SUBCHAPTER 7B – CAMA LAND USE PLANNING

SECTION .0100 - INTRODUCTION TO LAND USE PLANNING

15A NCAC 07B .0101 PURPOSE

History Note: Authority G.S. 113A-110; 113A-124;
Eff. February 1, 1976;
Amended Eff. November 1, 1984; July 1, 1984; September 1, 1979;
RRC Objection due to lack of necessity Eff. December 21, 1995;
Amended Eff. February 1, 1996;
Repealed August 1, 2002.

15A NCAC 07B .0102 OBJECTIVES
15A NCAC 07B .0103 POLICIES
15A NCAC 07B .0104 STANDARDS

History Note: Authority G.S. 113A-107(a);
Eff. February 1, 1976;
Amended Eff. April 1, 1979;
Repealed Eff. September 1, 1979.

SECTION .0200 - LAND USE PLAN

15A NCAC 07B .0201 CONTENTS OF THE LAND USE PLAN

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; July 1, 1984; September 1, 1979;
RRC Objection due to ambiguity Eff. December 21, 1995;
Amended Eff. February 1, 1996;
Repealed Eff August 1, 2002.

15A NCAC 07B .0202 EXECUTIVE SUMMARY
15A NCAC 07B .0203 INTRODUCTION

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. January 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0204 GOALS AND OBJECTIVES

History Note: Authority G.S. 113A-107(a); 113A-124;
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;
Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0205 RELATIONSHIP OF POLICIES AND LAND CLASSIFICATION

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. September 1, 1979;
Amended Eff. July 1, 1984;
Repealed Eff. January 1, 1996.

15A NCAC 07B .0206 DATA COLLECTION AND ANALYSIS

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. December 1, 1991; May 1, 1990; November 1, 1989; July 1, 1984;
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;
Recodified from 15A NCAC 7B .0202 Eff. January 1, 1996;
Amended Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0207 PRESENT CONDITIONS

History Note: Authority G.S. 113A-107(a); 113A-124;
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;
Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0208 CONTENTS OF LAND USE PLAN

History Note: Authority G.S. 113A-110; 113A-124;
Eff. November 1, 1984;
Repealed Eff. January 1, 1996.

15A NCAC 07B .0209 CONTENTS OF THE EXECUTIVE SUMMARY

History Note: Authority G.S. 113A-110; 113A-124;
Eff. November 1, 1984;
Repealed Eff. January 1, 1996.

15A NCAC 07B .0210 CONSTRAINTS
15A NCAC 07B .0211 ESTIMATED DEMANDS

History Note: Authority G.S. 113A-107(a); 113A-124;
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;
Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0212 POLICY STATEMENTS

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. December 1, 1991; November 1, 1989; March 1, 1988; March 1, 1985;
RRC Objection due to lack of statutory authority, ambiguity and lack of necessity
Eff. December 15, 1995;
Recodified from 15A NCAC 7B .0203 Eff. January 1, 1996;
Amended Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0213 LAND CLASSIFICATION

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; July 1, 1984; September 1, 1979;
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;
Recodified from 15A NCAC 7B .0204 Eff. January 1, 1996;
Amended Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0214 INTERGOVERNMENTAL COORDINATION AND IMPLEMENTATION

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. July 1, 1984;
Recodified from 15A NCAC 7B .0206 Eff. January 1, 1996;
Amended Eff. January 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0215 PUBLIC PARTICIPATION

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; July 1, 1984;
RRC Objection due to lack of statutory authority, ambiguity and lack of necessity
Eff. December 21, 1995;
Recodified from 15A NCAC 7B .0207 Eff. January 1, 1996;
Amended Eff. February 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0216 PLAN REVIEW AND APPROVAL

History Note: Authority G.S. 113A-110; 113A-124;
Eff. November 1, 1984;
Recodified from 15A NCAC 7B .0210 Eff. January 1, 1996;
Amended Eff. January 1, 1996;
Repealed Eff. August 1, 2002.

