon completion of the land use plan, write the requirements for consideration of soil types into the Town's zoning ordinance so that decisions regarding public health, such as septic installation, can be based upon soil type in conjunction with other methods such as percolation tests.

To limit development where soils have a particular high water table or have particularly poor drainage as noted on the following map. Require that these areas be taken into consideration in the application of the Town's zoning ordinance.



THE AREAS OF POTENTIAL SEPTIC DIFFICULTY

High Water Table and Poor Drainage

N

SCALE 1" = 1500'

0 375 750 1500 3000

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3. Specific Local Resource Development Issues: Prime Farm Lands.

As determined during analysis of available but dated soils data, none of the land within the one mile district is considered "prime farm land". However, as noted in the Planning Board discussions, all the land in the area has good crop growing characteristics.

This resource is worth good management. Parts have already been planned for community development near the outdoor drama north of Bowen Avenue, while other land is reserved for other cultural use inside the Town limits, thereby limiting community and economic development inside the Town.

Without proper designation of such areas,the Town will have no basis for directing the preservation, production, and development pressures it faces in the future.

Alternative policies considered include adopting the land classification map clearly designating "rural" areas so as to protect "prime farm land" and maintaining the status quo.

Goal: To appropriately preserve farm land in a manner which also accommodates the best mix of other uses in the Town limits and inside the one mile area.

Objective:
To develop an active strategy for protecting "prime farm land".

Implementation Strategies:

(1) Adopt the land classification map which can set aside such "prime farm land" as rural-agricultural.

(2) Re-institute the land design map in the 1977 plan (as amended)* which shows agricultural land inside the Town designated for residential development in the future. Develop positive strategies such as taxation or provision of public facilities or public acquisition and sale of this land in order to stimulate development in the downtown.

*This map is shown in Section III, page 52, as "the Land Design Map: 1990" which shows specific types of land use desired by the Planning Board.

4. Other Hazardous or Fragile Land Areas.

a. Cultural and Historic Resources.

As shown on the aforementioned map of existing land use (page 16), and in the inventory of historically significant properties (see Section IV), such resources are critical to the Town's identity as North Carolina's oldest incorporated Town.

The historic heritage of Bath has been protected and preserved by the efforts of the North Carolina Division of Archives and History, the advent of the outdoor drama, the acquisition and restoration work of the Bath Historic Properties Commission, the establishment of the Bath Historic District (see map page 21) and the related Bath Historic District Commission, the oversight of the State Historical Commission, and the incorporation of the Bath Historic District into the Town's zoning ordinance.

While the most visible evidence of the Town's history is embodied in the historic structures of Bath, there is an equally valuable historic resource contained in the archeological sites within the Town limits and the one-mile planning area. The N.C. Division of Archives and History has recorded nine archeological sites in and around Bath (see Appendix 6, page 106 for site location numbers and descriptions of cultural affiliations). There is also a potential for other unrecorded archeological resources in the area.

The citizens of Bath place a high value upon the preservation of this historic character. Failure to sustain protection through enforcement and promotion will cost the state and the community valuable and irreplaceable resources.

Alternative policies considered by the Planning Board range from incorporating new state and federal controls to adopting new local procedures, in addition to maintaining the existing mechanisms.

Goal: To guide development so that it protects the historic properties and archeological sites in Bath and perpetuates the historic character, atmosphere, and aesthetics of the Town and its one-mile planning area.

Objective:
To bolster protection and restoration efforts in the historic district as a revitalization strategy by 1985. Control development in the planning area so that it is in keeping with the historical character and aesthetics of area.

Implementation Strategies.

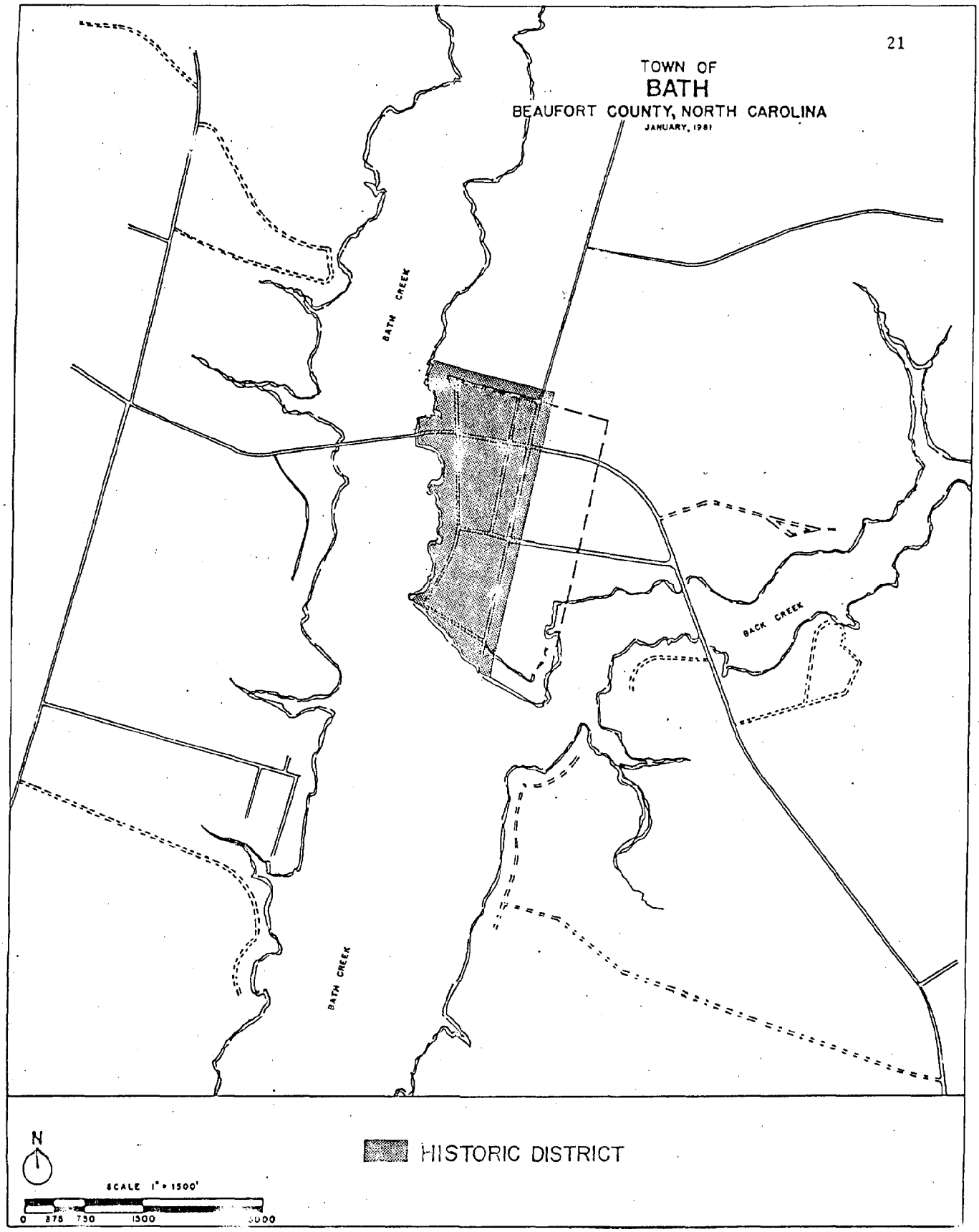
Develop better coordination with the N.C. Division of Archives and History regarding its activities inside the Town limits and the jurisdictional questions related to the Town's land use plan and its local ordinances, particularly the Historic District and its Commissioners.

Increase the Town's financing of the outdoor drama.

Where appropriate, make use of investment tax credits, rapid amortization, and accelerated depreciation benefits to private owners of historic properties.

Enhance the use of the powers of the Historic District Commission and the Planning Board for the preservation of historic structures and archeological sites and develop oversight procedures for use by the Planning Board so that future policy decisions will assure the protection of both known and unrecorded resources.

Promote commercial adaptation of historic properties as needed for restuarants and guest homes as designated in the transition and developed sections of the Land Classification Map.



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b. Man-made Hazards.

As shown on the Hazards Map, the major man-made hazard in the planning district is dilapidated structures. Others include one unauthorized dumping site, evidence of previous leaching septic tanks, pilings in the creeks' shallow un-bouyed waters, areas which have flooded, and excess erosion areas.

The Planning Board is conducting a voluntary demolition effort to rid the Town of dilapidated structures. However, the Planning Board felt that this issue should be formalized through the CAMA Land Use Plan. Within the Bath Historic District there were found to be seven (7) dilapidated structures. There is presently no local means of judging whether dilapidated structures in Bath are pivotal or contributing to the overall character of the Bath Historic District, according to the standards of the N.C. Division of Archives and History and the National Register of Historic Places. Without an assessment of historical significance, the process of identification and demolition of dilapidated structures could serve to destroy buildings which are important to the historical fabric of the Town.

Toward dealing with all these hazards, alternative policies were identified which include leaving the demolition/elimination to the individual property owner, using the Town's ordinance powers where appropriate to speed rectification of the problem, or allowing the hazards to continue to exist.

Goal: To rid the Town of man-made hazards, especially dilapidated structures.

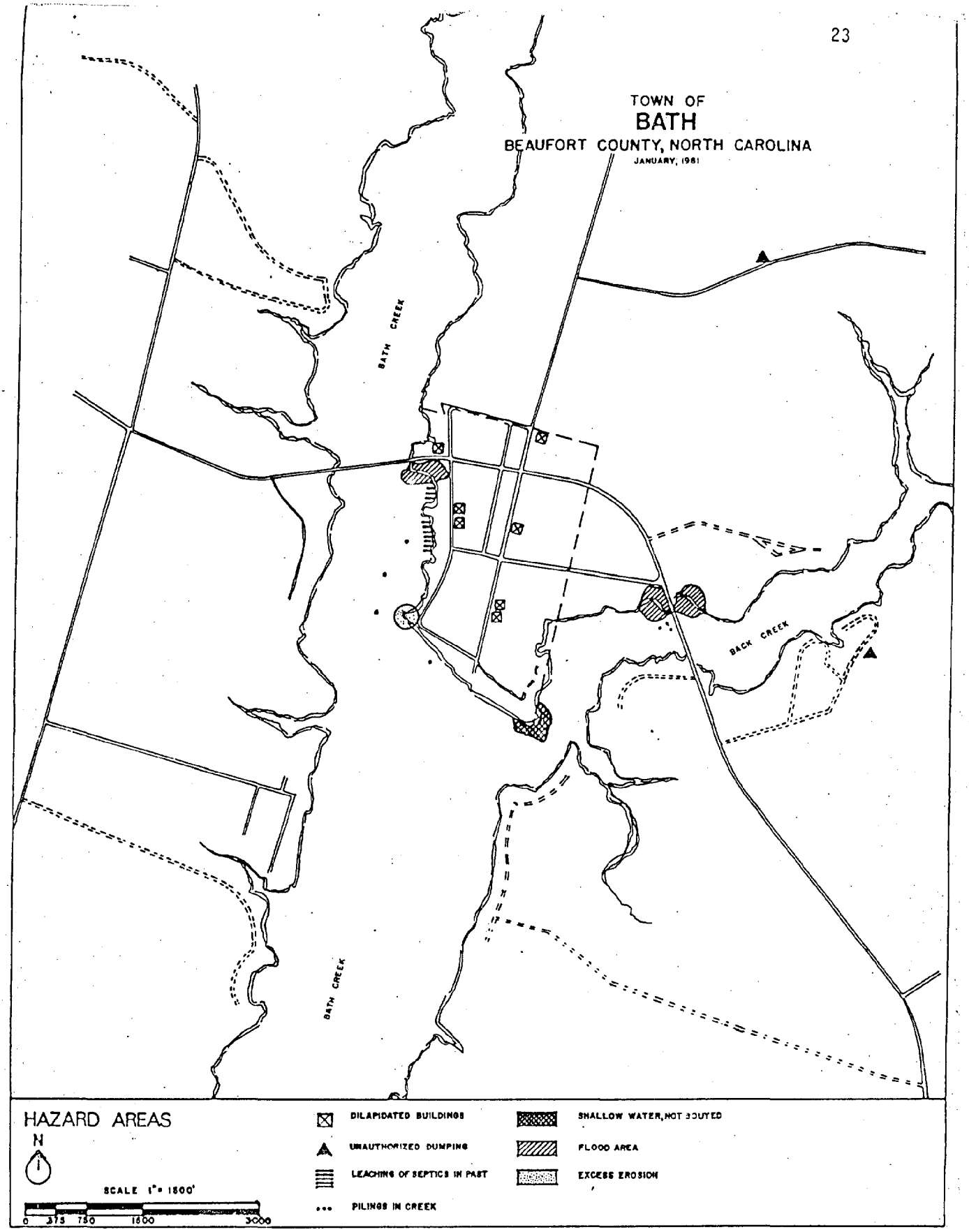
Objective:
To equip the Town to deal with the current structures and to better deal with man-made hazard issues which might accrue in the future.

Implementation Strategies.

Continue voluntary program of demolition and hazard removal, under supervision of Planning Board. Assistance should be requested of the N.C. Division of Archives and History for assessment of the historical significance of all properties now designated as dilapidated, or so designated in the future. Every effort to preserve, restore, or rehabilitate all dilapidated significant properties should be undertaken by the Bath Historic District Commission with the assistance of the Planning Board and the Town Council.

Use the state buildings code regarding the establishment of a county or town ordinance which would equip the Town to put a lien on the property and thereby recover the cost of demolition in order to have the lien removed.

Work with the Corps of Engineers, the Beaufort County Health Department and other appropriate agencies to develop policies and or ordinances to equip the town to eliminate the hazards (in addition to dilapidated buildings) shown on page 23 and to prevent such occurrences in the future.



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c. Excessive Erosion.

In addition to the sites shown on the hazard areas map, excessive erosion has been documented inside the planning area. According to the North Carolina Shoreline Erosion Inventory (U.S. Department of Agriculture, SCS, Raleigh, North Carolina, October, 1975), the shores of Bath Creek (Back Creek was not surveyed) provide the following evidence of erodibility (i.e., erosion):

Average width of loss to erosion	25.2 feet
Average height of bank	3.7 feet
Length of shoreline eroding	10.1 miles
Length of shoreline accreting	0
Total Length of shoreline	12.2 miles

The Planning Board noted past evidence of excessive erosion at Bonners Point which is part of the area surveyed above.

As indicated by the statistics for the county, these shorelines erode at the rate of 1.7 feet per year, producing 1588 tons of sediment per mile of shoreline per year. Of the 15 counties studied, these shorelines are about mid-range with regard to sedimentation rates, erosion rates, and width of eroded areas.

Factors contributing to erosion, generally are fetch (the distance over which water reaches into the land mass, such as Bath Creek and Back Creek reach into Beaufort County), exposure, wind tides, soil, bank height, and land use, with fetch and exposure being the greatest factors. Northeast and southeast exposures are worse, with the worst erosion on exposed banks producing danger of high bank overhang.

Alternative policies considered include: locally adopting a 75-foot set-back from Back and Bath Creek; requiring erosion control measures from high density development on shorelines; and the encouragement of set back lines by way of restrictive covenants inasmuch as a standard set back line should not be applied equally to all creek shores and the requirement of erosion control measures wherein densities exceed six family units per acre.

Goal: To restrict the increase and the rate of erosion of the shores of Bath and Back Creek, especially at Handy's Point and Bonners Point.

Objective:
To undertake appropriate measures for erosion areas in the Planning District.

Implementation Strategies:

Apply for technical assistance to conduct a feasibility study or an assessment of available erosion prevention measures to be incorporated in the Town's zoning ordinance or otherwise developed for application by the Town.

Contact the NC Department of Natural Resources and Community Development Land Quality personnel for erosion control techniques.

Work with the Beaufort County Health Department and the District Soil Conservation Service to institute consideration of erosion rates when septic tank drainfields are located so as to prevent drainfields from becoming part of eroding areas.

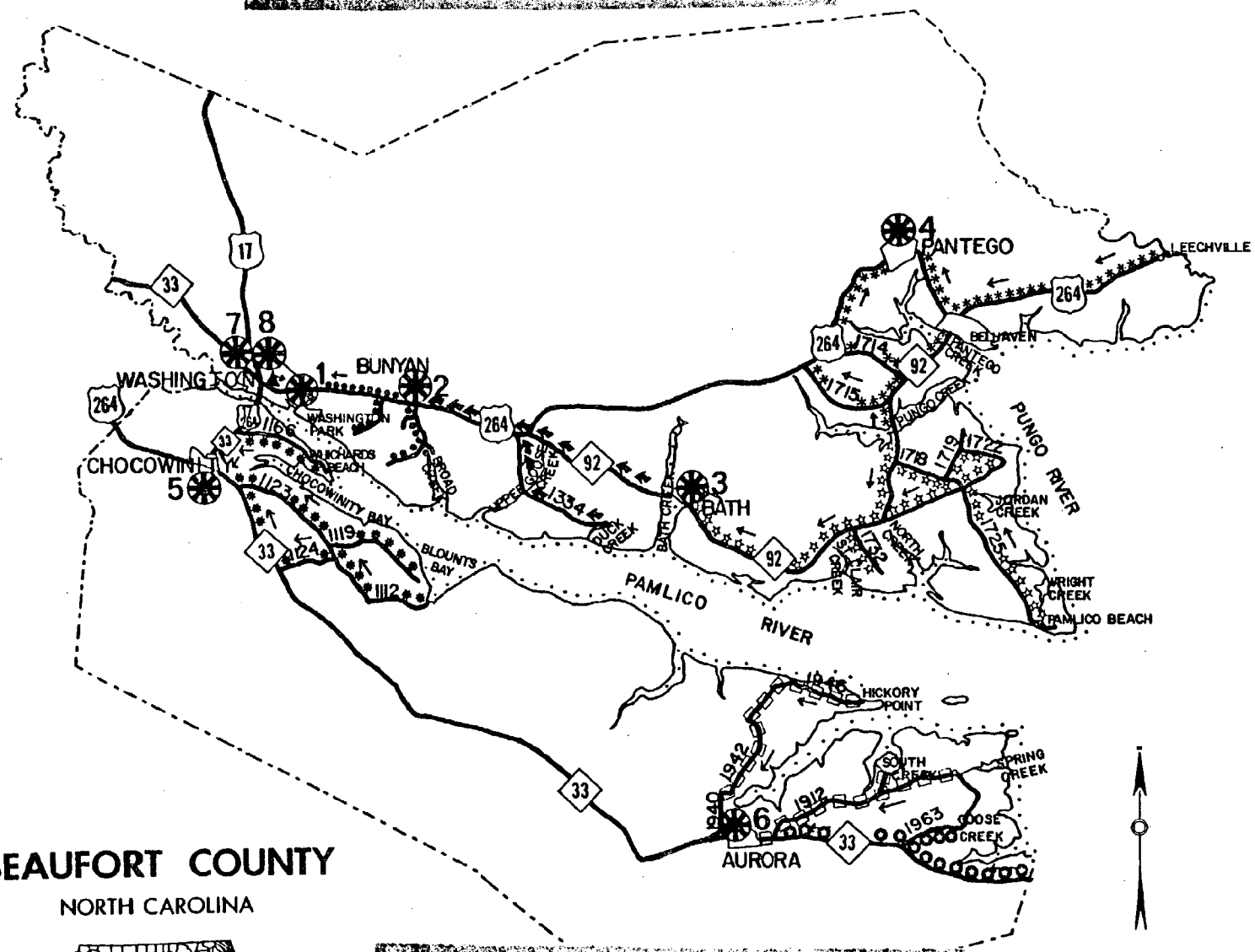
5. Hurricane and Flood Evacuation Needs and Plans.