SECTION .0300 - GUIDELINES FOR PROPOSED AREAS OF ENVIRONMENTAL CONCERN

15A NCAC 07B .0301 INTRODUCTION
15A NCAC 07B .0302 COASTAL WETLANDS: GENERAL
15A NCAC 07B .0303 COASTAL WETLANDS: LOW TIDAL MARSHLAND
15A NCAC 07B .0304 COASTAL WETLANDS: OTHER COASTAL MARSHLAND
15A NCAC 07B .0305 ESTUARINE WATERS
15A NCAC 07B .0306 RENEWABLE RESOURCE AREAS: WATERSHEDS OR AQUIFERS: GENERAL
15A NCAC 07B .0307 WATERSHEDS OR AQUIFERS: SMALL SURFACE WATER SUPPLIES
15A NCAC 07B .0308 SPECIAL AQUIFER AREAS: OUTER BANKS AND BARRIER ISLANDS
15A NCAC 07B .0309 FRAGILE: HISTORIC OR NATURAL RESOURCES AREAS: GENERAL
15A NCAC 07B .0310 EXISTING NATIONAL OR STATE PARKS
15A NCAC 07B .0311 COMPLEX NATURAL AREAS
15A NCAC 07B .0312 AREAS THAT SUSTAIN REMNANT SPECIES
15A NCAC 07B .0313 AREAS CONTAINING UNIQUE GEOLOGICAL FORMATIONS
15A NCAC 07B .0314 HISTORIC PLACES
15A NCAC 07B .0315 REGISTERED NATURAL LANDMARKS
15A NCAC 07B .0316 AREAS SUBJECT TO PUBLIC RIGHTS: GENERAL
15A NCAC 07B .0317 AREAS SUBJECT TO PUBLIC RIGHTS: CERTAIN PUBLIC TRUST AREAS
15A NCAC 07B .0318 NATURAL HAZARD AREAS: GENERAL
15A NCAC 07B .0319 SAND DUNES ALONG THE OUTER BANKS
15A NCAC 07B .0320 OCEAN BEACHES AND SHORELINES (ON THE OUTER BANKS)
15A NCAC 07B .0321 COASTAL FLOODPLAINS
15A NCAC 07B .0322 EXCESSIVE EROSION AREAS: GENERAL
15A NCAC 07B .0323 EXCESSIVE EROSION AREAS: COASTAL INLET LANDS
15A NCAC 07B .0324 EXCESSIVE EROSION AREAS: OCEAN ERODIBLE AREAS
15A NCAC 07B .0325 EXCESSIVE EROSION AREAS: ESTUARINE AND RIVER ERODIBLE AREAS
15A NCAC 07B .0326 DEVELOPMENT STANDARDS APPLICABLE TO ALL AECS

History Note: Authority G.S. 113A-107(a);
Eff. February 1, 1976;
Amended Eff. April 23, 1979; April 1, 1979;
Repealed Eff. September 1, 1979.

SECTION .0400 - LAND USE PLAN AMENDMENT PROCESS

15A NCAC 07B .0401 LAND USE PLAN AMENDMENT
15A NCAC 07B .0402 PUBLIC HEARING REQUIRED
15A NCAC 07B .0403 NOTICE TO COASTAL RESOURCES COMMISSION
15A NCAC 07B .0404 WAIVER OF FORMAL REVIEW BY THE CRC
15A NCAC 07B .0405 CONSISTENCY AND ADOPTION
15A NCAC 07B .0406 STANDARDS FOR WAIVER OF FORMAL REVIEW

History Note: Authority G.S. 113A-110; 113A-124;
Eff. May 10, 1978;
Amended Eff. July 1, 1984;
RRC Objection due to lack of statutory authority and necessity Eff. December 21, 1995;
Amended Eff. February 1, 1996; January 1, 1996; November 1, 1989; September 1, 1988; July 1, 1984;
Repealed Eff. August 1, 2002.

SECTION .0500 - LAND USE PLAN UPDATE PROCESS

15A NCAC 07B .0501 UPDATE REQUIRED
15A NCAC 07B .0502 PURPOSE OF UPDATE
15A NCAC 07B .0503 DATA COLLECTION AND ANALYSIS
15A NCAC 07B .0504 AMENDMENTS TO MAPS
15A NCAC 07B .0505 FORMAT OF PLAN UPDATE

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. September 1, 1979;
RRC Objection due to lack of statutory authority and ambiguity Eff. December 21, 1995;
Amended Eff. February 1, 1996; January 1, 1996; July 1, 1984;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0506 REVIEW AND APPROVAL

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. January 1, 1996;
Repealed Eff. August 1, 2002.

15A NCAC 07B .0507 OFFICIAL COPY OF PLAN

History Note: Authority G.S. 113A-107(a); 113A-124;
Eff. September 1, 1979;
Amended Eff. November 1, 1989;
Recodified from 15A NCAC 7B .0506 Eff. January 1, 1996;
Amended Eff. January 1, 1996;
Repealed Eff. August 1, 2002.

SECTION .0600 - INTRODUCTION

15A NCAC 07B .0601 AUTHORITY

This Subchapter establishes the rules that local governments shall follow in developing and adopting a Coastal Area Management Act (CAMA) Land Use Plan.

History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;
Eff. August 1, 2002.

15A NCAC 07B .0602 EXAMPLES

Examples included in this Rule are for illustrative purposes and neither represents a prioritization nor a limitation of issues.

History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;
Eff. August 1, 2002.

SECTION .0700 – CAMA LAND USE PLANNING REQUIREMENTS

15A NCAC 07B .0701 PLANNING OPTIONS

(a) Each county within the coastal area may prepare and adopt a CAMA Land Use Plan that meets the planning requirements adopted by the Coastal Resources Commission (CRC). The CRC shall prepare and adopt a CAMA Land Use Plan for each county that chooses not to prepare and adopt a CAMA Land Use Plan. Municipalities may develop individual CAMA Land Use Plans if:

(1) the County delegates this authority to the municipality; or

(2) the CRC grants this authority upon application from a municipality that is currently enforcing its zoning ordinance, its subdivision regulations and the State Building Code within its jurisdiction.

(b) The minimum types of plans presumed for municipalities, based on population, growth rates and the presence of Areas of Environmental Concern (AECs) are illustrated in Figure 1. In addition, community characteristics other than those listed in Figure 1, such as extent of growth and resource protection issues (e.g., water quality concerns), shall be considered when determining the type of plan to be prepared.