As shown on the following map (Hurricane Evacuation Routes and Shelters), the Town of Bath is well equipped to respond to early warnings from ensuing disasters.

Thus, there is an appropriate Hurricane Evacuation Plan already in effect, directed by the Beaufort County Civil Preparedness Coordinator in Washington, NC. The Town of Bath is familiar with this plan and its designation of the Bath High School as a shelter and 92 and 264 West as an evacuation route. The Board supports this plan and pledges its support in the future.

The Flood Prone areas map shows the areas within the planning district which are subject to flooding by storm tides. These areas have a 1-in-100 chance on the average of being inundated during any year. The Hazards Map referred to above shows areas which the Planning Board recalls have been flooded in the last 30 years. Thus, the Town is relatively safe from flooding (note high concentration of developed units in the non-flood prone area). Since the same evacuation plan relates to flooding, the community is well equipped for evacuation as noted above.

Hurricane Evacuation Routes and Shelters



BEAUFORT COUNTY

NORTH CAROLINA

AREA	ROUTE	SHELTER
3	Upper Goose Creek, Duck Creek, West Side of Bath Creek take nearest route to 264 then West on 264.	3 Bath High School

1 0 1 2 3 4 Miles

MAP OF FLOOD-PRONE AREAS

C. Resource Production.

In accordance with the CAMA Guidelines for land use planning, the importance of agriculture, commercial forestry, mining, fisheries and recreational resources are presented below, identifying the most productive areas, with discussion of the values of making these areas more productive.

Based upon the citizens' survey, available data, and Planning Board work sessions, Bath's most productive resource is agriculture, potential mineral production and recreational fisheries and are addressed with explicit policies. Potential commercial fisheries, commercial forest lands, existing mineral production and off-the-road vehicles were designated as insignificant in the planning area and are merely discussed.

1. Productive Agriculture Lands.

As pointed out in the resource protection section above, agricultural land is a prime productive resource in Beaufort County. Beaufort County is among the leaders in North Carolina for corn, for grain and soybeans. It produced over $15.6 million in tobacco (1979); some peanuts, sweet potatoes, Irish potatoes, wheat, oats, barley, sorghum, hay and corn for silage.

As documented in the 1977 Land Development Plan for the Town of Bath, the area immediately north of Town is oriented toward agricultural production. The major crops include corn and soybeans. Tobacco is also a significant cash crop. The land west of Bath, across Bath Creek, has extensive agricultural production. Making this area productive is important because of the agricultural heritage of the area, the fact that jobs are limited, and that such activity has limited implications for surrounding types of land uses.

These implications include traffic problems from slow moving machinery, possible erosion, and fertilizer leaching into the river. However, none of the problems are significant in Bath. Agricultural lands, especially those which are cleared have suitable soils, experience considerable pressure for development other than agricultural.

Fortunately, Bath has zoned the area within the planning jurisdiction as agricultural where such areas are prime for such production. Additionally, it designated other areas for community and economic development, thereby directing such pressures to more effective sections of the planning area.

Policies considered for making these areas more productive include those outlined in the resource protection section above; working with owners of agricultural land inside the Town limits to explore selling for community and economic development uses so as to channel agricultural production to better suited land outside the downtown; annexing additional residential area so that the Town's tax burden could be shifted from agricultural lands to more intense users of urban services.

Goal: To maximize the potential of productive areas within the Town of Bath planning area.

Objective:
To stimulate the use of areas designated as good agricultural land in the most productive agricultural manner.

Implementation Strategies.

To use the soils map and the zoning map to designate areas of prime farm land and rezone accordingly to insure that they remain entirely for productive uses.

Contact the various state and federal agricultural agencies for new technology regarding the best ways to keep these lands under productive use.

Use special tax incentives such as the Use Value Assessment Law for Farm and Forest Land which allow these lands to remain productive rather than become sold for development.

Revise the zoning ordinance to carry out these strategies regarding density.

2. Commercial Forest Lands.

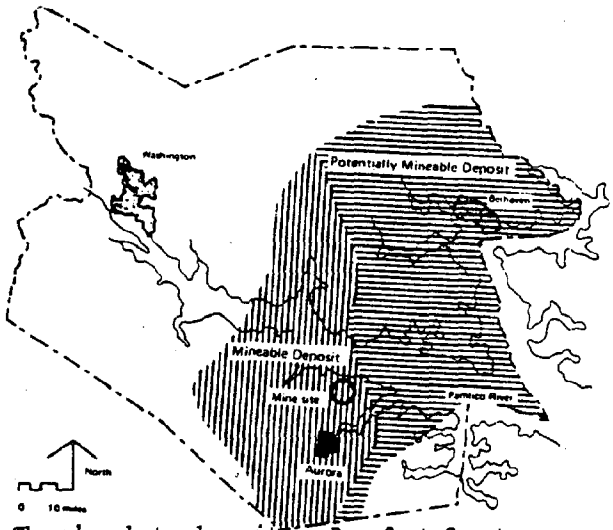
Currently, there is no large scale commercial forestation in the planning district of the Town of Bath. The Weyerhauser Company owns acreage on the northwest bank of Bath Creek, outside the planning district. Another smaller area is found one mile north of Town, owned by a local resident.

The Land Use Map (page 16) shows areas now wooded which may warrant designation for forestry production in future updates of this plan. However, only occasionally are trees harvested and then, it's on an individual land-owner basis.

The Planning Board stated that commercial forestry was not a significant issue in the community, nor was the predesignation of areas for set-aside as particularly good sites for commercial forest production.

3. Existing and Potential Mineral Production.

As shown on the map below, massive deposit of phosphate and ore used in manufacture of fertilizer and other products, was discovered underneath Bath in the 1950's.



The phosphate deposit in Beaufort County.
Source: School of Design, 1976
carolina planning, Fall, 1980.

It lies beneath the land surface and water bodies at a depth ranging from 40 feet to 230 feet below mean sea level. Clearly, the deposits present a significant issue for the Town's planning area. (See Appendix 7, page 107 for detailed lease and cross sections maps).

As witnessed by the development of Texas Gulf on the south shore of the Pamlico River, such mining produces less local economic benefit than might be reasonably expected, due to the intensity of the mining. Additionally, it places demands on water supply and other aspects of the local environment which need to be carefully considered by the Town Board.

Such consideration was recently exhibited by the Beaufort County Board of Commissioners as it voted unanimously to retain the "conservation" classification of the Pamlico River. This classification means that the river (and the river bottom) is considered a natural resource and that no public funds, either direct or indirect, are to be used to encourage intensive development there. (See Land Classification Section, page 50).

Currently, it is too expensive to mine phosphate so far beneath the surface of Bath, but technology is rapidly changing. The development of a pump which would handle sand would render the community vulnerable to encroaching mining activity.

Alternative policies include in-action; conduct an awareness of Bath campaign with the phosphate companies; undertake specific strategies for protection of the Town's planning area through its local governing powers.

Goal: To protect the nature of historic Bath in the vicinity regarding the potential for mining of the vast phosphate resources beneath the community.

Objective:
To equip the Town of Bath to influence the impacts upon itself which mining of the phosphates may have between now and the year 2000.

Implementation Strategies.

Require technical assistance in documenting the positive and negative impacts which may be anticipated upon people and the water table from extraction of phosphates with special attention to the Texas Gulf owned property next to the Bath planning district.*

Alternative methods include working with Texas Gulf and the North Carolina Phosphate Company to determine their future plans for mining on the north side if any; holding a town workshop with the Board of Commissioners in the Town of Aurora to fully document such anticipated impacts and to share their experience.

Develop the policies in the CAMA Land Use Plan in a way that will provide a strategy for decisions for accommodated related development due to extraction of phosphates, particuarly housing, employment, and commerical development. Strategies include providing Texas Gulf and North Carolina Phosphate Company with a copy of the Land Use Plans siting constraints to development and preferred areas for development. The location lease map (page 107) should be considered in the development of zoning and permit procedures.

Work with the county in its land use planning efforts and advocate the adoption of a mine land reclamation ordinance for application outside the one-mile area around the Town. Develop language of such an ordinance and record it in the Town's Zoning Ordinance for application inside the one mile area. In this language, performance standards and criteria should be developed regarding noise, sound, vibration, impacts on the water table, water quality, and other issues related to land reclamation.

In preparation of such an ordinance, the Town Planning Board should study the Aurora Zoning Ordinance regarding such performance standards and permit procedures for surface mining and other significant land uses influenced by the mining operation.

Acquire technical assistance from the Environmental Section of the N.C. Office of Coastal Management to develop standards and criteria and incorporate them into the Town's Zoning Ordinance.

Prohibit the mining and processing of phosphate anywhere within the current zoning jurisdiction (one mile).

*For discussion of impacts on water table, see p. 76.

In the event of mineral extraction operations, require assurance that they will not harm known archeological resources in and around Bath.

Work with the N.C. Division of Archives and History to identify potential unrecorded archeological resources as necessary.

Discourage any mining operation that affects the aesthetic qualities of Historic Bath and its zoning area.

4. Fisheries and Recreational Resources.

A number of residents of the community make or supplement their living fishing in the waters of Bath and Back Creeks and the Pamlico River. While no section of the planning region is designated as a fishing productive area, the Town feels that the water quality of Bath and Back Creeks and the Pamlico River should be at least of sufficient quality to insure that seafood from these waters is safe for human consumption.

Since Bath is not in a position, at the present time, to provide adequate swimming facilities, the Planning Board recommended that local people use the facilities at Goose Creek State Park. Facilities there include life guards for the swimming area, picnic areas, nature trails for hiking, and ample parking that are provided by the State at no expense to the individual. Because of the availability of these facilities, no formal policy statement was developed for recreation in this document.

Goal: To protect and insure that the waters of Bath and Back Creeks and the Pamlico River are at least of sufficient quality to promote the commercial and recreational fishing industry.

Objective:
To control those uses of the Creeks and River which represent potential pollution and risks of degradation to water quality.

Implementation Strategies.

Continue to monitor algae growth and agricultural run-off so as to take necessary action to restrict such if a potential hazard develops.

Continue to restrict the number of boats that represent potential pollution hazards by their discharge of human and wash down wastes into the Creeks, specifically to prohibit commercial wet docking storage facilities and discourage multi-level dry docking storage facilities since there are no effective means of controlling discharge.

Encourage both the Coast Guard and N.C. Wildlife officials to check moored boats in Bath and Back Creeks for open heads and discharge.

5. Off-the-Road Vehicles.

The Planning Board has determined that off-the-road vehicles are not a problem, nor are they likely to have adverse impact on the value of the areas productive resources in the future. Thus, the Planning Board chose not to develop explicit policy statements in this document.

D. Economic and Community Development.

In accordance with the CAMA guidelines for land use planning, the following issues are identified for policy discussion within the economic and community development category:

Types of development which the Town of Bath wants to encourage, particularly regarding redevelopment of older areas and creation of new subdivisions.

Policies on types and locations of industries desired;
local commitment to providing services to development;
types of urban growth patterns desired;
redevelopment of developable areas.

Commitment to federal and state programs in the area;
assistance to channel maintenance and beach nourishment;
energy facility siting and development;
tourism or beach and waterfront access.

Among these issues, local priorities are treated with explicit policy statements, and others given discussion only.

1. Types of development which the Town of Bath wants to encourage.

The assessment of Bath's economy represented in the 1977 Land Development Plan is still accurate today. Bath is principally a residential community whose residents commute to work. Alternative scenarios for the future feature Bath with a potential to develop on two fronts: the historical side of a small farming community and the recreational side, featuring nice sites for second and recreational homes.

Within the context of this scenario and discussion of the town's current economic base, the Planning Board, based upon limited data but strong responses from the December, 1980 citizen's survey, determined the following priorities for types of development desired:

Commercial development, particularly a restaurant.

Light industry to employ local people.

Historic and cultural attractions.

Tourist facilities.

Agricultural production.

Permanent and seasonal residential development.

Public and private recreational facilities.

Amidst this array of desired types of development, the Planning Board expressed a strong preference for developing the older, already incorporated area of town, but promoting a sound strategy for guiding desired types in the area across the Creeks and within the one-mile planning jurisdiction.

But before Bath can undertake either strategy, it must face the reality that it has a larger problem stimulating and sustaining development rather than directing it. The fact that it has suffered from a dwindling economic base is reflected in the 52% decrease in population since 1940, and a 20.3% decrease in the last ten years (1970-80). As shown in Section IV, the population has aged considerably since 1970, with household size dropping and percentage male declining. However, there is hope in the seasonal population inflow, which occurs mostly in the form of week-end recreationers and families who spend extended periods of time in the community. Thus, the impetus of much of the economic and community development policies which follow are directed at stimulating appropriate and desired development in an appropriate pattern.

That pattern is shown on the Land Classification Map in Section III, pg. 51. In general, the goal is to develop the area currently contained by the town limits with residential and commercial activities which are consistent with the history and character of the town, and in a manner which compliments the institutional uses already underway. This means that other uses, such as agricultural, are preferred outside the town limits, so that the community may grow and develop the tax base to accomodate desired forms of development in the future.

Also shown on that map is the desire to develop particular sites in the one-mile planning district with small business, new subdivisions for recreational and permanent homes, and accommodate light industry to be attracted just North of the planning boundary.

Thus, the Planning Board adopted the following overall goal for economic and community development:

> GOAL: To achieve desired levels, types, and patterns of economic and community development which are consistent with the historic character of the town, raise local employment levels, and otherwise contribute to the local economic base, so as to implement the Land Classification Map.

Below, alternative policies for the categories outlined in the CAMA regulations are presented, with a choice of policy (stated as an objective for that particular type of land use). Implementation strategies which the Planning Board selected are presented as well.

2. Type and Location of Industry.

The citizens survey and Planning Board recommended that basically any type of light (non-hazardous) industry which was non-polluting to the environment and not disruptive to the character of the Town and which would employ local people would be acceptable. Textile and shoe manufactory were mentioned, with consideration given to several others.

The Land Classification Map shows the preferred location for such an industry, and raises cost implication for extending water and wastewater treatment services to that site. Currently, the Town's water system is in disrepair but has the potential capacity to accommodate such a light industry. Currently, the lack of a wastewater system in Bath places undue burden upon a locating industry to furnish its own wastewater treatment.

Alternative policies considered regarding the issues attracting industries which are light, clean, and serviceable, and which hire local people, included working with Beaufort County officials to recruit a water-based industry of the Town's choice, to the area; conducting a campaign of the Town's own; applying for state and federal funds to upgrade the water and wastewater systems so as to become more attractive to industrialists, and developing promotional materials which offer Bath as an attractive place for such development.

Objective:
To promote the location of light industry which employs local people within the one-mile planning district of the Town of Bath, which satisfies certain performance standards, and is most compatible with the historic nature of the community.

Implementation Strategies.

Inquire with the State Department of Commerce regarding its Community of Excellence Program and ask ways in which the state's industrial recruiters could assist in identifying small industries for Bath.

Work with the Mid-East Commission toward the development of an industrial recruitment campaign, with a brochure regarding the historic nature of the community, types of industries preferred, tax incentives, performance standards, and grantsmanship assistance to leverage federal and state start-up funds for small industries.

Work with the County to designate the site of the old town solid waste depository as an industrial park.

Work with developers in a "partnership" mode to extend services on a priority basis, within the constraints of financial feasibility.

Utilize existing local, state, and federal historic preservation agencies and regulations to assure that industrial development does not endanger Bath's historic structures and archeological resources.

3. Local Commitment to Providing Services For Development

Currently, the Town of Bath has a small town budget (approximately $16,000 including revenue sharing) which is ill-equipped to support much development. Thus, one primary element of any development strategy is to expand the tax base through annexation* and use of other powers of the local municipality which can help unlock key parcels of land within the old and new corporate limits. The current session of the State Legislature ratified a bill which extends the Town limits 100 yards into Bath and Back Creeks. As shown on the Land Classification Map (pg. 51), this greatly enhances the Town's capacity and thereby, its committment to provide services to development.

In the meantime, the Planning Board has indicated considerable committment to providing such services through undertaking grantsmanship and inquiry with officials which can provide matching funds for development of water systems upgrade and wastewater systems development.

Alternative policies considered for development of the town's committment for services to development included: grantsmanship, extend the city limits and otherwise develop the tax base, establish a "partnership" approach with developers so that costs of service provision is shared in a supportive but equitable manner, and provide services which foster a proper pattern of development, consistent with the Land Use Plan.

Objective:
To develop the town's capacity to provide selected services to development, so that development is stimulated (within the means available), so that the tax burden is kept fair, and that the prime beneficiary (the developer) pay an equitable share of the costs.

Implementation Strategies:

Determine feasibility of acquiring funds to make up the required local match under the state's clean water bond act and similarily, find funds to match the state's wastewater bond grants program. State will provide up to 25% total cost.

If such supplemental funding is available, submit application to the state for improvements to the water system (see section on water quality and water system capactiy) and for development of an alternative (land based) waste water treatment system in the town.

Develop a clear policy of providing extension of services as capacity increases and services become available.

*The Town is aware that serving annexed areas may be costly to the extent that expenses outweigh revenues generated. Thus, assessment of impact upon the Town's capacity to serve will greatly determine its commitment to serve development.

Adopt a subdivision ordinance to establish a "partnership" with new developers within the one mile area (and in town) clearly stating responsibility for provision of which services by the town and which by the developer. The ordinance should include the following:

Within the town limits, require that development include paved streets and use of central water supply.

Require adequate right-of-ways in development within the one-mile area so that streets can be paved according to the State Standard.

Make extension of public services the responsibility of the developer except in instances where the town commits to undertake a recruitment strategy (which includes grantsmanship and leveraging to finance capital improvements (extensions)), by the town itself. The priorities for such a strategy should be clearly stated that all applicants (developers) are treated fairly.

Require that all new roads to be paved be paved to meet the minimum Department of Transportation requirements. This is the responsibility of the developer.

If it should be found that it is not the wishes of the Town Board to develop and enforce subdivision ordinances for the area, some provision should be made to insure that developers have adequate dedicated right-of-ways for utilities and roads. The roads should be all weather roads and meet all state requirements and specifications.

4. Type of Urban Growth Pattern Desired.

This section presents the urban growth pattern desired by the Town of Bath through the Land Classification Map (page 51) and the Land Design Map:1990 (page 52). The Land Classification Map presents the general extent and direction of change in land use desired over the next ten years. The Land Design Map: 1990, which is an update of the map adopted in 1977, shows more specifically what types of development are desired. The two maps together give the Planning Board and the public a clear idea of where "transition" areas are, and whether such areas are to be promoted as "commercial, residential, or mixed, etc.". In that this plan is prepared under the Coastal Area Management Act, the Land Classification Map is the official map for guiding CAMA permit decisions and public investment decisions.

Underlying both maps is a concern for stimulation of redevelopment of the older areas of Town and development of new subdivisions and industry in the remainder of the planning area. The Town realizes that it has basically six methods of stimulating and guiding development into the patterns shown: fiscal policy(taxation), regulations, provision of capital improvements, condemnation, purchase, persuasion. With these choices in mind, the Planning Board discussed several options for guiding residential, commercial and industrial, cultural and institutional, and agricultural and forestry development during the next ten years. These are summarized under each specific type below, as are the chosen policies and implementation strategies.

a. Residential Development Pattern.

Alternatives considered include disregard for location of residences with regard to whether they are year-round or permanent; leaving the development of new subdivisions to the market; and strongly encouraging the conversion of land now in the Town Limits from agriculture (or vacant) to appropriate density residential (as well as commercial).

Objective: To direct development of permanent and second/recreational residences according to the Zoning and Historic District Ordinances.

Implementation Strategies:

Permit the location of mobile homes in an area north of NC 92 and east of King Street.

Permit the development of duplex or multi-family dwelling on the north of NC 92 on the tract of land bounded by Main and Harding Street.

Vacant land located within the Historic District be permitted to develop in accordance with the Historic District Commission Regulations.

Use the Zoning Ordinance to concentrate residential development in areas which have dedicated right-of-way equal to the minimum standards or access to public utilities.

Require that development have no negative impact upon the Town's historic structures and archeological resources and aesthetic qualities.

b. Commercial Development Pattern

From the citizens survey and Planning Board work sessions, the following types of commercial development were identified as desireable:

Restaurant, laundromat, doctor's office, motel, bowling alley, fish house, tourism, pharmacy, retail store, workshops, and a car wash.

Overall, the major theme for commercial development was the desire to keep the town small but revitalize the economy, having shops and accommodations to support the tourists and commercial fishermen and stimulate jobs.

These hopes are founded upon the reality that the only commercial activities in Bath are service related businesses. These activities include general merchandise store, service stations, a bank, two marinas, an ABC store, and a motel and gift shops.

As shown in the 1990 Land Design Map (page 52), commercial development is to be encouraged in proximity to where it now exists (see existing Land Use Map, page 16) on Highway 92 and across Bath Creek at the Bridge. Such a development pattern is reflected in the Land Classification Map (page 51) as developed, transition mixed, and rural-commercial.

Alternative policies the Planning Board discusses with relation to commercial pattern included implementing the 1990 Design Map, avoiding strip development, and connecting the water system along Highway 92 so as to promote commercial development across from the bank and ABC store.

Objective:
To achieve appropriate commercial development, particularly water-based development in the pattern prescribed on the Land Design Map (page 52).

Implementation Strategies:

Use the Zoning Ordinance and Facilities Expansion Policy to prevent commercial strip development.

Limit the number of curb cuts on NC 92 so as to funnel traffic to specific and designated ingress and egress points.

Conduct a revenue/cost study regarding potential annexation to include the land lying north of Jackson Swamp Road for a distance of 4500 feet from current city limits.

Extend the northern boundary of the Town eastward to Back Creek

Require that development have no negative impact upon the Town's historic structures, archeological resources, and aesthetic qualities.

c. Cultural and Institutional Development Pattern.

Perhaps the largest generator of Bath's popularity is its cultural and historic land uses. These take the form of the Bath High School, State Museum of Historic Bath, churches, the outdoor drama theatre, and vacant state-owned waterfront lots, representing approximately one-third of the acreage inside the town limits. Patterns of development of these uses, plus the tourism they generate contribute substantially to the character of the Town of Bath.

As shown on the Existing Land Use Map, the pattern now exhibited by cultural and historic development is more or less compatible with surrounding land uses, but consumes much needed commercial property along NC 92 on the main drive through town. Additionally, the state owns property at the fork of Bath and Back Creeks which could be used for improved public access or other tourist attractions. Nevertheless, the town feels this pattern is desirable if contained in its present configuration. The Planning Board did express strong concern that the state authorities and other owners of property, especially the State Historic Commission, consult the town and its Planning Board before undertaking additional land use changes.

Alternative policies considered for location of cultural and historic dvelopment included: a laissez-faire posture since the state and others external to the town control such uses; better communication with such owners to convey the letter and spirit of Land Use Planning in the town related to such properties; and effective use of the powers of local municipalities to promote orderly development more consistent with surrounding land uses.

Objective:
To develop the cultural and institutional land uses in accordance with the Land Design Map and the Land Classification Map.

Implementation Strategies:

Continue to work with the N. C. Division of Archives and History and the Beaufort County Board of Education related to their expansion development decisions.

Continue to exercise the prerogatives of the Historic District Commission as stated in the Town's Zoning Ordinance.

Work with the Drama Committee toward submitting an application to the National Endowment of the Arts for a feasibility study of relocating the Outdoor Drama Theatre.

d. Agricultural and Forestry Development Pattern.

As mentioned under the Resource Protection policy discussion, agriculture has long been significant to the Town of Bath and its planning jurisdiction. However, the pattern of this type of land use concerns the Planning Board and is seen by some as a barrier to proper development of the older area of Town.

As shown on the Land Use Map approximately one-third of the land area inside the city limits is consumed by agriculture (or vacant) land. Much of this land is zoned residential for subdivision into 15,000 or 20,000 square foot lots. Additionally, these areas are shown as residential on the 1990 Land Use Design Map adopted by the Town Board. However, lack of developer interest and lack of willingness to sell, have constrained the development potential of this important redevelopment area.

The Planning Board feels that agricultural production is better undertaken in the area outside the city limits, so that more revenue producing residential and commercial activity may be developed downtown.

In contrast to the agricultural pattern, forestry patterns shown on the Land Use Map render little problem regarding adjoining land uses and inappropriate impact upon development potential, public or private. As noted above, "forestry" in Bath is an individual land-clearing function, not a commercial enterprise.

Alternative policies regarding agricultural and forestry patterns include: laissez-faire, leaving the sale of such properties to individual owners regardless of economic impact to the community; development of subdivision regulations and undertaking a developer recruitment campaign to stimulate proper development on available tracts now used as agricultural; and using the powers of the local municipality to effectuate better patterns of such uses.

Objective:
To concentrate agricultural and forestry uses outside the existing town limits as shown on the 1990 Land Design Map.

Implementation Strategies:

Develop subdivision regulations which prepare the community for conversion of agricultural lands inside the town limits to residential.

Establish a good will committee of the Planning Board to work with local land owners to effectuate sale of such properties for economic and community development (urban uses) as outlined on the Land Use Design Map.

Carry-out the "resource production" policies (above) which promote the continuation and expansion of agricultural activity, especially in areas designated as good farmland outside the town limits.

5. Redevelopment of Developed Areas.

The overall strategy of redeveloping the developed area with more urban uses, while stimulating new subdivisions and recreational homes outside the town limits, has been articulated above. This section, will then concentrate upon improving the residential sector (its pattern and quality of housing stock) in the redeveloped area of town.

As noted in the 1977 Land Development Plan, the majority of land between Bath Creek and Back Creek is appropriate for residential development. However, there are qualifications placed upon the type of residential development which is considered appropriate by the Zoning Ordinance and by the Historic Commission, both of which govern much of this area.

Another constraint is the lack of public wastewater collection and treatment: a factor which prohibits achievement of densities high enough to generate revenues sufficient to accommodate desired development patterns.

According to the 1980 preliminary census counts, the Town's 110 dwelling units have not grown in number since the 1970 census. Considerable residential development has occurred, however, in the perimeter to the town. Without annexation of this development pattern, again, potential excess of revenues over cost of annexation.

The housing quality of the older section of Bath has declined as the population has aged and household size has dropped. As shown on the Hazards Map, several houses have become dilipadated and have caused the Planning Board to call for a systematic voluntary removal campaign to protect public safety.

One of the major considerations facing the Planning Board is the cost of services to accommodate development. Density, of course, greatly reduces the unit cost of improving the water system or developing needed wastewater service. The town can ill afford to continue to run water lines and propose to run sewer lines past acres of vacant or agricultural land.

Thus, the major issues regarding redevelopment include: unwillingness to sell key properties; lack of wastewater service; dwindling housing stock; aging population with fixed incomes; constrained town limits; and institutional drain on the tax base. (State owned lands don't pay taxes to the Town).

Alternative policies regarding redevelopment include: those mentioned under patterns of development, particularly regarding use of municipal powers, undertaking a developer attraction campaign, and annexation. Others include specific housing improvement programs and acquiring technical assistance for an all-out redevelopment effort.

Objective:
To undertake redevelopment of the existing town, especially within the historic district, near the school, in the older business section, and in areas now used for agriculture or which are vacant. (see Design Map, page 52).

Implementation Strategies:
Complete a housing survey of existing conditions denoting dwelling units which require improvement.

Apply for assistance for the expressed purpose of housing rehabilitation.

Adopt an ordinance requiring every dwelling unit to install and maintain an approved septic system.

Locally adopt the model housing code and enforce it to require rehabilitation or demolition of deteriorating and dilapidated houses in the town limits. Require a determination of historical significance before enforcement of demolition.

Acquire technical assistance for development of a downtown revitalization strategy in Bath, and determine the financial feasibility of implementing such a strategy.

6. Commitment to State and Federal Programs.

Section IV shows a list of state and federal programs which impact the Town of Bath and contribute to its character. Currently, several of the programs are effectively protecting the salt marshes around the town and helping protect the nature of the public waters for recreational uses.

As mentioned above, Bath has long supported such programs. Two outstanding issues do concern the Planning Board: lack of communication by many state and federal agencies to the Planning Board before land use changes begin; and ability to finance matching funds which tangibly show support for grants and loans for service improvement.

Alternative considered to address these issues and thereby improve the town's commitment to state and federal program include: initiating a letter campaign to all state and federal agencies listed in this document and other identified as need arises to open communication and inform them of Bath's needs and policies; revenue generating strategies outlined above, potentially including annexation; and attainment of technical assistance.

Objective:
To support state and federal programs in the Bath planning area.

Implementation Strategies:

Engage in a grantsmanship program to implement selective state and federal programs.

Seek technical assistance from federal and state programs which best address needs identified in the citizen survey and addressed by this plan.

7. Channel Maintenance and Beach Nourishment.

The Town of Bath regards the matter of channel maintenance as being out of its jurisdiction and therefore has no policy regarding it in this document. It does, however, support the Coast Guard and other bodies in their responsibility for maintaining the channels of Bath and Back Creek so long as that maintenance imposes no danger to water quality and the commercial and recreational fishing industry. Bath, of course, has no beaches.

8. Energy Facility Siting and Development.

Currently, there are no energy facilities within the Bath planning area. The Board expresses desire that none be developed within the one mile, but that such may be encouraged north of the town near the area designated suitable for light industry (see Land Classification Map).

The town recognizes the necessity for the development of facilities for the production of alternative fuels, but wishes to discourage siting of large facilities near the town.

Objective:
To prevent the location of large energy facilities within the one-mile planning area.

Implementation Strategy:

Revise the Zoning Ordinance to require a special use permit to construct any energy production facility in any zone.

9. Waterfront Access.

There is one private boat ramp on Back Creek, the marina on Bath Creek (private), a boat ramp just north of the Bath Creek Bridge, and Hardings Landing. The Planning Board felt that waterfront access was inadequate inside the Town limits and decided to look into the legal and financial implications of designating already owned city properties along the shoreline between Bonners Point and Handys Point as public access points, such as the street ends of King St. and Main St.

Additionally, the Planning Board suggested that the Town Council make contact with the N.C. Department of Wildlife in the hopes of having the state provide a nice boat ramp and parking area in the Bath Community. Examples of those provided in Edenton, Columbia, and Plymouth were cited. Additionally, it was suggested that the State could work with Weyerhauser or Texas Gulf to lease an appropriate parcel of land rather than have the expense of purchasing the land.

Pending results of the aforementioned investigation and the suggested contacts with the State, the Planning Board states that access to the creeks is inadequate but would encourage public or private designation of new areas outside the Town limits with adequate space for parking and which are consistent with the policies outlined above for protecting areas of environmental concern.

E. Continuing Public Participation Policies

In accordance with the CAMA guidelines for land use planning, the following discussion outlines the means by which public participation in planning matters is to be conducted in the planning process; the means to be used for public education on planning issues, and the means to be used for continuing public participation. First, a brief description of the methods used to develop this CAMA Land Use Plan will be discussed as the foundation for future citizen participation efforts.

The Town of Bath has an active Town Board and Planning Board, which, for the size of this community, contribute considerable to the representative nature of planning and planning decisions. This feature has been strengthened by the recent hiring of a Town Administrator, which will leave the elected and appointed bodies to do more policy-oriented than administrative work, thereby increasing outreach to the community.

Its history of planning (the 1977 Land Development Plan and the 1979 Zoning Ordinance), a close knit community, and conern for participation led the Planning Board to retain technical assistance for preparation of this plan from a firm with a strong citizen participation background. Through recommendations from Planning and Design Associates, P.A., the Planning Board conducted a random sample survey (see Section IV for survey questionnaire), to property owners in and outside Town, held monthly meetings which were announced in advance; and conducted interviews with several Town Board members related to planning issues during the process.

During the preparation of this document, the Planning Board was clear in its desire to continue close contact with the citizenry. It realizes that such involvement is important in both the development and enforcement of land use policies so that the spirit of community is enhanced as the community grows physically and economically. Issues discussed included these and other purposes of participation in Land Use Planning, definition of varying interests among publics, representative bodies and responsibilities, and communication methods.

Alternatives discussed with regard to these issues included: limiting participation to selected committees or boards appointed to represent the community; publishing required legal notices for public hearings; establishing ad hoc citizen committees of the Planning Board as need arises; and conducting an educational campaign encouraging participation at monthly Planning Board meetings.

Goal: To achieve meaningful participation in land-use and related planning matters in the Town of Bath and its planning area.

Objective:
For participation itself: to provide opportunities for participation in the land use planning process by residents of the Town of Bath and its planning area, individually and in representative groups.

Implementation Strategies:

Amend the Bath Zoning Ordinance so as to require (1) written notice to be mailed to the owner of any property which is the subject of a rezoning petition and (2) written notice to be mailed to the owners of all properties which adjoin the property which is the subject of a rezoning petition. All such notices shall be mailed to said parties at their most recent address as held by the Beaufort County Tax Supervisor's office at least 21 days prior to the public hearing which will be held in connection with the rezoning petition.

Adopt as Town Policy that notice of meetings of Planning Board to be placed in the local newspaper and specific items to be discussed be part of the notice.

Send citizen opinion questionnaires to Town residents and property owners outside the city limits but within Bath's extraterritorial jurisdiction at least every five years to gauge public opinion and how this opinion has changed prior to the update of the Land Use Plan.

Hold a semi-annual meeting of the Planning Board and the Town Board to evaluate the Land Use Plan and its implementation. Prior to that meeting, have news articles regarding meeting and specific issues to generate public interest.

Objective 2:
To encourage active participation in land use discussion by all sectors of the population including all economic, social, cultural, and ethnic groups.

Implementation Strategies:

Develop a roster of civic organizations and key individuals to be notified of public meeting regarding land use issues, and request that members of these organizations be notified.

Publicize notices of meetings in the local newspaper preceded by feature articles on specific issues to be discussed and invite all interested citizens to attend.

Objective 3:
To educate the citizens of the Town of Bath and its planning area about the issues facing the area regarding matters of resource protection, resource production, community and economic development, special issues and ways in which citizens may participate in the Town's planning process.

Implementation Strategies:

Prepare public information brochures regarding:

CAMA Land Use Plan and its implementation process for distribution in annual tax bills or in utility bills.

Prepare public information and education programs for presentation to civic groups, churches, and school classes to inform the public about the CAMA Land Use planning program and to encourage active participation in the process.

Prepare press release for local newspaper following each Planning Board meeting in cases when no member of the press has been present.

Prepare educational news releases on the planning program in the Town of Bath explaining the issues to be considered and decisions pending.

Hold workshops for residents of the town and the surrounding planning area with technical assistance to educate citizens about the planning process and other facets of the CAMA program.

Interest local groups in sponsoring a joint meeting of local government in Beaufort County regarding matters of interest in land use issues.

F. Other Specific Issues that must be addressed in the Bath Land Use Plan.

"Attachment B" of the contract between the State of North Carolina and the Town of Bath stipulates that the special issues of phosphate mining and preservation of historic resources be addressed in this plan.

Policy discussion and choice of policies for phosphate mining are presented above in Section II, pages 30-32, and preservation of historic resources is addressed on pages 20-21.

G. Consistency with Land Use Ordinances and CAMA Improvement Plans and Budgets.

In accordance with CAMA regulations, the Zoning Ordinance of the Town of Bath have been modified to make them consistent with the land use planning regulations and the Coastal Area Mangement Act regarding areas of environmental concern. Additionally, they are scheduled for modification to implement this Land Use Plan as reflected in the foregoing policy statements and as illustrated in the Land Classification Map. Current planning and grantsmanship for improvement of the water system, a new wastewater treatment system, and continued historic preservation, as well as discussions of annexation priorities have been taken into account and the development of the Land Classification System.

H. Related Plans, Policies, and Regulations.

As mentioned in the foregoing policy discussion section, the development of the Land Classification Map has been undertaken after thorough review of local, county, state, and federal plans impact in the Bath Planning area. The Town of Bath's consultants made several visits to Beaufort County Government in discussion of planning concerns of mutual interest.

I. Intergovernmental Co-ordination and Implementation.

The preceding discussion of policies and the Land Classificatiom Map are to serve as the basic tools for co-ordinating numerous policies, standards, regulations, and other governmental activities at the local, state, and federal levels.

As shown in the Appendix, the Commissioners of the County of Beaufort delegated their responsibility for preparing the CAMA Plan to the Town of Bath, for its planning district. This first step in intergovernmental co-ordination resulted in numerous discussions with county agencies and management regarding issues and data collection. Additionally, the consultants respectively in charge of the Beaufort County CAMA Plan and the Bath Plan have had frequent contact to discuss issues related to potential mining acitivty, economic and community development issues, and co-ordination of planning activities.

Because of this level of discussion during the development of the Land Classification Map and related policy statements, a better framework has been initiated for budgeting, planning and for provision of community services. The Town of Bath Planning Board stated that such coordination, particularly related to regulatory and promotional policies and decisions, is highly desirable in the future. It is through such improved communication that the land use plans developed by the Town and by Beaufort County can best achieve their mutual goals of appropriate and orderly growth and development.

J. Public Participation.

As noted earlier, the Town of Bath used its Planning Board, public notice of monthly, regularly scheduled meetings, a citizens survey and interviews with local officials as its participation method. In this manner, a wide cross-section of citizens was actively solicited and considered, and became a fundamental element in the development of the planning activities, its adoption (forthcoming), and will be an important part of future amendments to the plan and moreover, its successful implementation.