Figure 1: TYPES OF CAMA PLANS PRESUMED FOR MUNICIPALITIES

		AREAS OF ENVIRONMENTAL CONCERN (AECs)		
POPULATION	GROWTH RATE*	OCEAN HAZARD AREAS	NON-OCEAN HAZARD AREAS**	DO NOT MEET STATUTORY THRESHOLD IN §113A-110 (c) ***
≥ 5,000	N/A			
≥ 2,500	HIGH			
>1,000 and < 2,500	HIGH			
<1,000	HIGH			
≥ 2,500	MODERATE			
< 2,500	MODERATE			
≥ 2,500	LOW			
< 2,500	LOW			

Minimum Core Plan Presumed — *Core or Workbook plan* — *Fold into County CAMA Land Use Plan*

* *GROWTH RATE* ***(Source: Office of State Planning)***

High ≥ 18.4%
Moderate > 9.2% and < 18.4%
Low ≤ 9.2%

****Estuarine Waters, Coastal Shorelines, Public Trust Areas, and Coastal Wetlands**

*****113A-110 (c) provides that municipalities may develop individual plans if (1) the County delegates this authority to the municipality or (2) the CRC grants this authority upon application from a municipality that is currently enforcing its zoning ordinance, its subdivision regulations and the State Building Code within its jurisdiction.**

(c) Types of Plans

(1) Workbook plan: This is a simplified CAMA Land Use Plan that addresses the following elements:

(A) statement of community concerns, aspirations and vision;

(B) existing land use map;

(C) land suitability analysis;

(D) local growth and development policies addressing each Management Topic and applicable Areas of Environmental Concern; and

(E) future land use map.

The Division of Coastal Management (DCM) shall provide a workbook plan template to municipalities preparing this type of plan containing all required data and examples of policy alternatives.

(2) Core plan: This plan addresses all of the plan elements in Rule .0702 of this Section (Elements of CAMA Core and Advanced Core Land Use Plans) in a complete and thorough manner. This type of plan is the standard CAMA Land Use Plan required for all 20 coastal counties.

(3) Advanced core plan: The plan prepared by local governments that, due to consideration of specific local conditions, elect to exceed the core plan requirements in two or more areas. This plan also may be used to help meet the requirements of other planning programs, such as the Environmental Protection Agency's (EPA) Phase II Stormwater requirements or hazard mitigation plans, that address the CAMA goals, or to address issues of local concern, (i.e. location of a new industry or redevelopment after storm events.)

(d) Counties preparing a CAMA Land Use Plan shall prepare a core plan at a minimum.

(e) Municipalities that contain AECs may prepare a Workbook Plan, Core Plan, or Advanced Core Plan, depending on the presumptive type of plan shown in Figure 1. However, the type of plan to be prepared may change depending on needs that are identified in the scoping process described in 15A NCAC 07L. Municipalities with Ocean Hazard AECs that choose to plan shall prepare a minimum of a Core Plan. Municipalities with only Non-Ocean Hazard AECs that choose to plan shall prepare a Core Plan if they meet the population and growth rate thresholds as shown in Figure 1. Municipalities with only Non-Ocean Hazard AECs that choose to plan and are at or below the population and growth rate thresholds shown in Figure 1 may prepare a Core Plan or a Workbook Plan.

(f) A County shall accept a municipality's locally adopted policies for inclusion in the County CAMA Land Use Plan for the municipality's jurisdiction if requested to do so by any municipality not preparing an individual CAMA Land Use Plan. Inclusion of a municipality's adopted policies shall occur either at the time of County CAMA Land Use Plan preparation or a subsequent County CAMA Land Use Plan amendment. The municipality's policies are limited to its jurisdiction and may differ from the County's policies.

(g) Municipalities may seek CRC certification for these plans if all requirements found in 15A NCAC 07B and G.S. 113A-110 are met.

History Note: *Authority G.S. 113A-107(a); 113A-110; 113A-124;*
Eff. August 1, 2002.

15A NCAC 07B .0702 ELEMENTS OF CAMA CORE AND ADVANCED CORE LAND USE PLANS

(a) Organization of the Plan. The elements in this Rule provide general direction for development of the CAMA Core and Advanced Core Land Use Plans. A detailed Table of Contents shall be included and if the local government does not follow the outline described in this Rule, a matrix shall be included that shows the exact location of the following required elements.

(b) Community Concerns and Aspirations:

(1) Significant existing and emerging conditions: The plan shall include a description of the dominant growth-related conditions that influence land use, development, water quality, and other environmental concerns in the planning area.

(2) Key issues: The plan shall include a description of the land use and development topics most important to the future of the planning area. At a minimum, this description shall include public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, water quality, and local areas of concern as described in Subparagraph (d)(3) (Land Use Plan Management Topics) of this Rule.

(3) A community vision: This shall consist of a description of the general physical appearance and form that represents the local government's plan for the future. The community vision shall include statements of general objectives to be achieved by the plan. These objectives shall serve as the foundation for more specific objectives and policies stated elsewhere in the CAMA Land Use Plan. The objectives shall include changes that the local government feels are needed to achieve the planning vision.

(c) Analysis of Existing and Emerging Conditions within the planning jurisdiction. The purpose of this element is to provide a sound factual and analytical base that is necessary to support the land use and development policies included in the plan. The analysis shall be based upon the best available data or mapping information from state, federal and local sources. This element shall describe the following:

(1) Population, Housing, and Economy. The plan shall include an analysis and discussion of the following data and trends:

(A) Population:

(i) Permanent population growth trends using data from the two most recent decennial Censuses;

(ii) Current permanent and seasonal population estimates;

(iii) Key population characteristics;

(iv) Age; and

(v) Income.

(B) Housing stock:

(i) Estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multifamily, and manufactured); and

(ii) Building permits issued for single-family, multifamily, and manufactured homes since last plan update.

(C) Local economy: Employment by major sectors and description of community economic activity.

(D) Projections. Short-term (five and ten year) and long-term (20-year) projections of permanent and seasonal population.

(2) Natural systems analysis. The purpose of the natural systems analysis is to describe and analyze the natural features and environmental conditions of the planning jurisdiction, and to assess their capabilities and limitations for development. This analysis shall include:

(A) Mapping and analysis of natural features. The 14-digit hydrological units delineated by the Natural Resources Conservation Service shall be used as the basic unit of analysis of natural features. Maps of the following natural features shall be developed with data provided by DCM or other state agencies for analysis and plan development. These maps may be reproduced and included in the CAMA Land Use Plan at the option of the local government. If the maps are not included in the plan, they shall be made available to the public:

(i) Areas of Environmental Concern (AECs);

(ii) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;

(iii) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations, and Division of Environmental Health (DEH) shellfish growing areas and water quality conditions;

(iv) Flood and other natural hazard areas;

(v) Storm surge areas;

(vi) Non-coastal wetlands including forested wetlands, shrub-scrub wetlands and freshwater marshes;

(vii) Water supply watersheds or wellhead protection areas;

(viii) Primary nursery areas, where mapped;

(ix) Environmentally fragile areas, such as, but not limited to wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or maritime forests; and

(x) Additional natural features or conditions identified by the local government.

(B) Composite map of environmental conditions:

(i) Composite map of environmental conditions: The plan shall include a map that shows the extent and overlap of natural features listed in Part (c)(2)(A) of this Rule and, based on the local government's determination of the capabilities and limitations of these features and conditions for development, shows the location of the following three categories of land:

(I) Class I – land containing only minimal hazards and limitations that may be addressed by commonly accepted land planning and development practices;

(II) Class II – land containing development hazards and limitations that may be addressed by methods such as restrictions on types of land uses; special site planning; or the provision of public services; and

(III) Class III – land containing serious hazards for development or lands where the impact of development may cause serious damage to the functions of natural systems.

(ii) The CAMA Land Use Plan shall describe or list the features or conditions selected by the local government for inclusion in each class.

(C) Environmental conditions. The plan shall provide an assessment of the following environmental conditions and features and discuss their limitations or opportunities for development:

(i) Water quality:

(I) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Quality Basinwide Water Quality Plans, 303(d) List and other comparable data;

(II) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation Section of the N.C. Division of Environmental Health;

(III) Areas experiencing chronic wastewater treatment system malfunctions; and

(IV) Areas with water quality or public health problems related to non-point source pollution.

(ii) Natural hazards:

(I) Areas subject to storm hazards such as recurrent flooding, storm surges and high winds;

(II) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities; and

(III) Where data is available, estimates of public and private damage resulting from floods and wind that has occurred since the last plan update.

(iii) Natural resources:

(I) Environmentally fragile areas (as defined in Part (c)(2)(A)(ix) of this Rule) or areas where resource functions may be impacted as a result of development; and

(II) Areas containing potentially valuable natural resources. These may include, but are not limited to the following: beach quality sand deposits, protected open space, and agricultural land, that may be impacted or lost as a result of incompatible development.

(3) Analysis of Land Use and Development. The purpose of the analysis of land use and development is to describe and quantify existing patterns of land uses, identify potential land use and land use/water use conflicts, determine future development trends, and project future land needs. The plan shall include the following mapping and analysis of existing land use:

(A) A map of land including the following: Residential, commercial, industrial, institutional, public, dedicated open space, agriculture, forestry, confined animal feeding operations, and undeveloped;

(B) The land use analysis shall include the following:

(i) Table that shows estimates of the land area allocated to each land use;

(ii) Description of any land use conflicts;

(iii) Description of any land use – water quality conflicts;

(iv) Description of development trends using indicators. These development trends may include, but are not limited to the following: building permits and platted but un-built lots; and

(v) Location of areas expected to experience development during the five years following plan certification by the CRC and a description of any potential conflicts with Class II or Class III land identified in the natural systems analysis.

(C) Historic, cultural, and scenic areas designated by a state or federal agency or by local government. These areas and sites shall be located on either the existing land use map or a separate map; and

(D) Projections of future land needs. The analysis shall include short term (five and ten year) and long term (20-year) projections of residential land area needed to accommodate the planning jurisdiction's projected future permanent and seasonal population (population projections as defined in Part (c)(1)(D) of this Rule (Analysis of Existing and Emerging Conditions). The projections of land needs may be increased up to 50% to allow for unanticipated growth and to provide market flexibility. For local governments experiencing low or no growth (as shown in Figure 1 in 15A NCAC 07B .0701), the projections of land needs may consider economic strategies in the final calculations.