III. LAND CLASSIFICATION

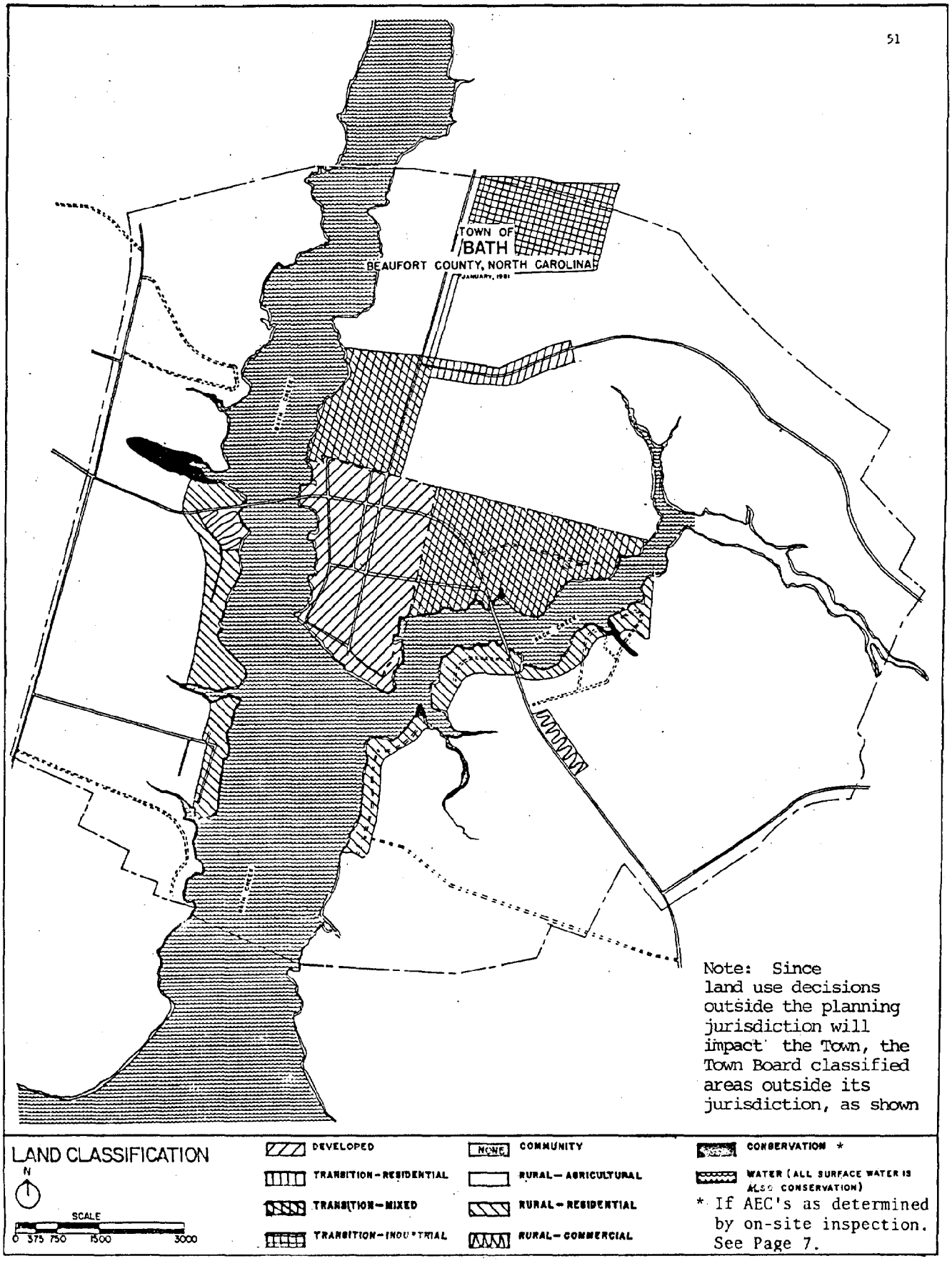
In accordance with the guidelines for land use planning (15 NCAC 7B, Sect. .0200), and based on consideration of the citizens survey, available data, work sessions with the Planning Board and its consultants, and consideration of the policy statements developed above, this section presents the land classification system developed for the Town of Bath. By delineating land classes on the following map, the Town of Bath and its citizens have specified those areas where certain policies (local, state, and federal) will apply.

To this extent, the land classification provides a frame-work to be used by local governments to identify the future use of all lands in its planning area. The designation of land classes allows the Town Board to illustrate its policy statements as to where and to what density they want growth to occur and where they want to conserve natural and cultural resources by guiding growth.

While the areas shown on this map do designate areas of the "planning district" which are best suited for particular uses, it must be remembered that land classification is merely a visual reference to help implement policies and not a strict regulatory mechanism.

The CAMA land classification system includes five broad classes: developed; transition; community; rural; and conservation. In the Town of Bath, only the classes of developed and conservation readily apply as defined in the CAMA guidelines. The definitions of "transition" and "rural" have been modified as described in detail below. There are no lands appropriately categorized as "community" within the one mile planning area.

This section presents the urban growth pattern desired by the Town of Bath through the Land Classification Map (page 51) and the Land Design Map: 1990 (page 52). The Land Classification Map presents the general extent and direction of change in land use desired over the next ten years. The Land Design Map: 1990, which is an update of the map adopted in 1977, shows more specifically what types of development are desired. The two maps together give the Planning Board and the public a clear idea of where "transition" areas are, and whether such areas are to be promoted as "commercial, residential, or mixed, etc.". In that this plan is prepared under the Coastal Area Management Act, the Land Classification Map is the official map for guiding CAMA permit decisions.



Note: Since land use decisions outside the planning jurisdiction will impact the Town, the Town Board classified areas outside its jurisdiction, as shown

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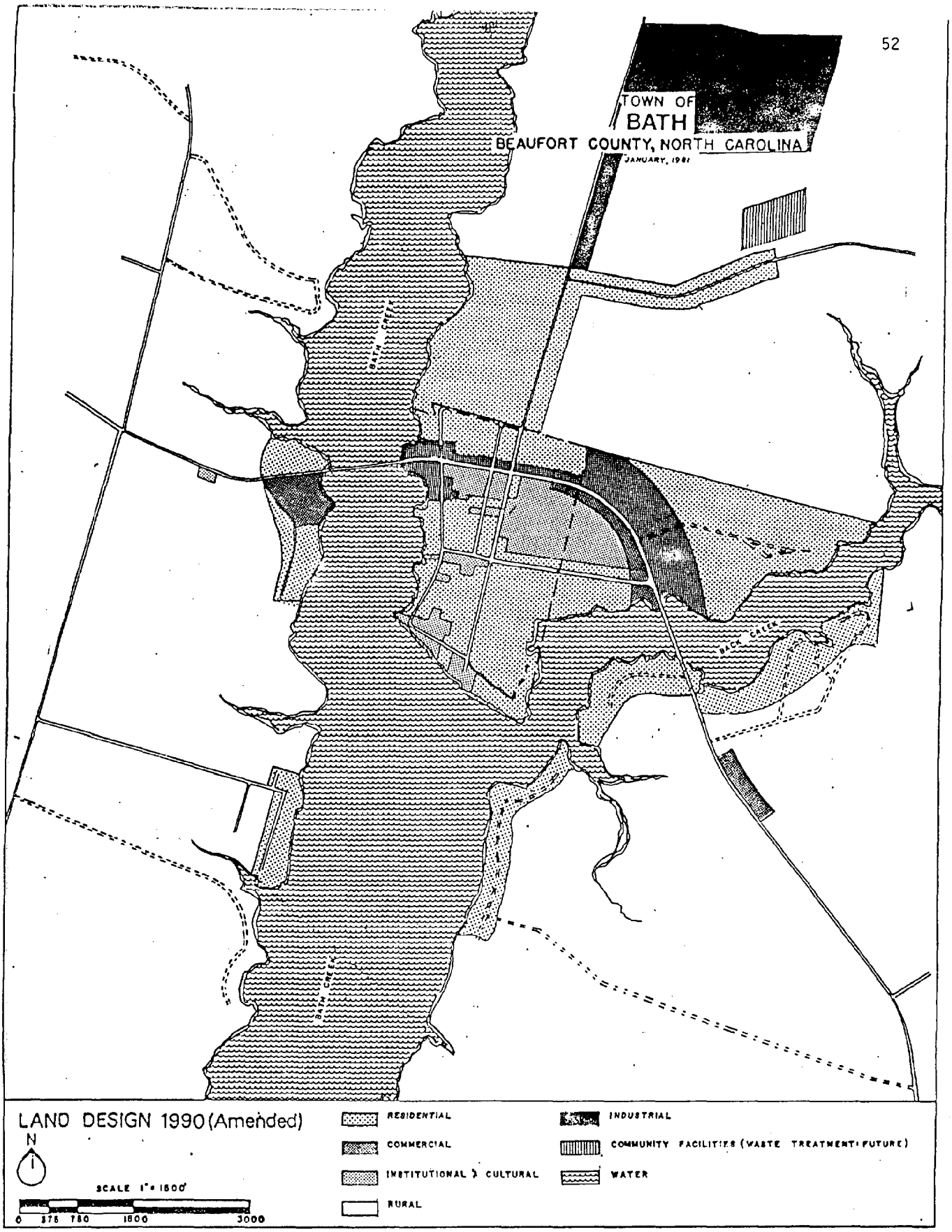
TOWN OF
BATH
BEAUFORT COUNTY, NORTH CAROLINA
JANUARY, 1981
BATH CREEK
BACK CREEK
BATH CREEK
LAND DESIGN 1990 (Amended)
N
SCALE 1" = 1500'
0 375 750 1500 3000
RESIDENTIAL
COMMERCIAL
INSTITUTIONAL & CULTURAL
RURAL
INDUSTRIAL
COMMUNITY FACILITIES (WASTE TREATMENT-FUTURE)
WATER

A. Developed:

The purpose of the developed class is to provide for continued intense development and re-development of existing incorporated areas. The area currently inside the Town limits of Bath qualify as developed for the following reasons:

1. The area is served by public water, recreation facilities, and fire protection.
2. The Town Board has recently hired a Town Administrator for this area and has in progress, applications for funds to finance startings of an alternative wastewater treatment system, and has submitted applications for funding to upgrade "urban shapers" such as its zoning ordinance which will serve to increase the density of development inside the Town limits.
3. The area encompasses an established historic district for which an ordinance and commission have been established.

As noted in Section II above, the policies related to economic and community development outlined types of uses and implementation strategies for accommodating the stimulating population growth towards maintaining and expanding the "developed" category.

B. Transition.

The purpose of the transition class is to provide for further intensive urban development within the next ten years on lands which are most suitable and that will be scheduled for provision of necessary public utilities and services. According to the CAMA guidelines, lands classified as transition include lands currently having urban services and other lands necessary to accommodate the urban population and economic growth anticipated or to be encouraged within the planning jurisdiction over the next 10 years.

As shown on the Land Classification Map, three areas have been designated as transition in a modified manner:

Transition-mixed: The area east of Town from the existing Town limit up Back Creek to the intersection of an imaginary line extended eastward to the creek from the northern Town limit.

The Planning Board felt this modification was necessary to stimulate the appropriate mix of uses as an enticement for developers to implement the 1990 Land Design Map (as amended). Discussions of annexing this area also lend themselves in support of the modification.

Transition-residential: The area west of King Street (extended north) to the Creek, and the road frontage along the east side of the extension, and along Possum Hill Road.

This modification is necessary to keep intact the desired residential nature of this expected-to-change area. Without such, strip development may develop which has been determined undesirable by the Planning Board.

Transition-industrial: The area north of the planning district as shown on the Land Classification Map. Although technically outside the Town jurisdiction, the Planning Board felt industrial development at this site critical to the long-range development scenario for the Town and its jurisdiction. The Town realizes that town/county coordination and consistency is the method for achieving appropriate development of the designated area.

Taken together, these definitions differ from the CAMA category of "transition", in that there is enough vacant land inside the existing developed area to accommodate the probable increase of dwelling units between now and the year 2000. Nevertheless, the Town Board has selected these areas as potential areas to be served with urban services because of their attractiveness to developers, their potential availability for sale and therefore development, and the willingness of interest to developers in having their property annexed, and conversely, because of the reluctance on the part of those who own land inside the already developed area to sell it for residential or other uses.

Thus the total area shown as "transition" is larger than the amount of land needed for proposed population increases which cannot be accommodated in the vacant developed areas. Nevertheless, the Town Board wanted to offer this land as modified transition as inducement for future growth and development. The size of these transition areas, plus the fact that much of it lies outside the presently incorporated area, raises concerns of cost of extending services. The Town is aware that outside extension of services to entice or support urban intensity of development is often very expensive. Thus, detailed financial feasibility studies are recommended as each outside transition area is considered for provision of services.

The policies in Section II related to economic and community development relate to these modified "transition" categories.

C. Community:

The purpose of designating areas in a community class is to provide for clustered land development to help meet housing, shopping, employment, and public service needs within the rural areas of the planning district. As outlined in the CAMA guidelines, such areas usually refer to small clusters of rural development not requiring municipal sewer service and clusters which usually occur at cross-roads.

No such areas exist inside the one mile planning area. Therefore no land within that district is classified as "community" on the Land Classification Map.

D. Rural:

The purpose of the rural class is to provide for agricultural, forest management, mineral extractions and other low intensity uses.

In accordance with the CAMA regulations, lands in this area have high potential for agricultural use and include land with one or more limitations that would make development costly and hazardous (particularly deep slopes and flood proneness).

As reflected in the foregoing policy section, Bath has considerable potential for mineral extraction activity and there are good stands of trees in the area. Since the Planning Board, through its policy discussion, does not want to encourage mining or commercial forestation in the one-mile planning area, the rural category has been modified to provide for only desired uses within the broader "rural" category:

> Rural-agricultural: The area shown in white on the map, connoting that agricultural activities are significant and desired in the one-mile planning area.
>
> Rural-residential: This is connoting that new subdivisions are desirable outside the Town limits and serve a valuable economic role in the Town's evolution over the next ten years.
>
> Rural-commercial: This is connoting that new commercial development is desirable in this area, consistent with the Town's Zoning Ordinance.

E. Conservation:

The purpose of the conservation class is to provide for effective long-term management of significant limited or irreplaceable areas. This management is necessary in the Bath planning district in and along the shores of Bath and Back Creeks (areas designated as public trust waters and as coastal wetlands (marshes)).

As stated in the policy statements above, the Town Board wishes that these waters and marshes be protected and that only the uses it stated as desirable be permitted there. Because any development, including fill and mining, will destroy such valuable areas, they are herein designated "conservation" in the strictest sense of the category. As such, no public funds, either direct or indirect, are to be used to encourage intensive development in the conservation class.

IV. INFORMATION BASE FOR POLICY DISCUSSION.

The following section presents in more detail, the information from which the policy issue summaries were developed and upon which the policy discussion with the Planning Board was based. It first describes the manner in which the information base was established, and then presents data and conclusions regarding present conditions and economy, existing land use, current plans and policies and regulations, constraints to development (land suitability and capacity of community facilities), and estimated demand.

A. Establishment of the Information Base.

1. Manner of data assembly.

Data for the Bath Land Use Plan was collected through a combined effort of the Planning Board, the area's residents and Planning and Design Associates, P.A., the town's consultant. This section outlines the general methods of collection, with details discussed under the headings below.

Data assembly began with an assessment of the 1977 Bath Land Development Plan and its companion, the 1979 Zoning Ordinance. Interviews in the living rooms of local Town Board members, Planning Board members, and town employees provided information about the town's budget, capacity of its water system, and the nature of local policies and ordinances, etc.

The consultant and Ms. Judy Edwards, Town Commissioner, made separate data collection trips to Washington, NC to county and federal government offices. State agencies in Washington, Greenville, and Raleigh were contacted for collection of published data.

Since much of the information was not published or readily accessible, the Planning Board chose to conduct a citizen survey (presented in the appendix), which not only provided data but became a critical element in the citizen participation process. The Town's in-kind match was spent on this effort both in postage and in hours of time that the Town Manager and other citizens contributed toward tabulating and assessing the questionnaire. Co-operation of the local postmaster and enthusiastic support of area citizens made data collection a fundamental building block for continued participation in the process and implementation of the finished product.

The collection of information regarding existing land use and hazard areas was collected by updating the 1977 Land Use Map with a windshield survey conducted by a member of the Town Board (Mrs. Judy Edwards) and the consultant.

Information regarding areas of environmental concern was collected through a field (windshield and on foot) survey by the consultant with Mr. David Gossett, CAMA Field Representative, and Beaufort County CAMA Permit Officer.

Detailed site-visit reports regarding contacts and data collection methods are on file at the office of Planning and Design Associates, 3515 Glenwood Ave., in Raleigh.

Conclusion: Like other very small communities, much of the information required by the CAMA Guidelines for Land Use Planning is not published for the Town of Bath. This necessitates considerable "leg-work" in the form of interviews, on-site surveys, and other types of primary data work. While these are desirable, and granted they contribute to the participatory process, the small budgets alloted to small places are seldom adequate to support such research.

INCORPORATED 1705

HISTORIC BATH
OLDEST TOWN IN THE STATE
BATH, NORTH CAROLINA 27808

December 1, 1980

Dear Fellow Residents of the Town of Bath and its one mile planning jurisdiction:

Please take a few minutes to complete the enclosed survey and return it to Mr. Pearson Chrismon, Town Administrator, by December 10, 1980.

The Town Board of Commissioners and the Planning Board need to know your views in order to update our Land Use Plan as required under the Coastal Area Management Act. This plan will be used by the Planning Board, the County CAMA Permit Officer, developers, and state and federal agencies to make decisions about development and preservation activities around Bath Creek and Back Creek, as well as in the Town limits.

We would like for you to attend the monthly meetings of the Planning Board between now and the end of April so that you may have a continued voice in the preparation of our Land Use Plan Update.

Thank you in advance for helping us with this survey. Please return it in the enclosed envelope by December 12.

Sincerely,

Jim Edwards

Jim Edwards, Chairman
Town Planning Board

RT/gm

Enclosures

B. Population and Economy

1. Population.

In 1974, the population of the Town was approximately 220. The 1980 preliminary census shows that the population has declined. At the same time, a small population increase has occurred outside the Town limits. Population data reflects that since 1950, the Town's population has been declining. The following table reflects the population trends from 1940 to 1980:

TABLE I

Bath Population Trends

Year	Population
1940	380
1950	381
1960	346
1970	231
1975	220
1980	184

In the Bath Township, which we interpret as an outlying area which places demand upon Bath for services, there were 3514 persons in 1980, representing 1983 households. This area has an average household size of 2.85 and its population grew by 8.6% between 1970 and 1980. Thus, many of the planning considerations made in this plan take into account this outlying area and its population characteristics.

The following table reflects the Town's population by age and sex as of 1970. A review of the table will indicate the future potential for a natural population increase.

TABLE II

Population by Age and Sex
Bath, 1970

AGE	TOTAL	MALE	FEMALE	PERCENT OF TOTAL POPULATION
Under 5 years	7	4	3	3.03%
5 - 14	29	14	15	12.55%
15 - 24	35	15	20	15.15%
25 - 34	15	8	7	6.49%
35 - 44	24	12	12	10.39%
45 - 54	25	13	12	10.82%
55 - 64	47	15	32	20.35%
65+	49	18	31	21.21%
TOTAL	231	99	132	100%

The table indicates that a significant proportion (50%) of the population is beyond the child bearing years. A survey earlier in 1980 revealed that over 60% of the people were over 55 years of age.

There are no available estimates of seasonal population in-flow. Most of this activity is week-end oriented, with several homes used for summer residences in town and across the creeks. This inflow places additional demand upon the water system, streets, and the existing septic system , trash pick-up, etc.

The 1980 preliminary census count (July, 1980) indicates that the population declined 20.3% over the last 10 years.

The preliminary counts also show that population per household in 1980 (2.09) is 14% lower than in 1970 (2.43 persons per household).

Regarding housing itself, there were 110 units in both 1970 and 1980, with 16 vacant units, accounting for a vacancy rate of 15.4%. Actually, there has been some new construction in the town limits, but obviously of minimal amount.

2. Economy.

Bath is principally a residential community whose residents commute to work. As noted previously, Washington and Belhaven are close by and many of the town's residents are employed there. The only commercial activities in Bath are service related businesses. These activities include general merchandise stores, service stations, a bank, two marinas, an ABC store, and gift shops and employ approximately 30 people.

Perhaps the largest generator of Bath's popularity is the Historic District. The Historic District draws many tourists to town. The tourist trade supports a few gift shops as well as contributing to the support of the service related businesses. In terms of impact upon the Bath economy, the tourist industry is significant.

Recently the historic impact of Bath has been enhanced by the completion of an out-door drama amphitheater. The utilization of the facility will be another inducement to visit historic Bath. The resulting increase in the number of tourists visiting town will bolster the business community.

3. Major Conclusions.

The town of Bath's development problems are ones of stimulation rather than immediate regulation or control of existing pressures. Population decline and dwindling economic base provide little foundation upon which to build the type of community the Planning Board and Town Board desire.

Thus, an active strategy of co-ordinated development stimulation is warranted, with initial efforts at enlarging the critical mass of the citizenry through annexation so that the town can become more competitive for development funds, which themselves are diminishing daily.

The economic future of the Town is largely in the tourism market place. The outdoor Drama, Historic Bath, and recreational waters draw hundreds during the summer months. New efforts should be undertaken to identify and meet the service related needs of summer populations of BayView and Kilby Island. Development of second and recreational homes may be accommodated, but should be included in the tax base so as to accommodate the year-round citizens who carry the character and finance an overwhelming share of the community's service costs.

Opportunity for population increase, then, appears to be in the in-migration of new residents. Part of a sound strategy to achieve this must include the development of new or close employment opportunities.

C. Existing Land Use.

1. Description.

Land use activities within the Bath area are dominated by the vast area devoted to agricultural production. The Bath area includes not only the Town of Bath, but also the one mile area of extraterritorial jurisdiction. For the purposes of discussion, both areas will be considered as one unit because land use activities in one area affects the total character of the community. This area is presented on the Land Use Map below.

a. Residential Land Use.

Residential land use is divided between two types of activity; year-round housing and second home development. The majority of the year-round housing units are located within the Town limits although the existing Land Use Map reflects residential concentration along NC 92 east of town and along King Street Extension at the intersection of S.R. 1743. A new subdivision has been developed on S.R. 1763 immediately north of NC 92 and east of the corporate limits. This subdivision represents the majority of new residential development in the area. The remaining year-round dwelling units are much older.

The second aspect of the Town's residential activity is associated with second home development. Second home development is directed at areas in close proximity to the waters of Bath Creek and Back Creek. At the present time, there are several areas which are experiencing second home development. They are as follows: 1) outside the corporate limits of Bath on the east side of Back Creek, there are several existing units with a potential for more; 2) further along the same side of the creek, past the confluence with Bath Creek; this development is more extensive than first mentioned. Access to this devlopment is provided from NC 92 on an unimproved road, S.R. 1757; 3) the most extensive second home development is located on the west side of Bath Creek at the termination of S.R. 1340. This area includes approximately sixteen (16) units; and 4) within the corporate limits of Bath one area, more than any other, is predominately second home oriented. That area is located along East Front Street and Back Creek Drive. In total, there are approximately ten (10) dwelling units. It should be noted that each area has many year-round residents.

b. Commercial Land Use.

Within the planning area, there is not a distinct commercial district. There are, however, three areas of commercial concern which are water, tourists, and services related.

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REVISED: APRIL, 1991

The water-related commercial activity is focused upon the sailboat marina which is located on the east side of Bath Creek, immediately south of N.C. 92. The marina has a capacity for approximately thirty (30) boats. In addition to the marina, a new commercial activity oriented toward sailboat repair has recently been established on Bath Creek as well. A private boat ramp is located at the southwest side of Back Creek Bridge and northeast side of Bath Creek Bridge which provide access for a nominal fee.

The historic significance of the Town brings many tourists to Town during the summer months. At that time, there are several shops which are open and cater to the tourist.

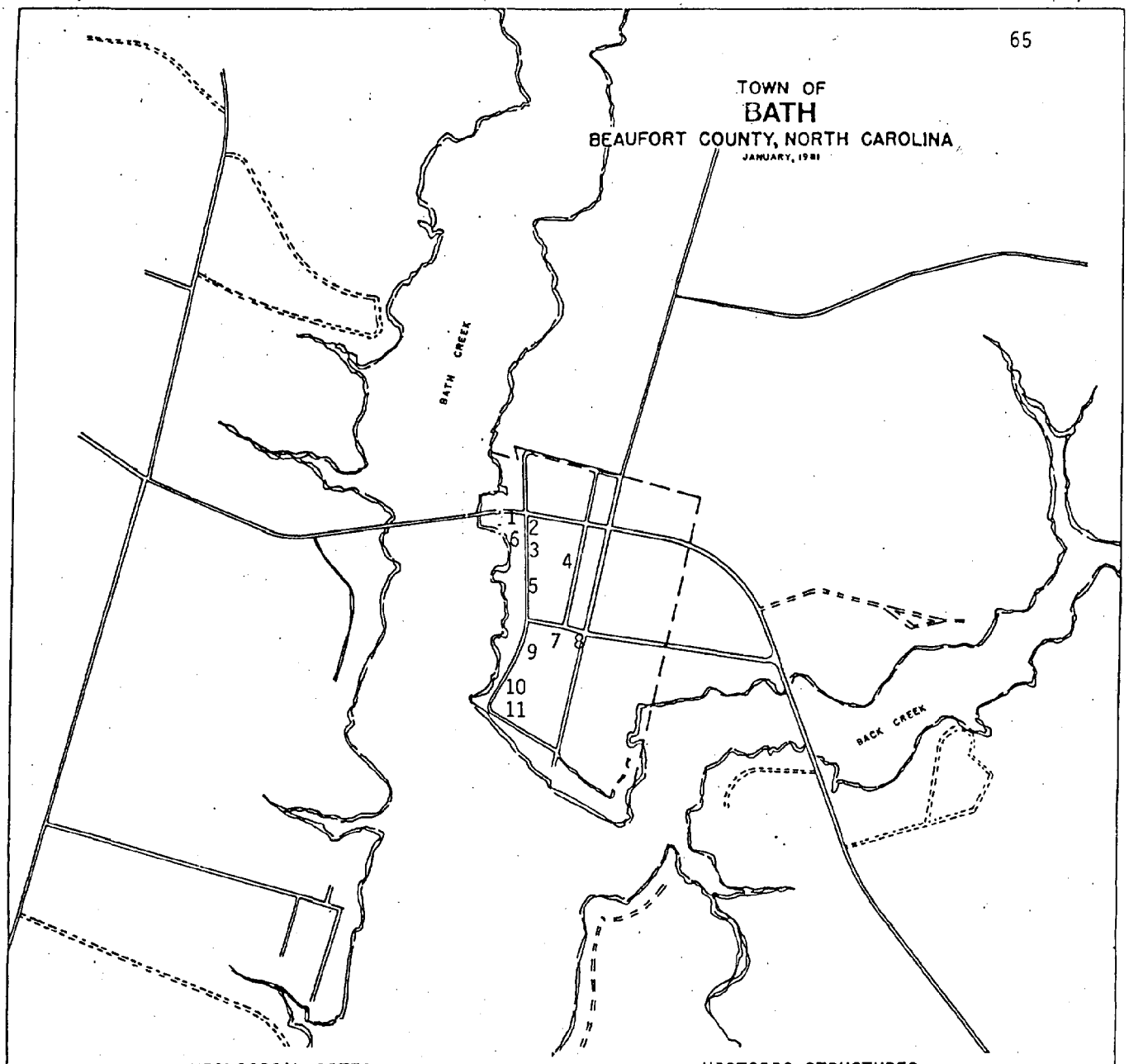
The final level of commercial activity relates to the provision of goods and services which are required for day to day living. These activities include service stations, two grocery stores, a bank and post office, and an ABC store. The extent of these activites is limited and at this time does not have a negative impact upon adjacent land uses.

c. Cultural and Institutional.

The historic importance of Bath is recognized by both the local residents as well as individuals versed in the history of North Carolina. The historical importance of Bath is being preserved and perpetuated by the Bath Historic Properties Commission and the Historic District Commission. The following map shows the Town's inventory of historically significant structures.

In many respects, the historic places and atmosphere which characterize Bath are like a natural resource, when they no longer exist or are compromised by undesirable development they are lost forever and cannot be replaced. The year-round residents of Bath place a high value upon the preservation of this historic importance of Bath. More directly, many town residents express concern about development which may or could occur within town, which would have the effect of negating the historic atmosphere.

In addition to the historic properties, there is a large block of land on the south side of NC 92, immediately east of Bath High School, which is owned by the Beaufort County Board of Education. The utilization of that property, according to the Board, is for a future educational complex which is to be developed for students in the eastern portion of the county. Plans for development of this tract have not been completed and are not currently being pursued.



ARCHEOLOGICAL SITES

Locations of archeological sites identified by the N.C. Division of Archives and History are on file in the Division's Archeology Branch. See Appendix, p. 106, for site location numbers and cultural affiliation descriptions.

HISTORIC STRUCTURES

1. House
2. Blacksmith Shop
3. Palmer-Marsh House
4. Van Der Veer House
5. Buzzard Hotel (removed)
6. Swindell's General Store
7. St. Thomas Church
8. New Public Library
9. House
10. Carrow House
11. Bonner House

Inventory of Historic Properties
Bath, N.C.

N

SCALE 1" = 1500'

0 375 750 1500 3000

Source: Division of Archives & History
March 2, 1981
Beth Pearsall

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REVISED: JULY 1982

d. Agricultural and Forest Lands.

The largest land use activity within the planning district is devoted toward agricultural production and forestry. The area immediately north of Town is oriented toward agricultural production. The major crops include corn and soybeans. A majority of land area east of Town, across Back Creek, is undeveloped and forested. The land west of Bath, across Bath Creek, is also undeveloped, but agricultural production is more extensive.

These two land use activities have few implications upon adjacent land uses. They are, however, affected by activities or land use trends which occur nearby. This sensitivity to adjacent activities makes agriculture and forestry lands vulnerable to development pressures. This is particularly true for agricultural lands which are cleared, have suitable soils and are well drained. Thus, there is a potential for increasing pressure upon agricultural land when development of an area is initiated. The greatest conflict which may arise is between the need for agricultural products and the need for land for development purposes.

2. Analysis of Existing Land Use.

a. Significant land use compatibility problems.

Comparison of the existing Land Use Map with the fragile areas map, hazard areas map, and map of flood-prone areas renders the following conclusions:

There are currently three places in the community, all are the intersections of the Bath Creek and Back Creek Bridges with the peninsula where commercial development rests in areas which have been flooded in the past. Examination of the flood-prone areas map shows that these areas, as well as a considerable amount of shoreline from Handys Point to the Back Creek Bridge are subject to flooding.

Residential development is very close to the coastal wetlands AEC, which, while being natural for a waterfront community, stimulates additional concern for those wishing to build bulkheads. Careful monitoring by the Office of Coastal Management is currently protecting those areas.

Residential and business development occurs in areas with particularly shallow soils and poor drainage, as shown in Section B II above.

Agricultural land use within the Town limits are currently using space which could be more appropriately for community and economic development. Taxed at lower rates, the current uses are incompatible with the long-range development goals of the community.

Extensive institutional and cultural development (vacant) also are inconsistent with development goals in that they contribute nothing to the tax base. In that the schools, churches, and state owned lands and historic properties cover approximately one-third of the land area inside Town, and because of thier limited operation, they cause vast amounts of in-activity after 5:00 in the evening. Such amounts of in-activity are not compatible with the revitalization objectives of commercial and residential development.

In addition to these sitings, other areas may be classified as incompatible exists, which are addressed under "man-made hazards" below.

b. Major problems that have resulted from unplanned development, and that have implications for future land use.

Currently, as noted in Planning Board discussions and through assessment of data, there are no major problems from unplanned development. Potentials regarding proliferation of mobile homes has been addressed in the zoning ordinance (1979) and the issue of potential damage from commercial piers and marinas is addressed in this CAMA Land Use Plan.

One related matter, the lack of holding tanks for depositing boat wastes is also addressed in this document.

c. Identification of areas experiencing or likely to experience changes in predominant land use.

As seen through comparing the 1977 Land Use Map to the 1981 Land Use Map, most changes which have occurred have been commercial and residential outside the existing Town boundaries. If these trends continue, then the areas east of the school toward Back Creek, and just on the east shore of that creek will likely continue to change.

If development occurs as planned the areas designated as transition on the Land Classification Map will likely undergo change by 1990. These are primarily located north and east of the Town limits.

Hopefully, the vacant and agricultural land inside the Town limits will also be developed as commercial and residential as noted numerously above.

Certainly, the waterfront's edge is the most attractive area of the community, is likely to continue to endure considerable pressure for second and recreational home development.

d. Areas of Environmental Concern.

As noted in Section II, the areas of environmental concern in Bath's planning area are coastal wetlands (marshes) and public trust waters (waters of Bath Creek and Back Creek). Details of these categories are presented in the CAMA regulations (15 NCAC 7H) and adaptations for the Bath area are presented in Section II above.

D. Current Plans, Policies, and Regulations.

1. Listing and summary of significant existing local plans and policies.

a. Land Use Plan.

A Land Development Plan for the Town of Bath, North Carolina, was prepared in June, 1977 with assistance from the North Carolina Department of Natural and Economic Resources. This plan analyzed existing conditions and land use patterns, discussed constraints upon development, outlined a land development strategy particularly related to putting into place necessary ordinances (zoning) and establishing a Historic District (ordinance and commission), and set forth goals for development with implementation suggestions. It differed from the current CAMA plan in that the latter has considerably more emphasis on areas of environmental concern, and offers the land classification framework, detailed policies for future development, and strategies for implementing those policies. The 1977 Plan provided a sound basis upon which to conduct the current work.

b. Zoning Ordinance

In 1979, the Zoning Ordinance of Bath, North Carolina was prepared with assistance provided by NRCD (Northeastern Field Office and the Mid-East Commission). This document was modified in 1980 making it consistent with the CAMA guidelines for areas of environmental concern and in 1982, was completely revised and adopted (June 14). The revision featured changing the definition of marinas to that shown on page 10 of this document, and extended the zoning district to the full one mile allowed by N.C. Statute. As such, the Official Zoning Map is the final authority as to the current zoning status of land and water areas, building, and other structures in the Town of Bath and its zoning jurisdiction. The revised zoning ordinance became the basis upon which this Land Use Plan (originally adopted on October 12, 1982) was amended.

c. Hurricane Evacuation Plan and Policies.

The Beaufort County hurricane evacuation plan is in effect, which established procedures for prompt action in the event of an advised evacuation. Administrated by the Beaufort County Civil Preparedness Co-oridnator in Washington, NC, the plan also serves a guideline in the event of flooding.

d. Other Plans and Policies.

The only transportation plans in effect are the ones prepared by the state (the State Thoroughfare Plan).

The Town of Bath has no community facilities plan at this time. However, application has been filed for EPA 201 funding to prepare one for wastewater treatment.

Utilities extension policies were established in the 1977 Land Development Plan related to establishing a "partnership" arrangement with higher density developers so that the cost of extension could be shared equitable. These have been modified and set forth anew in this CAMA Land Use Plan.

There is currently no open space or recreational policy for the Town of Bath. A recreational policy may be appropriate in the future as funds may be available for construction, policing, and parking.

2. Means for enforcement of all existing local land use regulations:

   a. Zoning is enforced by the Planning Board which also operates as the Historic District Commission, and by the Board of Adjustment.
   b. The only building code is the state building code and it is enforced by the Beaufort County Inspections Department.
   c. Septic tank regulations are those fostered by the State and are enforced by the Beaufort County Health Department.
   d. The Historic District is part of the Zoning Ordinance and is enforced by the Planning Board which acts as the Historic District Commission.
   e. Environmental impact regulations are enforced by the State.

Other means of enforcement listed in the CAMA guidelines for land use planning, but not applicable in Bath,include: subdivision regulations, floodway ordinances, sedimentation regulations, and other codes or regulations.

3. Relevant State and Federal Regulations affecting the coastal land and water resources.

See attached list provided by the Department of Natural Resources and Community Development.

STATE DEVELOPMENT REGULATIONS

Agency	Licenses and Permits
Department of Natural Resources and Community Development	- Permits to discharge to surface waters or operate wastewater treatment plants or oil discharge permits; NPDES Permits, (G. S. 143-215)
Division of Environmental Management	
	- Permits for septic tanks with a capacity over 3,000 gallons/day (G. S. 143-215.3).
	- Permits for withdrawal of surface or ground waters in capacity use areas (G. S. 143-215.15).
	- Permits for air pollution abatement facilities and sources (G. S. 143-215.108).
	- Permits for construction of complex sources; e. g. parking lots, subdivisions, stadiums, etc. (G. S. 143-215.109).
	- Permits for construction of a well over 100,000 gallons/day (G. S. 87-88).
Department of Natural Resources and Community Development Office of Coastal Management	- Permits to dredge and/or fill in estuarine waters, tidelands, etc. (G. S. 113-229).
	- Permits to undertake development in Areas of Environmental Concern (G. S. 113A-118). NOTE: Minor development permits are issued by the local government.

Department of Natural Resources and Community Development Division of Earth Resources	- Permits to alter or construct a dam (G. S. 143-215.66). - Permits to mine (G. S. 74-51). - Permits to drill an explanatory oil or gas well (G. S. 113-381). - Permits to conduct geographical exploration (G. S. 113-391). - Sedimentation erosion control plans for any land disturbing activity of over one contiguous acre (G. S. 113A-54).
Department of Natural Resources and Community Development Secretary of NRCD	- Permits to construct an oil refinery
Department of Administration	- Easements to fill where lands are proposed to be raised above the normal high water mark of navigable waters by filling (G. S. 146.6 (c).
Department of Human Resources	- Approval to operate a solid waste disposal site or facility (G. S. 130-166.16). - Approval for construction of any public water supply facility that furnishes water to ten or more residences (G. S. 130-160.1).

FEDERAL DEVELOPMENT REGULATIONS

Agency	Licenses and Permits
Army Corps of Engineers (Department of Defense)	- Permits required under Section 9 and 10 of the Rivers and Harbors of 1899; permits to construct in navigable waters. - Permits required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972. - Permits required under Section 404 of the Federal Water Pollution Control Act of 1972; permits to undertake dredging and/or filling activities.
Coast Guard (Department of Transportation)	- Permits for bridges, causeways, pipelines over navigable waters; required under the General Bridge Act of 1946 and the Rivers and Harbors Act of 1899. - Deep water port permits.
Geological Survey Bureau of Land Management (Department of Interior)	- Permits required for off-shore drilling. - Approvals of OCS pipeline corridor rights-of-way.
Nuclear Regulatory Commission	- Licenses for siting, construction and operation of nuclear power plants; required under the Atomic Energy Act of 1954 and Title II of the Energy Reorganization Act of 1974.