(4) Analysis of Community Facilities. The purpose of the analysis of community facilities is to evaluate existing and planned capacity, location, and adequacy of key community facilities that serve the community's existing and planned population and economic base; that protect important environmental factors such as water quality; and that guide land development in the coastal area. This analysis shall include:

(A) Public and private water supply and wastewater systems. The analysis of water and sewer systems shall include a description and map(s) of existing public and private systems, including existing condition and capacity; location of pipelines, documentation of any overflows, bypasses, or other problems that may degrade water quality or constitute a threat

to public health; existing and planned service areas; and future needs based on population projections. If any required information is not available for private systems, the local government shall so state in the plan and this factor may be eliminated from the analysis.

(B) Transportation systems. The analysis of the transportation system shall include a map showing: the existing highway system; any segments deemed by the North Carolina Department of Transportation (NCDOT) as having unacceptable service levels; highway facilities on the current thoroughfare plan; and facilities on the current transportation improvement program. The analysis shall also assess the impact of planned highway or other transportation facilities on growth levels and development patterns.

(C) Stormwater systems. The analysis of public and permitted private stormwater systems shall include identification of existing drainage problems in the planning area; identification of water quality issues related to point-source discharges of stormwater runoff; and an overview of potential stormwater system requirements for local governments subject to the EPA's Storm Water Phase II Final Rules.

(D) Other facilities. The local government may include additional facilities and services such as solid waste and health and safety in the analysis.

(5) Land Suitability Analysis. The purpose of the land suitability analysis is to determine the planning area's supply of land suited for development based on the following considerations: natural system constraints, compatibility with existing land uses and development patterns, the existing land use and development criteria of local, state, and federal agencies and the availability and capacity of water, sewer, stormwater management facilities, and transportation systems. The analysis shall include a land suitability map showing vacant or under-utilized land that is suitable for development. The following factors shall be considered to assess land suitability:

(A) Water quality;

(B) Land Classes I, II, and III summary environmental analysis;

(C) Proximity to existing developed areas and compatibility with existing land uses;

(D) Potential impact of development on areas and sites designated by local historic commissions or the North Carolina Department of Cultural Resources as historic, culturally significant, or scenic;

(E) Land use and development requirements of local development regulations, CAMA Use Standards and other applicable state regulations, and applicable federal regulations; and

(F) Availability of community facilities, including water, sewer, stormwater and transportation.

(6) Review of Current CAMA Land Use Plan. The purpose of the review of the current CAMA Land Use Plan is for the local governing body to review its success in implementing the policies and programs adopted in the plan and the effectiveness of those policies in achieving the goals of the plan. The review shall include consideration of the following factors:

(A) Consistency of existing land use and development ordinances with current CAMA Land Use Plan policies;

(B) Adoption of the land use plan's implementation measures by the governing body; and

(C) Efficacy of current policies in creating desired land use patterns and protecting natural systems.

(d) Plan for the Future. This element of the plan is intended to guide the development and use of land in the planning jurisdiction in a manner that achieves its goals for the community and CAMA. Policies affecting AECs shall also be used in making CAMA permit decisions. The plan for the future includes the local government's goals, land use and development policies, and future land use map:

(1) Land use and development goals. The following shall be considered in the development of the plan's goals:

(A) Community concerns and aspirations identified at the beginning of the planning process; and

(B) Needs and opportunities identified in the analysis of existing and emerging conditions.

(2) Policies:

(A) Policies included in the land use plan shall be consistent with the goals of the CAMA, shall address the CRC management topics for land use plans, and comply with all state and federal rules. The CAMA Land Use Plan shall demonstrate how the land use and development goals, policies and future land use map, as required in Subparagraph (d)(4) of this Rule, will guide the development and use of land in the planning jurisdiction in a manner that is consistent with the specific management goal(s), planning objective(s) and land use plan requirements of each Management Topic.

(B) The plan shall contain a description of the type and extent of analysis completed to determine the impact of CAMA Land Use Plan policies on the management topics; a description of both positive and negative impacts of the land use plan policies on the management topics; and a description of the policies, methods, programs and processes to mitigate any negative impacts on applicable management topics.

(C) The plan shall contain a statement that the governing body either accepts state and federal law regarding land uses and development in AECs or, that the local government's policies exceed the requirements of state and federal agencies. If local policies exceed the State and Federal requirements, the CAMA Land Use Plan shall identify which policies exceed these requirements and to what extent. If the governing body intends to rely on Federal and State laws and regulations it shall reference these in the plan.

(3) Land Use Plan Management Topics. The purposes of the CRC management topics are to insure that CAMA Land Use Plans support the goals of CAMA, to define the CRC's expectations for the land use planning process, and to give the CRC a substantive basis for review and certification of CAMA Land Use Plans. Each of the following management topics (Public Access, Land Use Compatibility, Infrastructure Carrying Capacity, Natural Hazard Areas, Water Quality, and Local Areas of Concern) include three components: a management goal, a statement of the CRC's planning objective, and requirements for the CAMA Land Use Plans:

(A) Public Access:

(i) Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.