Federal Energy Regulatory Commission	- Permits for construction, operation and maintenance of interstate pipelines facilities required under the Natural Gas Act of 1938. - Orders of interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act. - Permission required for abandonment of natural gas pipeline and associated facilities under Section 7C (b) of the Natural Gas Act of 1938.

E. Constraints: Land Suitability.

In accordance with the CAMA regulations, the following is a brief analysis of the general suitability of the undeveloped lands within the planning area for development, with consideration given to factors of physical limitations for development, fragile areas, and areas with resource potential. Maps for these factors are presented in Section II to illustrate policy development. The analysis presented here plus related sections of policy discussion were the basis for the design of the Land Classification Map.

1. Physical Limitations for Development.

The following areas were identified as likely to have conditions making development costly or causing undesirable consequences if developed:

a. Hazard Areas.

As shown on the hazard areas map and the flood-prone areas map, the major natural hazards in the Town of Bath's planning district include flood areas and points of excess erosion.

Flood-prone areas shown on the map have a 1 in 100 chance on the average of being inundated during any year. As a rule, development should either be directed away from those areas or be undertaken so as to withstand the likelihood of inundation.

b. Areas with soil limitations.

These include hazards for foundations, shallow soils, poorly drained soils and areas with limitations for septic tanks. Detailed soils information is presently being produced and collected by the District Soil Conservation Service. The entire area may be classified as one in which soil limitations are common to most of the soils present, as articulated in the following excerpt from the 1977 Land Development Plan:

There are several different soil associations located within the planning area. These associations are the Lynchburg-Goldsboro-Dunbar, the Lenoir-Craven-Bladen, and the Bladen-Portsmouth-Bayboro. The importance or significance of these soil associations is related to their capacity for general development. For example, an association may be highly valuable for agricultural production although, due to certain characteristics, undesirable for residential development. These undesirable characteristics include carrying capacity for road construction or drainage functions which require expensive construction techniques or modified septic systems.

The largest soil association in the planning area is the Lenoir-Craven-Bladen Association. The association extends from Bath Creek west to S. R. 1334, a distance of approximately three miles. The association is characterized by moderately well to poorly drained soils.

The slope ranges from nearly level to fifteen (15%) percent. These soils have a medium textured surface and a firm clay subsoil. With respect to general development, the association poses severe limitations upon septic tank operations. The severe limitation label implies that the association has one or more properties unfavorable for the use, and the limitations are difficult and costly to overcome, requiring major soil reclamation, special design or intense maintenance. It must be remembered, however, that each proposed property ought to be evaluated, since these are only general characteristics of a soils association and not a detailed analysis of soil types. In general, based upon the general soils information, development which may occur west of Bath Creek should be characterized by large lot single-family units, which the Town can cause to occur through its Zoning Ordinance. The association poses limitations upon not only septic tanks, but also bearing strength for structures due to a relatively high water table and hazard from flooding.

The next largest association occurring in the planning area is the Bladen-Portsmouth-Bayboro Combination. This association is located primarily on the east side of Back Creek, north and south of NC 92. The association is characterized by poor to very poorly drained soils on a nearly level terrain. Surface texture ranges from fine sandy loam to mucky loam. The subsoils range from friable, or brittle, sandy clay loam to very firm clay. These soils also place severe limitations upon the operation of septic tanks. These limitations are related to the high water table, flooding hazard and poor permeability. In addition, the soils exhibit limitations upon the development of transportation routes. Thus, if development occurs, the specific tract ought to be evaluated to establish the severity of problems posed by the soil. In general, development should be on large lots, having adequate area for extended drainage fields.

The third soil association found in the area is located in the area between Bath Creek and Back Creek and extending north to S.R. 1743. The soils are of the Lynchburg-Goldsboro-Dunbar variety. The soils do have limitations upon septic tanks, similar to those previously discussed. However, it appears that the drainage characteristics of this association pose few limitations upon road construction and housing foundations. It is significant to note that this area may well be the best area for future development, particularly since the incorporated area of Bath is located within this area. It must be pointed out that septic tank operations are adversely affected by this soils association and extra maintenance may be required.

c. Sources of water supply.

There are two sources of water available to most communities: ground water resources and surface water supplies such as reservoirs. The water supply source for the Town of Bath and the adjacent planning area is derived from ground water supplies. The main source is the Castle Hayne Aquifer. Although ground water is the source of all water, the actual distribution of water does vary ranging from individual wells to a central water distribution system.

In the majority of the area of extraterritorial jurisdiction, individual wells are the only source of water. The only exception is the Spring Dale Subdivision, the east end of Cedar Lane, and the stores on Hwy. 92, all of which have access to the central water distribution of the Town. Therefore, future development must rely upon ground water supplies.

In the past, there has been a real concern about lower ground water levels as a result of phosphate mining by Texas Gulf. Since the initiation of mining, ground water levels have been modified but at this time no significant impacts upon individual wells in the Bath area have developed. Recent studies by the Ground Water Division of the North Carolina Department of Natural Resources and Community Development indicate that no problems should occur in the future. It is anticipated that at some point North Carolina Phosphate will initiate mining activity on the south side of the Pamlico River.

d. Areas where the predominant slope exceeds 12 percent.

As noted above, the Lenoir-Craven-Bladen soils which extend west of Bath Creek for a distance of three miles have slopes ranging from 0 to 15%. The topography plotted on the flood-prone areas map indicates that other areas of greater than 12% slope occur on the partially eroded shoreline of the creeks.

2. Fragile Areas.

Areas which could easily be damaged or destroyed by inappropriate or poorly planned development in the Town of Bath and its district include the AECs and a series of properties on the state registry of historic places.

The area has none of the following: sand dunes along the outer banks; ocean beaches or shorelines; estaurine waters; areas which sustain remnant species; areas containing unique geological formations; registered natural landmarks or others such as wooded swamps, prime wildlife habitats, scenic and prominent high points.

3. Areas with resource potential.

As noted in the resource production section above, the area is generally productive for agricultural lands, but has no specific productive and unique agricultural lands. The potentially valuable phosphate concentration is addressed above in the same section. There are no publicly owned forest, or fish and game lands in the area and no privately owned wildlife sanctuaries.

Bath, as noted above, has about one-third of its incorporated area consumed by publicly owned parks or vacant lands which serve as ways of prohibiting development on the water's edge and which support the state's historic interest in the Town's Issues stemming from these ownership and use patterns are addressed under economic and community development in Section II.

The Town has no other non-intensive outdoor recreation lands, in that most of such activity takes place in the waters of Bath and Back Creek.

F. Constraints: Capacity of Community Facilities.

1. Existing Water Service System.

The central water distribution system for Bath consists of two wells with yield capabilities of 75 gallons per minute. On a daily basis, this would yield well over 200,000 gallons per day, assuming both wells were operating at the same time. The capacity of the system is not fully utilized, and future expansion is possible.

Put in in1974 and opened in 1975, the system serves 148 households and businesses, which currently use 21,000 gallons per day. The system is designed to produce 150 gallons per minute, which renders 216,000 gallons per day, leaving the system at 9.7% capacity. This indicates that considerable accommodation for development is available in the future.

The current treatment plan uses a green sand filter system, with two water softners and a chlorinator. As noted in the policy discussion section, the aeriation building is in need of repair and other maintenance is warranted before the unused capacity of the system can be fully realized.

2. Wastewater System.

The Town of Bath has no central wastewater treatment system. Everyone is currently on individual septic tank. This represents a considerable constraint to future development, as pointed out in Section II.

3. School System.

The Bath High School is the only educational institution in the area. Added onto since 1920, it is currently designed to serve 800 pupils, with approximately 750 now in grades K-12. Projections show no growth or loss in service by 1990; the school will continue to use about 94% of its capacity.

4. Roads.

The transportation infrastructure is comprised of roads which are both paved and unpaved. Within the corporate limits of Bath is one street which is unpaved (Bowen Ave.).

Within the area of extraterritorial jurisdiction, there are approximately six (6) streets or roads which are unpaved. Three of these rights-of-way have been, or are in the process of becoming, developed for residential purposes. The most conspicuous area is S.R. 1763, which is the access to Springdale Village. At the present time there are approximately sixteen (16) dwelling units along the road, which represent only about thirty (30%) percent of the estimated number of units which may ultimately be constructed.

Along the eastern portion of NC 92 there are two other unpaved roads which are also in the process of being residentially developed. The majority of these units are second homes. Although they are not rapidly developing areas, they may ultimately provide access for many non-resident land owners. This will be particularly true as the population of eastern North Carolina continues to increase, and recreational opportunities become more available. These two roads are S.R. 1767 and an access road located immediately east of the Back Creek Bridge on NC 92. The access road does not have a state route number. That road currently provides access to a partially developed subdivision.

Of the three unpaved roads, two are experiencing developmental activity. The first road is located on the west side of Bath Creek and south of NC 92. The road is not under the jurisdiction of the State Department of Transportation for maintenance. This access road has two dwelling units which have been constructed. The second unpaved road is S.R. 1340. The portion of this road which is adjacent to Bath Creek has experienced a high level of development.

The importance of the unpaved roads within the planning area is twofold: their potential for development, and their maintenance problems. The potential for development of areas with unpaved access to public services. In addition, the rights-of-way fronting on or having direct access to one of the creeks will no doubt experience pressure for development. This increased development, in turn, places greater demands upon governmental services, particularly if development significantly increases the area's population.

The maintenance question is equally important, particularly due to the financial implications. As these roads become developed for residential and commercial purposes, demands will be made for better maintenance and fianlly, for paving. A question which arises concerns who ought to bear the cost of the road paving. Should the Town or county bear that cost or should the users of the road bear the expense? This question becomes particularly acute regarding roads which do not have the minimum required dedicated right-of-way. At the present time this situation exists on several of the unpaved roads, particularly those which are not on the state system.

Currently, the State's Transportation Improvement Program contains one project in Bath, the replacement of the bridge over Back Creek on N.C. 92 (B-710).

G. Estimated Future Demand.

1. Population and Economy.

The population of Bath in 1980 was 184 persons. This is projected for 1990 to be between 147 and 135 persons, depending upon the method of projecting.

Thus, the specific amount of demand from population inside the Town is negative. This places considerable implications for future development upon attracting in-migration of a permanent nature and upon annexation for development and revenue purposes.

According to the 1980 preliminary census figures, Bath Township was inhabited by 3,514 persons in 1980, representing a 8.6% increase since the 3,237 of 1970. Certainly some of this surrounding growth should make its implications felt on the Town of Bath and its planning district. This amount is yet undetermined.

The Existing Land Use Map (pages 16 and 63) shows households which are inside the planning district but outside the Town limits at the time the census was taken. At the average 1980 household size of 1.09 (Bath census), this represents an additional 191 persons who are users of various services provided in Bath, and who represent potential future demand (assuming that all these units are occupied year-round, which they are not).

More related to immediate future demand is the population residing in the area labeled transition-mixed on the Land Classification Map (page 51). Currently, there are 30 units within this area, 15 of which were annexed since the census. (The annexation becomes effective January 2, 1983). The remaining 15 units of the Springdale Village subdivision, if annexed later, would add an additional 32 persons to Bath's population, raising it by 34% (assuming all these units are year-round residences, which they are not).

Assuming further that during peak periods, the 110 units inside the Town at the time of the census are at full capacity (with a 15.4% vacancy rate = 110 - 16 = 94 x 2.09 = 197 persons), adding the annexation of the 15 units and assuming the annexation of 15 additional units (53 persons as noted above), the immediate future demand would be 197 + 64 = 261. Assuming the growth rate of the remainder of Bath Township over the last 10 years (8.6%) to this number, places the upper bound (best case) projection of future demand in 1990 at 283 persons.

One could inflate this estimate given that the household size in the remainder of the Township is (2.85), 37% larger than inside the Town's Development of second or recreational homes at Bayview/Kilby Island, though outside the planning area, provides additional potential demand for services and commercial development in Bath. Additionally, the influx of other seasonal population could bring the peak demand higher than this figure at any one time.

Thus, to say the least, projecting the future demand for services and land use patterns in Bath is tenative at best. As noted above, the problem is one stimulating rather than riding-out estimated demand for the future.

Projecting changes in the economic base are equally tenuous. Within the small area, service oriented commercial development could pick up due to the rising price of gasoline. However, the key to economic development is the attraction of locally hiring light industry. Section II states policies which are oriented toward diversifying the local economy and building upon the tourist and summer recreation trade now compromising significantly to the local econonmy.

2. Future Land Need.

Assuming the best case above, the 1990 population of 283 persons will require a total of 156 housing units, (283 x 1.154 vacancy divided by 2.09 = 156) assuming the household size remained the same, and that the vacancy rate remains high. At approximately one-half acre per unit, this means that 78 acres would be demanded for residential development.

Assuming a ratio of one commercial establishment per 10 households (that currently seen in the Bath landscape, this represents a crude estimate of five new commercial establishments (156 units - 110 = 46 x .1 = 5) by 1990.
This rough and crude estimate however, should be modified given better information beyond the scope of this effort. Currently, the Planning Board discussions have alluded to a restaurant, and several small businesses which make this number somewhat realistic, unless a concerted economic development strategy is initiated. At the same density requirements, this means that two additional acres will be demanded for commercial uses.

As noted above, consideration for improved maintenance on the water system, the need for a innovative and alternative wastewater treatment system, improved paving, and upkeep of the school is recognized because of reasons other than increased projected demand. Currently, the water system, school, and street have extra capacity. The wastewater treatment non-system (that is, septic tanks) is reaching its limit, stimulating the need for a centralized system in order to help attract appropriate demand for development in the downtown and in outline "industrial park" areas.

There is sufficient vacant and inappropriately used land which could change areas within the Town limits to accommodate this projected demand. However, the key to service provision and initiation of development in Bath is the annexation of the Town limits as proposed under the Policy Development in Section II above.

3. Community Facilities Demand.

The increasing demand for improved water system and installation of a community, land-based wastewater system are addressed in detail in Section II above.
In making these improvements, the Town wishes to maintain the existing densities permitted in zones R-1 (light residential: one unit per 20,000 square foot, except duplexes which require 30,000 square foot); R-2 (medium residential: 20,000 square foot, except with water or sewer, then 10,000 square foot); B-1 (central business district) and B-2 (general Health Department unless served by water and sewer.

V. APPENDIX

1. Excerpts of CAMA Regulations 15 NCAC 7H for Coastal Wetlands and Public Trust Waters (pages 82-90)
2. Letter from Beaufort County designating Town of Bath as CAMA planning jurisdiction (page 91)
3. Citizen Survey questionnaire, December 1, 1980 (pages 92-96)
4. Checklist for Land Use Plan (April 30, 1981; pages 97-100)
5. Synopsis (pages 101-105)
6. Archeological Sites (page 106)
7. Phosphate Leases and Cross Sections (pages 107-109)

Eff. September 9, 1977.

.0204 AECs WITHIN THE ESTUARINE SYSTEM

The following regulations in this Section define each AEC within the estuarine system, describe its significance, articulate the policies regarding development, and state the standards for development within each AEC.

History Note: Statutory Authority G.S. 113A-107(a); 113A-107(b); Eff. September 9, 1977.

.0205 COASTAL WETLANDS

(a) Description. Coastal wetlands are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides (whether or not the tide waters reach the marshland areas through natural or artificial watercourses), provided this shall not include hurricane or tropical storm tides.

Coastal wetlands contain some, but not necessarily all, of the following marsh plant species:

(1) Cord Grass (Spartina alterniflora),
(2) Black Needlerush (Juncus roemerianus),
(3) Glasswort (Salicornia spp.),
(4) Salt Grass (Distichlis spicata),
(5) Sea Lavender (Limonium spp.),
(6) Bulrush (Scirpus spp.),
(7) Saw Grass (Cladium jamaicense),
(8) Cat-tail (Typha spp.),
(9) Salt Meadow Grass (Spartina patens),
(10) Salt Reed Grass (Spartina cynosuroides).

Included in this definition of coastal wetlands is "such contiguous land as the Secretary of NR&CD reasonably deems necessary to affect by any such order in carrying out the purposes of this Section." [G.S. 113-230(a)]

(b) Significance. The unique productivity of the estuarine system is supported by detritus (decayed plant material) and nutrients that are exported from the coastal marshlands. The amount of exportation and degree of importance appears to be variable from marsh to marsh, depending primarily upon its frequency of inundation and inherent characteristics of the various plant species. Without the marsh, the high productivity levels and complex food chains typically found in the estuaries could not be maintained.

Man harvests various aspects of this productivity when he fishes, hunts, and gathers shellfish from the estuary. Estuarine dependent species of fish and shellfish such as menhaden, shrimp,

flounder, oysters, and crabs currently make up over 90 percent of the total value of North Carolina's commercial catch. The marshlands, therefore, support an enormous amount of commercial and recreational businesses along the seacoast.

The roots, rhizomes, stems, and seeds of coastal wetlands act as good quality waterfowl and wildlife feeding and nesting materials. In addition, coastal wetlands serve as the first line of defense in retarding estuarine shoreline erosion. The plant stems and leaves tend to dissipate wave action, while the vast network of roots and rhizomes resists soil erosion. In this way, the coastal wetlands serve as barriers against flood damage and control erosion between the estuary and the uplands.

Marshlands also act as nutrient and sediment traps by slowing the water which flows over them and causing suspended organic and inorganic particles to settle out. In this manner, the nutrient storehouse is maintained, and sediment harmful to marine organisms is removed. Also, pollutants and excessive nutrients are absorbed by the marsh plants, thus providing an inexpensive water treatment service.

(c) Management Objective. To give highest priority to the protection and management of coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values; to coordinate and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource essential to the functioning of the entire estuarine system.

(d) Use Standards. Suitable land uses shall be those consistent with the management objective in this Rule. Highest priority of use shall be allocated to the conservation of existing coastal wetlands. Second priority of coastal wetland use shall be given to those types of development activities that require water access and cannot function elsewhere.

Unacceptable land uses may include, but would not be limited to, the following examples: restaurants and businesses; residences, apartments, motels, hotels, and trailer parks; parking lots and private roads and highways; and factories. Examples of acceptable land uses may include utility easements, fishing piers, docks, and agricultural uses, such as farming and forestry drainage, as permitted under North Carolina's Dredge and Fill Act and/or other applicable laws.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

History Note: Statutory Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(1);

.0207 PUBLIC TRUST AREAS 345

(a) Description. Public trust areas are all waters of the 347
Atlantic Ocean and the lands thereunder from the mean high water 348
mark to the seaward limit of state jurisdiction; all natural
bodies of water subject to measurable lunar tides and lands 349
thereunder to the mean high water mark; all navigable natural 350
bodies of water and lands thereunder to the mean high water level
or mean water level as the case may be, except privately-owned 351
lakes to which the public has no right of access; all water in 352
artificially created bodies of water containing significant
public fishing resources or other public resources which are 353
accessible to the public by navigation from bodies of water in 354
which the public has rights of navigation; and all waters in 355
artificially created bodies of water in which the public has
acquired rights by prescription, custom, usage, dedication, or 356
any other means. In determining whether the public has acquired
rights in artificially created bodies of water, the following 357
factors shall be considered:

(1) the use of the body of water by the public, 359
(2) the length of time the public has used the area, 360
(3) the value of public resources in the body of water, 361
(4) whether the public resources in the body of water are 363
mobile to the extent that they can move into natural 364
bodies of water,

(5) whether the creation of the artificial body of water required permission from the state, and

(6) the value of the body of water to the public for navigation from one public area to another public area.