(ii) Planning Objective: Develop comprehensive policies that provide beach and public trust water access opportunities for the public along the shoreline within the planning jurisdiction. Policies shall address access needs and opportunities, include strategies to develop public access, and identify feasible funding options.

(iii) Land Use Plan Requirements: Land use plan policies on ocean and public waterfront access shall establish local criteria for frequency and type of access facilities. These policies shall contain provisions for public access for all segments of the community, including persons with disabilities, and shall establish access criteria for beach areas targeted for nourishment.

(B) Land Use Compatibility:

(i) Management Goal: Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts, avoids risks to public health, safety and welfare and is consistent with the capability of the land based on considerations of interactions of natural and manmade features.

(ii) Planning Objective:

(I) Adopt and apply local development policies that balance protection of natural resources and fragile areas with economic development.

(II) Policies shall provide direction to assist local decision making and consistency for zoning, divisions of land, and public and private projects.

(iii) Land Use Plan Requirements:

(I) Establish building intensity and density criteria, such as floor area ratio and units per acre, consistent with the land suitability analysis for each land use designation on the Future Land Use Map.

(II) Establish local mitigation criteria and concepts. These may include, but are not limited to the following: cluster subdivision design, enacting local buffers, impervious surface limits, and innovative stormwater management alternatives.

(C) Infrastructure Carrying Capacity:

(i) Management Goal: Ensure that public infrastructure systems are appropriately sized, located and managed so the quality and productivity of AECs and other fragile areas are protected or restored.

(ii) Planning Objective: Establish level of service policies and criteria for infrastructure consistent with Part (c)(3)(D) (Projections of Future Land Needs) of this Rule.

(iii) Land Use Plan Requirements:

(I) Identify/establish service area boundaries for existing and future infrastructure.

(II) Correlate future land use map categories with existing and planned infrastructure such as wastewater, water infrastructure and transportation.

(D) Natural Hazard Areas:

(i) Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

(ii) Planning Objective: Develop policies that minimize threats to life, property, and natural resources resulting from development located in or adjacent to hazard areas, such as those subject to erosion, high winds, storm surge, flooding, or sea level rise.

(iii) Land Use Plan Requirements:

(I) Develop location, density, and intensity criteria for new, existing development and redevelopment including public facilities and infrastructure so that they can better avoid or withstand natural hazards.

(II) Correlate existing and planned development with existing and planned evacuation infrastructure.

(E) Water Quality:

(i) Management Goal: Maintain, protect and where possible enhance water quality in all coastal wetlands, rivers, streams and estuaries.

(ii) Planning Objective: Adopt policies for coastal waters within the planning jurisdiction to help ensure that water quality is maintained if not impaired and improved if impaired.

(iii) Land Use Plan Requirements:

(I) Devise policies that help prevent or control nonpoint source discharges (sewage and storm water) such as, but not limited to the following: impervious surface limits, vegetated riparian buffers, natural areas, natural area buffers, and wetland protection.

(II) Establish policies and land use categories aimed at protecting open shellfishing waters and restoring closed or conditionally closed shellfishing waters.

(F) Local Areas of Concern:

(i) Management Goal: Integrate local concerns with the overall goals of CAMA in the context of land use planning.

(ii) Planning Objective: Identify and address local concerns and issues, such as cultural and historic areas, scenic areas, economic development, downtown revitalization or general health and human services needs.

(iii) Land Use Plan Requirements: Evaluate local concerns and issues for the development of goals, policies and implementation strategies. These may include timelines and identification of funding options.

(4) Future land use map. This map depicts application of the policies for growth and development, and the desired future patterns of land use and land development with consideration given to natural system constraints and infrastructure policies. The local government shall include such categories and descriptions of land uses and development as are required to accurately illustrate the application of its policies. At a minimum, the map shall show the following:

(A) 14-digit hydrological units encompassed by the planning area;

(B) areas and locations planned for conservation or open space and a description of compatible land uses and activities;

(C) areas and locations planned for future growth and development with descriptions of the following characteristics:

(i) predominant and supporting land uses that are encouraged in each area;

(ii) overall density and development intensity planned for each area; and

(iii) infrastructure required to support planned development in each area.

(D) areas in existing developed areas for infill, preservation, and redevelopment;

(E) existing and planned infrastructure, including major roads, water, and sewer.

The local government may use additional or more detailed categories if required to depict its land use policies. If the future land use map shows development patterns or land uses that are not consistent with the natural systems analysis, or the land suitability analysis, then the plan shall include a description of the steps that the local government shall take to mitigate the impacts. In addition, the plan shall include an estimate of the cost of any community facilities or services that shall be extended or developed. The amount of land allocated to various uses shall be calculated and compared to the projection of land needs. The amount of land area thus allocated to various uses may not exceed projected needs as delineated in Part (c)(3)(D) of this Rule (Projections of Future Land Needs).

(e) Tools for Managing Development. This element of the plan provides a description of the management tools that the local government selects and the actions to be taken to implement the CAMA Land Use Plan. It also includes a five-year schedule for implementation. This element shall include:

(1) Guide for land use decision-making. Describe the specific role and the status of the land use plan policies and future land use plan map in local decisions regarding land use and development.

(2) Existing development program. Describe the community's existing development management program, including local ordinances, codes, and policies, state and federal laws and regulations, and the role that the existing management program plays in implementing the plan. This description shall also include the community's approach to coordinating these codes and rules to implement the land use and development policies.

(3) Additional tools. Describe any of the following additional tools selected by the local government to implement the CAMA land use plan policies:

(A) Ordinances:

(i) Amendments or adjustments in existing development codes required for consistency with the plan;

(ii) New ordinances or codes to be developed;

(B) Capital improvements program. New, upgraded or expanded community facilities, such as but not limited to the following: water, sewer, stormwater, transportation, and other facilities, and policies regarding connections to and extensions of community facilities;

(C) Acquisition program. Planned acquisition of property, easements, or rights-of-way; and

(D) Specific projects to reach goals.

(4) Action plan/schedule. Describe the priority actions that will be taken by the local government to implement the CAMA Land Use Plan and specify the fiscal year(s) in which each action is anticipated to start and finish. The document shall contain a description of the specific steps that the local government plans to take to involve the public in monitoring implementation of the CAMA Land Use Plan, including the adoption of local ordinances that affect AECs. The action plan shall be used to prepare the implementation status report for the CAMA Land Use Plan.

History Note: *Authority G.S. 113A-102; 113A-107(a); 113A-110, 113A-111, 113A-124;*
Eff. August 1, 2002;
Amended Eff. April 1, 2003.

SECTION .0800 – CAMA LAND USE PLAN REVIEW AND CRC CERTIFICATION

15A NCAC 07B .0801 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS

(a) Public Hearing Requirements. The local government shall provide documentation to DCM that it has followed the process required in G.S. 113A-110; and such notice shall include per .0802(b)(3), the disclosure of the public opportunity to provide written comment following local adoption of the Land Use Plan.

(b) Final Plan Content. The final decision on local policies and all contents of the CAMA Land Use Plan consistent with the CAMA land use planning rules shall be made by the elected body of each participating local government.

(c) Transmittal to the CRC. The local government shall provide the Executive Secretary of the CRC with as many copies of the locally adopted land use plan as the Executive Secretary requests, and a certified statement of the local government adoption action no earlier than 45 days and no later than 30 days prior to the next CRC meeting. If the local government fails to submit the requested copies of the locally adopted land use plan and certified statement to the Executive Secretary within the specified timeframe, the local government may resubmit documents within the specified timeframe for consideration at the following CRC meeting.

History Note: *Authority G.S. 113A-107(a); 113A-110; 113A-124;*
Eff. August 1, 2002.
Amended Eff. January 1, 2007; February 1, 2006

15A NCAC 07B .0802 PRESENTATION TO COASTAL RESOURCES COMMISSION FOR CERTIFICATION

(a) Re-Certification: If the CRC adopts new CAMA Land Use Plan rules, plans shall be updated within six years of the effective date of the new rules. If a scoping process is held, a summary shall be provided to the CRC along with the request for re-certification of the existing CAMA Land Use Plan.

(b) Committee Designated by CRC to Review Local Land Use Plans:

(1) The appropriate DCM District Planner shall report to the committee designated by the CRC as to the type of plan being presented**,** highlight any unique characteristics of the plan**,** identify any land use conflicts with adjacent planning jurisdictions or other state/federal agencies, identify any inaccuracy or inconsistency of items in the plan, and recommend certification, conditional certification, or non-certification.

(2) The Land Use Plan shall be presented to the committee designated by the CRC by an elected local official, municipal or county staff member, or designated citizen representative.

(3) The public shall have an opportunity to present written objections, comments**,** or statements of support prior to action by the committee designated by the CRC. Written objections shall be received by DCM no less than 15 business days prior to the next scheduled CAMA Land Use Plan review meeting and shall be limited to the criteria for CRC certification as defined in Subparagraph (c)(3) of this Rule. Written objections shall identify the specific plan elements that are opposed. A copy of any objections shall be sent by the DCM to the local government submitting the CAMA Land Use Plan.

(4) The local government may withdraw the submitted CAMA Land Use Plan from CRC consideration at any time before review.

(c) CRC Certification:

(1) The CRC shall certify the CAMA Land Use Plan following the procedures and conditions specified in this Rule.

(2) Provided the locally adopted land use plan has been received by the Executive Secretary no earlier than 45 days and no later than 30 days prior to the next CRC meeting, the CRC shall certify, conditionally certify or not certify the plan at that meeting or mutually agreed upon date. If the CRC fails to take action as specified above the plan shall be certified.

(3) The CRC shall certify plans which:

(A) are consistent with the current federally approved North Carolina Coastal Management Program; and

(B) are consistent with the Rules of the CRC; and

(C) do not violate state or federal law; and

(D) contain policies that address each Management Topic. If a local government cannot meet any CAMA Land Use Plan requirement contained within Paragraphs (d) and (e) of 15A NCAC 07B .0702 the plan shall include a description of the analysis that was undertaken, explain the reason(s) the requirement could not be met, and the local government's alternative plan of action to address the CAMA Land Use Plan requirements. If such description(s) are not included in the plan, it shall not be certified; and

(E) contain a local resolution of adoption that includes findings which demonstrate that policy statements and the Future Land Use Plan Map (FLUP) have been evaluated, and determine that no internal inconsistencies exist.