(b) Significance. The public has rights in these areas, including navigation and recreation. In addition, these areas support valuable commercial and sports fisheries, have aesthetic value, and are important resources for economic development.

(c) Management Objective. To protect public rights for navigation and recreation and to preserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value.

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in (c) of this Rule. In the absence of overriding public benefit, any use which significantly interferes with the public right of navigation or other public trust rights which the public may be found to have in these areas shall not be allowed. The development of navigational channels or drainage ditches, the use of bulkheads to prevent erosion, and the building of piers, wharfs, or marinas are examples of uses that may be acceptable within public trust areas, provided that such uses will not be detrimental to the public trust rights and the biological and physical functions of the estuary. Projects which would directly or indirectly block or impair existing navigation channels, increase shoreline erosion, deposit spoils below mean high tide, cause adverse water circulation patterns, violate water quality standards, or cause degradation of shellfish waters are generally considered incompatible with the management policies of public trust areas. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas.

History Note: Statutory Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(5); Eff. September 9, 1977.

.0208 USE STANDARDS

(a) General Use Standards

(1) Uses which are not water dependent will not be permitted in coastal wetlands, estuarine waters, and public trust waters. Restaurants, residences, apartments, motels, hotels, trailer parks, private roads, factories, and parking lots are examples of uses that are not water dependent. Uses that are water dependent may include: utility easements; docks; wharfs; boat ramps; dredging; bridges and bridge

approaches; revetments, bulkheads; culverts; groins; navigational aids; mooring pilings; navigational channels; simple access channels and drainage ditches.

(2) Before being granted a permit by the CRC or local permitting authority, there shall be a finding that the applicant has complied with the following standards:

(A) The location, design, and need for development, as well as the construction activities involved must be consistent with the stated management objective.

(B) Before receiving approval for location of a use or development within these AECs, the permit-letting authority shall find that no suitable alternative site or location outside of the AEC exists for the use or development and, further, that the applicant has selected a combination of sites and design that will have a minimum adverse impact upon the productivity and biologic integrity of coastal marshland, shellfish beds, submerged grass beds, spawning and nursery areas, important nesting and wintering sites for waterfowl and wildlife, and important natural erosion barriers (cypress fringes, marshes, clay soils).

(C) Development shall not violate water and air quality standards.

(D) Development shall not cause major or irreversible damage to valuable documented archaeological or historic resources.

(E) Development shall not measurably increase siltation.

(F) Development shall not create stagnant water bodies.

(G) Development shall be timed to have minimum adverse significant affect on life cycles of estuarine resources.

(H) Development shall not impede navigation or create undue interference with access to, or use of, public trust or estuarine waters.

(I) Development proposed in estuarine waters must also be consistent with applicable standards for the ocean hazard system AECs set forth in Section .0300 of this Subchapter.

(3) When the proposed development is in conflict with the general or specific use standards set forth in this Rule, the CRC may approve the development if the applicant can demonstrate that the activity associated with the proposed project will have public benefits as

identified in the findings and goals of the Coastal Area Management Act, that the public benefits clearly outweigh the long range adverse effects of the project, that there is no reasonable and prudent alternate site available for the project, and that all reasonable means and measures to mitigate adverse impacts of the project have been incorporated into the project design and will be implemented at the applicant's expense. These measures taken to mitigate or minimize adverse impacts may include actions that will:

(A) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;

(B) restore the affected environment; or

(C) compensate for the adverse impacts by replacing or providing substitute resources.

(b) Specific Use Standards

(1) Navigation Channels, Canals, and Boat Basins. Navigation channels, canals and boat basins must be aligned or located so as to avoid highly productive shellfish beds, beds of submergent vegetation, or regularly and irregularly flooded marshes.

(2) Hydraulic Dredging

(A) The terminal end of the dredge pipeline should be positioned at a distance sufficient to preclude erosion of the containment dike and a maximum distance from spillways to allow adequate settlement of suspended solids.

(B) Dredge spoil must be either confined on high ground by adequate retaining structures or if the material is suitable, deposited on beaches for purposes of renourishment, with the exception of (G) of this Subsection (b)(2).

(C) Confinement of excavated materials shall be on high ground landward of regularly and irregularly flooded marshland and with adequate soil stabilization measures to prevent entry of sediments into the adjacent water bodies or marsh.

(D) Effluent from diked areas receiving disposal from hydraulic dredging operations must be contained by pipe, trough, or similar device to a point waterward of emergent vegetation or, where local conditions require, below mean low water.

(E) When possible, effluent from diked disposal areas shall be returned to the area being dredged.

(F) A water control structure must be installed at the intake end of the effluent pipe.

(G) Publicly funded projects will be considered by review agencies on a case by case basis with respect to dredging methods and spoil disposal.

(H) Dredge spoil from closed shellfish waters and effluent from diked disposal areas used when dredging in closed shellfish waters shall be returned to the closed shellfish waters.

(3) Drainage Ditches

(A) Drainage ditches located through any marshland shall not exceed six feet wide by four feet deep (from ground surface) unless the applicant can show that larger ditches are necessary for adequate drainage.

(B) Spoil derived from the construction or maintenance of drainage ditches through regularly flooded marsh must be placed landward of these marsh areas in a manner that will insure that entry of sediment into the water or marsh will not occur. Spoil derived from the construction or maintenance of drainage ditches through irregularly flooded marshes shall be placed on non-wetlands wherever feasible. Non-wetland areas include relic disposal sites.

(C) Excavation of new ditches through high ground shall take place landward of a temporary earthen plug or other methods to minimize siltation to adjacent water bodies.

(D) Drainage ditches shall not have a significant adverse effect on officially designated primary nursery areas, productive shellfish beds, submerged grass beds, or other documented important estuarine habitat. Particular attention should be placed on the effects of freshwater inflows, sediment, and nutrient introduction. Settling basins, water gates, retention structures are examples of design alternatives that may be used to minimize sediment introduction.

(4) Nonagricultural Drainage

(A) Drainage ditches must be designed so that restrictions in the volume or diversions of flow are minimized to both surface and ground water.

(B) Drainage ditches shall provide for the passage of migratory organisms by allowing free passage of water of sufficient depth.

(C) Drainage ditches shall not create stagnant water pools or significant changes in the velocity of flow.

(D) Drainage ditches shall not divert or restrict water flow to important wetlands or marine habitats.

(5) Marinas

(A) Marinas shall be developed on non-wetland sites or in deep waters (areas not requiring dredging) and shall not disturb valuable shallow water and wetland habitat, except for dredging necessary for access to high ground sites.

(B) Privately-owned marinas which involve use of public bottoms and waters shall not be permitted unless adequate compensation is made to the public by purchase of an easement from the state. These easements should be for a limited period. This requirement shall be met by showing compliance with state laws and regulations regarding easements over public waters.

(C) Marinas shall: (i) be designed to minimize use of public waters by encouraging an appropriate mix of dry storage areas, public launching facilities, and berthing spaces; (ii) provide adequate pump-out stations for wastewater disposal from boats; and (iii) demonstrate the implementation of all necessary means and measures to minimize the impact of pollutants likely to be emitted by the operation of the marina and attendant vessels upon the natural systems.

(D) Marinas shall be designed to minimize adverse effects on navigation and public use of waters while allowing the applicant adequate access to deep waters.

(6) Docks and Piers

(A) Docks and piers shall not significantly interfere with water flows.

(B) To preclude the adverse effects of shading marsh vegetation, structures which are built over vegetated marsh shall not exceed six feet in width, except that "T"s or platforms at the waterward end are not restricted to these dimensions but cannot have a total area of more than 500 square feet.

(C) The structure must not present a navigational hazard and must not, except where necessary, extend any closer than 80 feet from the edge of a federally maintained channel. Piers shall be designed to minimize adverse effects on navigation

and public use of waters, while allowing the applicant adequate access to deep waters.

(7) Bulkheads and Shore Stabilization Measures

(A) Bulkhead alignment, for the purpose of shoreline stabilization, must approximate mean high water or normal water level.

(B) Bulkheads shall be constructed landward of significant marshland or marshgrass fringes.

(C) Bulkhead fill material shall be obtained from an approved upland source, or if the bulkhead is a part of a permitted project involving excavation from a non-upland source, the material so obtained may be contained behind the bulkhead.

(D) Bulkheads or other structures below approximate mean high water or normal water level for the purpose of reclaiming land lost to erosion shall be permitted only where there is an identifiable erosion problem. Where such a problem is shown to exist, only the area shown to have eroded in the previous year from time of application may be bulkheaded and filled.

(E) Where possible, sloping rip-rap, gabions, or vegetation may be used rather than vertical seawalls.

History Note: Statutory Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b);
Eff. September 9, 1977;
Amended Eff. August 6, 1979; June 1, 1979.

HISTORIC
(Founded 1712 From Bath County 1696)

BEAUFORT COUNTY
BOARD OF COMMISSIONERS
P. O. Box 1027
Phone 919-946-0079
WASHINGTON, N. C. 27889

AGRICULTURAL
RECREATIONAL
INDUSTRIAL

Ledrue Buck, Chairman
Mrs. Arthur Lee Moore, Vice-Chairman
Frank Bonner
Grover Boyd
Marion Dilday

Graham W. Pervier, County Manager
John I. Morgan, Clerk to Board
William P. Mayo, County Attorney
Jay M. Hodges, Jr., County Accountant

Dec. 2, 1980

Mr. Ray Brooks, Mayor,
Town of Bath,
P. O. Box 6,
Bath, N. C. 27808

Dear Mayor Brooks:

Thank you for your letter of November 25 requesting that the County Commissioners delegate their authority under the Coastal Area Management Act for production of a Land Use Plan Update for the Town of Bath.

We have been informed by Mr. John Crew of the Department of Natural Resources and Community Development that such permission is required in order for municipalities to produce and adopt their own Land Use Plan Update. Based upon the performance of your planning board in producing its 1977 Land Use Plan, the fact that you have just hired a Town Administrator to help oversee the management of plan production, and the availability of well qualified technical assistance to your town, the Beaufort County Commissioners hereby delegate the authority to the Town of Bath to establish its own Land Use Plan Update.

Sincerely yours,

Ledrue Buck

Ledrue Buck, Chairman
Beaufort County
Board of Commissioners

SURVEY OF HISTORIC BATH

PLEASE COMPLETE & RETURN TO PEARSON CHRISMON BY DECEMBER 12.

A. Personal Characteristics

1. Are you presently a resident of Bath? Yes _____ No _____

2. Educational Attainment (Circle One): A. Grammar School - B. Junior High - C. High School - D. College -

3. Occupation: _____

4. Which age group are you in? (Circle One)
   A. 15-18 - B. 19-24 - C. 25-35 - D. 36-45 -
   E. 46-55 - F. 56-64 - G. 65-over -

5. Sex (Check): Male _____ Female _____

6. Race: A. Caucasian B. Black C. Other

7. Give total number of years you have lived in the town: _____

8. Family Size: 1 person; 2 to 4 persons; 5 or more persons.

9. Which of the following applies to you (Circle):
   A. own home B. rent home C. own other property in town or one mile beyond town limits.

10. Marital status (Circle One):
    A. Single B. Married C. Widow or Widower D. Divorced

11. Are you presently (Circle One): A. Employed - B. Unemployed - C. Retired - D. Full-time homemaker - E. Full-time student -

12. Where is most or all of your income derived (Circle):
    A. Washington Bath - C. Texas Gulf - D. Other - specify -

13. Have you ever attended a public hearing or meeting of the Town Board of Commissioners or Planning Board? Yes _____ No _____

14. How do you obtain most of your information about activities in the town? (Circle): A. Through newspaper - B. Through radio - C. Through TV - D. By word of mouth - E. Other -

B. DEVELOPMENT ISSUES

1. Please indicate the seriousness of each of the following issues for your community using these responses:

"No" means Not a problem in my community
"Slight" means A slight problem in my community
"Moderate" means A moderate problem in my community
"Serious" means A very serious problem in my community

	Extent of problem in your community (check your response)			
	No	Slight	Moderate	Serious
A. Water Quality (Contamination, need for softeners)				
B. Garbage Collection and Disposal				
C. Development of Second or Recreational Homes				
D. Damage to Marshes				
E. Adequacy of Commercial Development				
F. Mobile Home Development				
G. Further Development of Commercial Piers and Marinas				
H. Septic Tank Failure				
I. Availability of Adequate Housing				
J. Amount of Industrial Development				
K. Phosphate mining on the North Side of the River				
L. Protection of Cultural and Historical Assets				
M. Conversion of Forested Land to Agriculture				
N. Lack of a new & separate Town Hall				
O. Presence of dilapidated and unsafe buildings				
P. Too Many Pilings in the Creek				

continued on page 3

	No	Slight	Moderate	Serious
Q. Pollution from Boats in Bath Creek and Back Creek				
R. Drainage of Surface Water and of Low Lying Lands.				
S. Excessive Erosion.				
T. Improper filling and Dredging.				
U. Lack of Coordination among Government Regulations regarding Waterfront Development				
V. Fire Protection				
W. Police Protection				
X. Inappropriate Mix of Historic and Non-Historic Properties				

2. What do you like most about the Town of Bath?_____

3. What do you think is the most significant problem in Bath?_____

C. DIRECTION FOR THE FUTURE

1. Are you pleased with the direction the Town of Bath development is taking?
   Yes _____ No _____
   If so, please use this space to write the reasons you pleased. If not, please use the space to indicate the changes you would like to see and your reasons for them._____

2. What types of development, if any, should be encouraged over the next ten years and how much?

Type of Development	None	A Little	A Moderate Amount	A Significant Amount
a. Historic and Cultural Attractions				
b. Light Industry to employ local persons				
c. Protection of Agricultural Land				
d. Protection of Natural Resources and Wildlife				
e. Residential Development				
f. Commercial Development				
g. Public Sewer System				
h. Tourist Facilities				
i. Private Recreation Facilities				
j. Public Recreation Facilities				

3. What, if any, additional recreational facilities would you like to see in this area? _____

_____

_____

4. What, if any, type of commercial establishments do you think should be developed in this area? _____

_____

_____

5. In your opinion which of the following should the Town adopt as its policy for town population growth during the next 10 years. (Circle One)

   A. Remain the same size
   B. Small increase
   C. Substantial increase
   D. Reduce Population

6. Specifically, what are any other issues or concerns that you have about the future of Historic Bath? _____

_____

_____

If you have any questions concerning this questionnaire or the Town's Land Use Planning activities, please call Pearson Chrismon (923-8381) or Rex Todd, Planning & Design Associates, P.A., (1-781-9004)

Thank you for your help. Please return this questionnaire in the enclosed envelope by December 12, 1980.

RHT:jt
11/28/80

CHECKLIST FOR LAND USE PLANS

I. Data Collection and Analysis

	DISCUSSION Page	ADEQUATE? Yes	No
Establishment of information base, including			
1. manner in which data was assembled	57		
2. statement of the major conclusion	57		
Present conditions and economy, including			
1. present population and economy analysis	59, 60		
2. impact of seasonal population	59, 60		
Existing land use analysis	61, 79 62-66		
1. significant land use compatibility problems	66		
2. problems and implications from unplanned development	67		
3. identification of areas experiencing or likely to experience changes in predominant land use	67		
4. Areas of environmental concern	67		
5. map of existing land use	63, 16		
Current plans, policies and regulations, including			
1. listing and summary of significant existing local plans and policies	68, 69		
2. listing and description of the means for enforcement of all local existing land use regulations	69		
3. listing of all relevant federal and state regulations (DNRCD to provide)	69, 70 71,72,73		
Constraints: Land suitability			
1. physical limitations to development			
a. hazard areas (man-made/natural)	74		
b. soil limitation areas (shallow, poorly drained, septic tank limitations)	74		
c. water supply sources	75		
d. excessive slope areas (over 12%)	76		
2. fragile areas (min. req. 15 NCAC 7H)	76		
3. areas with resource potential	76		
Constraints: Capacity of community facilities (Discuss)			
1. existing water and sewer service areas	77		
2. design capacity of the existing water and sewage treatment plants, schools, and primary roads	77, 78		
3. percentage at which existing facilities are utilized	77, 78		
Estimated demand			
1. population estimate for the upcoming ten years	79, 80		
2. future land need discussion	80		
3. community facilities demand (types of facilities and densities at which land is to be developed)	80 64, 66		

II. Policy Statements (5-48)	DISCUSSION OF ALTERNATIVES Page	POLICY STATEMENT Page	IMPLEMENTATION STRATEGIES Page	ADEQUATE? Yes	No
Resource Protection Policies					
1. policies on types of uses appropriate within the locality's AECs	8	9	9, 10		
2. constraints to development	11, 13, 15, 17	12, 13, 15, 17	12, 13, 15, 17		
3 specific local resource development issues relative to 15 NCAC 7H	19	19	19		
4. other hazardous or fragile land areas	20, 22, 24	20, 22, 24	20, 22, 24		
5. hurricane and flood evacuation needs and plans	25	25	25		
Resource Production and Management Policies					
1. discussion of importance of agriculture, forestry, mining, fisheries and recreational resources	28, 29, 30, 32	N/A	N/A		
a. identification of most productive areas	28, 29, 30, 32	N/A	N/A		
b. discussion of values of protecting these areas	28, 29, 30, 32	N/A	N/A		
2. policy statements on:					
a. productive agricultural lands	28	29	29		
b. commercial forest lands	29	29	29		
c. existing and potential mineral production areas	30	31	31, 32		
d. commercial and recreational fisheries	32	32	32		
e. off-road vehicles	32	32	32		
Economic and Community Development Policies					
1. discussion of types of development which are to be encouraged	33	34	38		
a. discussion of redevelopment of older areas/creation of new subdivisions, etc.	34	38	38		
2. policies on types and locations of industries desired	35	35	35		

REQUIREMENTS	DISCUSSION OF ALTERNATIVES Page	POLICY STATEMENT Page	IMPLEMENTATION STRATEGIES Page	ADEQUATE? Yes	No
3. policies on local commitment to providing services to development	36	36	36, 37		
4. policies on types of urban growth patterns desired	38, 39 40, 41	38, 39 40, 41	38, 39 40, 41		
5. policies on redevelopment of developable areas	42	42	43		
6. policies on commitment to federal and state programs in the area	43	44	44		
7. policies on assistance to channel maintenance and beach nourishment	44	44	44		
8. policies on energy facility siting and development	44	44	44		
9. policies on tourism or beach and waterfront access	45	45	45		
Continuing Public Participation Policies					
1. discussion of means by which public participation in planning matters was encouraged in plan update process	46, 49	N/A	N/A		
2. description of the means to be used for public education on planning issues	46	47	47, 48		
3. description of the means to be used for continuing public participation	46	47	47		
Other Specific Local Issues for Policy Discussion (from Attachment B)					
1. Phosphate Mining	30	30	31, 32		
2. Preservation of Historic Resources	20	20	20, 22		
3.					
4.					