(d) Non- Certification: If the plan is not certified the CRC shall within 30 days inform the local government as to how the plan might be changed so certification can be granted. Until the plan is certified, the pre-existing certified CAMA Land Use Plan shall remain in effect.

(e) Conditional Certification: If the plan is conditionally certified, the CRC shall within 30 days provide the local government with condition(s) that shall be met for certification. Until the condition(s) is met on a conditionally certified plan, the pre-existing certified CAMA Land Use Plan shall remain in effect. When the local government complies with all conditions for a conditionally certified plan, as determined by the Executive Secretary of the CRC, plan certification is automatic with no further action needed by the CRC.

History Note: *Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;*
Eff. August 1, 2002.
Amended Eff. September 1, 2006.

SECTION .0900 – CAMA LAND USE PLAN AMENDMENTS

15A NCAC 07B .0901 CAMA LAND USE PLAN AMENDMENTS

(a) Normal Amendment Process:

(1) The CAMA Land Use Plan may be amended and only the amended portions submitted for CRC. If the local government amends half or more of the policies of the CAMA Land Use Plan, a new locally adopted plan shall be submitted to the CRC.

(2) The local government proposing an amendment to its CAMA Land Use Plan shall provide to the Executive Secretary of the CRC or her/his designee written notice of the public hearing, a copy of the proposed amendment (including text and maps as applicable), and the reasons for the amendment no less than 30 days prior to the public hearing. After the public hearing, the local government shall provide the Executive Secretary or her/his designee with a copy of the locally adopted amendment no earlier than 45 days and no later than 30 days prior to the next CRC meeting for CRC certification. If the local government fails to submit the requested documents as specified above to the Executive Secretary within the specified timeframe, the local government shall be able to resubmit the documents within the specified timeframe for consideration at the following CRC meeting.

(3) For joint plans, originally adopted by each participating jurisdiction, each government shall retain its sole and independent authority to make amendments to the plan as it affects their jurisdiction.

(4) CRC review and action on CAMA Land Use Plan amendments shall be in the same manner as provided in 15A NCAC 07B .0802 (b), (c), (d) and (e), except amendments to Land Use Plans which were certified prior to August 1, 2002 are exempt from subsection .0802(c)(3)(D)

(5) The local resolution of adoption shall include findings which demonstrate that amendments to policy statements or to the Future Land Use Plan Map (FLUP) have been evaluated for their consistency with other existing policies.

(b) Delegation of CRC Certification of Amendments to the Executive Secretary:

(1) A local government that desires to have the Executive Secretary instead of the CRC certify a CAMA Land Use Plan amendment shall first meet the requirements in Subparagraphs (a)(1) through (3) of this Rule and the following criteria defined in Parts (b)(1)(A) through (D) of this Rule. The local government may then request the Executive Secretary to certify the amendment. The Executive Secretary shall make a determination that all criteria have been met, and mail notification to the local government and CRC members, no later than two weeks after receipt of the request for certification. The CRC's delegation to the Executive Secretary of the authority to certify proposed amendments is limited to amendments that meet the following criteria:

(A) Minor changes in policy statements or objectives for the purpose of clarification of intent; or

(B) Modification of any map that does not impose new land use categories in areas least suitable for development as shown on the Land Suitability Map; or

(C) New data compilations and associated statistical adjustments that do not suggest policy revisions; or

(D) More detailed identification of existing land uses or additional maps of existing or natural conditions that do not affect any policies in the CAMA Land Use Plan.

(2) If the Executive Secretary certifies the amendment, the amendment shall become final upon certification of the Executive Secretary, and is not subject to further CRC review described in 15A NCAC 07B .0802 (Presentation to CRC for Certification).

(3) If the Executive Secretary denies certification of the amendment, the local government shall submit its amendment for review by the CRC in accordance with the regular plan certification process in 15A NCAC 07B .0802 (Presentation to CRC for Certification).

(c) Any amendments to the text or maps of the CAMA Land Use Plan shall be incorporated in context in all available copies of the plan and shall be dated to indicate the dates of local adoption and CRC certification. The amended ~~P~~ CAMA Land Use Plan shall be maintained as required by G.S. 113A-110(g).

(d) Within 90 days after certification of a CAMA Land Use Plan amendment, the local government shall provide one copy of the amendment to each jurisdiction with which it shares a common border, and to the regional planning entity.

(e) A local government that receives Sustainable Community funding from the Department pursuant to 15A NCAC 07L shall formulate and submit to the CRC for certification a CAMA Land Use Plan Addendum during its first year as a Sustainable Community, and if new planning rules have been adopted by the CRC, shall update the CAMA Land Use Plan within six years of adoption of these new planning rules.

History Note: *Authority G.S. 113A-107(a); 113A-110; 113A-124;*
Eff. August 1, 2002.
Amended Eff. February 1, 2006.