Land Classification (50-55)	DISCUSSION Page	ADEQUATE? Yes	No
Land Classification Map Showing the Following:			
1. Developed land	50, 53		
2. Transition land	51, 53		
3. Community land	51, 54		
4. Rural land	51, 54		
5. Conservation land	51, 55		
6. additional breakdown of standard 5 classes. (optional)	53-55		

IV. Additional Requirements			
1. Preliminary draft must contain a submittal letter.	i		
2. Final draft must contain an approval letter and a submittal level.	TBD		
3. All municipal plans must have a letter from their county designating the municipality as a CAMA planning jurisdiction.	91		

SYNOPSIS OF THE LAND USE PLAN OF HISTORIC BATH: 1980-1990

I. Why Plan for the Town of Bath:

The Town of Bath, incorporated in 1705, is the oldest Town in North Carolina, located at the confluence of Bath Creek and Back Creek in central Beaufort County. Bath has played an important role since English colonists first began to settle in North Carolina. The harbor served as the port of entry for most of the state and it attracted a variety of historical figures, from the first General Assembly to the notorious pirate Blackbeard. Today, that scenic setting and the historic heritage makes Bath a pleasant year-round home for 184 people, and a favorite recreational spot for hundreds of tourists annually. Because of its role in history and its function in today's tourist/recreational economy, the Town of Bath has double incentive to plan seriously for its future.

Analysis of future demand shows potential for reversing the population decline in the Town limits itself. In 1980, the area's 3,514 persons represented an 8.6% increase since 1970. Additionally, the growth immediately adjacent to the current Town limits, the influx of seasonal population in Bayview/Kilby Island, the recent development of second or recreational homes across the Creeks, and the anticipated growth as reflected on the Land Classification Map, render a potentially bright growth period for the Town. The Land Use Plan, ostensibly expresses the realization that the Town must work hard and deliberately to help its chosen development scenario unfold.

II. Background:

In 1977, the Town Planning Board prepared a land use plan which featured a land design map, stipulating desired types of urban development on the Bath landscape and setting forth the foundation upon which the Town's zoning ordinance and historic district ordinance were built. In 1980, the Town Board of Commissioners received a grant under the Coastal Area Management Act for preparation of the Land Use Plan for Historic Bath: 1980-1990. This brief synopsis describes the purposes of that plan, its land classification scheme, the plan's information base, and briefly outlines responsibility for implementation of the Plan.

III. Purposes of the Land Use Plan:

The plan, then is the pivotal statement of policy for use by local, state and federal officials in decisions regarding Bath's development over the next 10 years. Additionally, it is an important piece in the Land Planning efforts of Beaufort County and an important element in the state's plan for rational and coordinated management of coastal resources.

The Coastal Area Management Act upon which this plan is based, works to protect areas of statewide concern within the coastal area. In the Bath planning district, Public Trust Water and Coastal wetlands (marshes) have been designated for such protection. The Act also, through its guidelines for land use planning (15 NCAC 7B), sets forth important principles of land use planning which have been emphasized in the Land Use Plan for Historic Bath:

1. This plan has environmental protection as a priority in its own right, while at the same time, advocates appropriate economic and community development.
2. This plan is based upon real citizen participation in the planning process, through the Bath Planning Board, citizen survey and public meetings.
3. This plan has a strong action orientation. Policies are stated as desired situations toward which the Town Board and Planning Board are willing to work.
4. This plan is a sound basis for continuation of earlier work in Bath to improve the community for those who live and visit there.
5. This plan is designed for continuous improvement as new information becomes available. It is to be updated at least once every five years, and more frequently, if required by the Planning Board.

These purposes and principles are represented in the heart of the Land Use Plan for Historic Bath, Section II, which sets forth explicit policy statements for the future. The goals of each major policy section are briefly listed below, leaving the reader to gain detail, alternatives considered, and implementation strategies from the Land Use Plan itself.*

Resource Protection Goals.

Safeguard and perpetuate the biological, social, economic and aesthetic value of the community's coastal wetlands (salt marshes) and the public trust waters (of Bath and Back Creeks).

Reduce occasional coliform pollution in the community's water system.

Adequately provide water service to residents (and to potential developers).

Improve wastewater treatment in the Town, through initiating steps to install a community, land based wastewater treatment system.

Direct development with proper consideration of soils, pending completion of the detailed soils survey.

Preserve farmland in a manner which accommodates the best mix of other uses inside the Town limits and inside the one-mile area.

Guide development to protect historic properties and perpetuates the historic character and atmosphere of the community.

Rid the Town of man-made hazards, especially dilapidated, vacant structures.

Reduce the rate of erosion of the shores of Bath and Back Creek, especially at Handy's Point and Bonners Point.

*The Plan may be obtained by contacting Pearson Chrismon, Town Administrator at 946-9253, or Jim Edwards, Planning Board Chairman, at 923-2911.

Resource and Production Policies:

Use areas designated as prime agricultural land in the most productive manner.

Equip the Town to influence the impact which phosphate mining may have upon its planning area between now and the year 2000.

Protect and insure that the waters of Bath and Back Creeks and the Pamlico River are at least of sufficient quality to promote the commercial and recreational fishing industry.

Economic and Community Development Policies:

Achieve levels, types, and patterns of economic and community development which are consistent with the historic character of the Town, raise local employment levels, and otherwise contribute to the economic base, so as to implement the Land Classification Map.

Promote location of light, non-polluting industry to employ local people.

Develop the Town's capacity to provide services to development mindful of impacts upon taxes and developers costs.

Promote development in the pattern stipulated in the 1990 Land Design Map, namely: encourage residential development near the current downtown and across the creeks; direct commerical activity near current commercial area; concentrate institutional and cultural development so as to allow other areas to develop more intensively; concentrate agricultural and forestry uses outside the existing Town limits; undertake redevelopment of the existing Town, especially within the historic district, near the school, in the older business section, and in areas now used for agriculture or which are vacant.

Support selected state and federal programs in the Bath planning area.

Support efforts of the Coast Guard to maintain the channels of Bath and Back Creek.

Prevent the location of large energy facilities within the one-mile planning area.

Accommodate future efforts to develop private or public access to the waters of the Creeks.

Continue Citizen Participation Policies:

Achieve meaningful participation in land-use related planning matters.

Other Policies:

Achieve better intergovernmental coordination with respect to development policies, budgeting, implementation, particularly with Beaufort County government.

In the Bath Land Use Plan, each of these broad policy directions are prefaced with a narrative which integrates the best available data; results from the citizen survey and field examinations, planning board work-sessions, and interviews with local, regional, and state officials; examination of current plans; and consultant assessment. Under each major section, alternative policies which the Planning Board considered are presented, with the chosen policy and often a more specific statement of intent (objective), and chosen implementation strategies.

As noted in the Plan, the Town has basically six methods of implementing the plan and thereby guiding development in the patterns desired. These options include fiscal policy (taxation), regulation (such as zoning), provision of capital improvements (water extension policy), condemnation (which could be used for purposes of protecting public safety and health and promoting the public good), purchase (which could be used in order to provide public access or increasing recreational land use) and persuasion (such as working with private owners to attract proper development upon voluntary sale).

From among these six options, the Land Use Plan for the Town of Bath relies upon improving its capacity to extend services to development, persuasion to implement its policies,and local ordinances and state and federal regulations, such as CAMA. Taken together, the implementation strategies represent a coordinated effort to stimulate rather than overly regulate development in the community over the next ten years.

IV. Land Classification:

The Land Classification Map for the Town of Bath and its one-mile planning jurisdiction designated land within the five standard categories of: developed; transition; community; rural; and conservation, and presents special sub-categories for the transition and rural categories. (see map on pg. 51)

As shown on the Land Classification Map, the already incorporated area is designated "developed" since it is served by public water, recreation facilities, and fire protection, and has an administrator, local zoning, and historic district ordinances.

In order to be most clear about types of development desired, the "transition" categories are sub-divided to promote or stimulate development in areas which were anticipated or recommended for potential extension of public services. "Mixed" uses, "residential", and "industrial" uses are thus promoted in areas outside the current Town limits under the modified "transition" category.

There are no areas designated as "community" within the planning area, since there are no unincorporated clusters of development within the one-mile area that will not require water and sewer services.

Primarily because of the Town's policy of preventing mining activity within the one-mile planning area and its recommendation to the County that no mining be allowed within five miles of the Town on the north side of the River, the rural category was sub-divided to include only agricultural and residential uses within the "rural production" areas of the planning districts.

Finally, the resource protection policies related to the community's salt marshes and public trust waters rendered them to be designated as "conservation", stipulating that no public funds, either direct or indirect, are to be used to encourage development in the waters of Bath and Back Creek or within the salt marshes themselves.

V. Information Base:

The remainder of the Bath Land Use Plan provides the information base upon which the aforementioned policy statements and Land Classification Map were developed by the Planning Board. Data and analyses are presented regarding the Town's population and economy; existing land use, current plans, policies, and regulations; constraints to development imposed by the land and by community facilities, and estimates of future demand. The Appendix includes material related to the construction of that information base, notably excerpts from the CAMA regulations and the citizen survey questionnaire.

VI. The Bath Land Use Plan and You:

The Bath Land Use Plan, then, provides a sound basis upon which future development, production, and preservation decisions can be made within the context of the total community. It provides a visual pattern of desired development, and contains a comprehensive array of action instruments for carrying out its policies. Beyond that, the Plan is dependent mostly upon the elected officials, as represented through the Planning Board, and ultimately upon the citizens of the planning area to work towards its fulfillment. Additionally, it is the responsibility of private developers and state and federal governmental agencies to consult this plan for Historic Bath as a statement by local citizens of the manner in which they want their community to grow and prosper.

Archeological sites in and around the Town of Bath:

31Bf23 - Cultural affiliation: Lithic, ceramic and Historic (undetermined periods)

31Bf38 - Cultural affiliation: ceramic (undetermined period)

31Bf45 - Cultural affiliation: ceramic and Historic (undetermined period)

31Bf46 - Cultural affiliation: ceramic (undetermined period)

31Bf82 - Cultural affiliation: early 19th century historic site

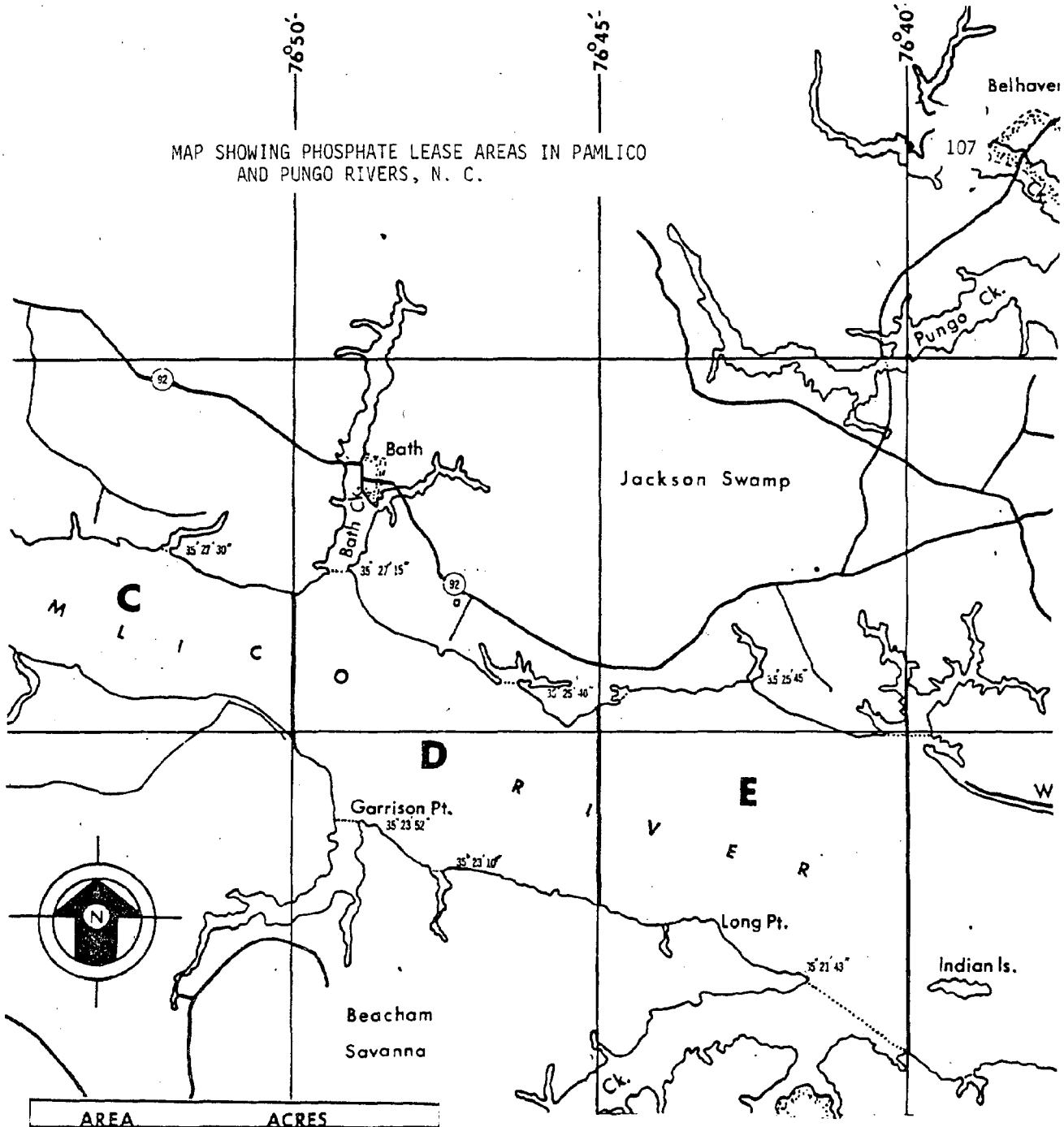
31Bf83 - Cultural affiliation: early 19th century historic site

31Bf84 - Cultural affiliation: early 18th century historic site

31Bf85 - Cultural affiliation: early 18th century historic site

31Bf86 - Cultural affiliation: early 19th century historic site

MAP SHOWING PHOSPHATE LEASE AREAS IN PAMLICO AND PUNGO RIVERS, N. C.



AREA	ACRES
A	3942
B	6227
C	5990
D	9209
E	11852
F	12533
G	5990
H	4678
I	5644
J	3648

Scale

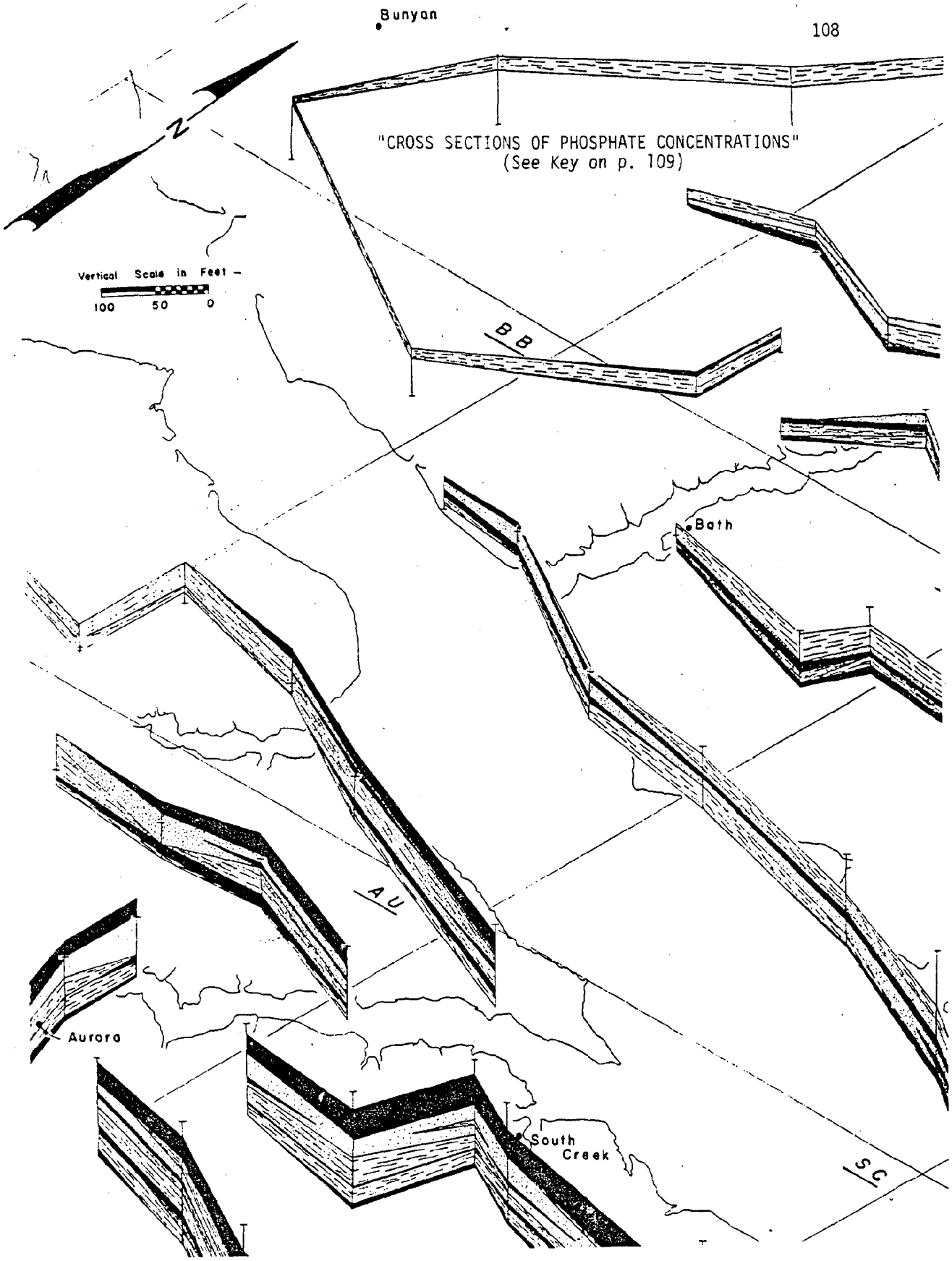
1 0 1 2 3 4 Miles

STATE OF NORTH CAROLINA

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

DIVISION OF MINERAL RESOURCES

1966



"CROSS SECTIONS OF PHOSPHATE CONCENTRATIONS"
(See Key on p. 109)

CROSS SECTIONS OF PHOSPHATE CONCENTRATIONS

(See Map page 108)

KEY

High grade phosphatic sand — P_2O_5 content higher than 14 %

Phosphatic sand — P_2O_5 content between 10 % and 14 %

Clay — P_2O_5 content less than 10 %

Indurated zones, includes phosphatic limestones, silty claystones & interbedded coquinas & calcareous clays — P_2O_5 content not implied but is usually less than 10 %

Topographic quadrangle

Village or town

Beaufort County boundary

Location of data points, crossbar elevation is 100 feet below mean sea level

Boundaries of formation inferred

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