

## SECTION .0200 - LAND USE PLAN

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

(a) The Land Use Plan shall contain the basic elements listed in this Paragraph:

- (1) Executive Summary [not applicable to Sketch Plans];
- (2) Introduction;
- (3) Goals and Objectives;
- (4) Data Collection and Analysis ;
- (5) Present Conditions;
- (6) Constraints;
- (7) Estimated Demands;
- (8) Policy Statements;
- (9) Land Classification;
- (10) Intergovernmental Coordination and Implementation; and
- (11) Public Participation.

These 11 elements represent a minimum level of planning necessary to fulfill the objectives of the Coastal Area Management Act. Counties and municipalities shall use these minimum guidelines as a foundation from which to establish a more comprehensive planning and management process. The Land Use Plan shall be written as clearly as possible. The format and organization of the plan will enable users to find needed items quickly and easily. The local government shall ensure that its Land Use Plan meets the substantive requirements of this Section.

(b) Small municipal governments that are not experiencing significant or rapid change or that are completely platted and know the upper limits of buildout may choose to develop a "Sketch" Land Use Plan or Update, with the concurrence of the Division of Coastal Management.

- (1) While Sketch Plans must contain the minimum requirements called for in Paragraph (a) of this Rule, the level of data collection and analysis is generally much less than that for a full-sized plan.
- (2) Sketch Plans should be clear, concise and easily understood. Sketch Plans may be produced in a foldout format with the narrative on one side and the required graphics such as the existing land use and land classification maps on the other side. Sketch Plans may also be produced in loose-leaf format or some other more simplified format to facilitate subsequent updates.
- (3) The intent of a Sketch Plan is to provide a document that meets the substantive needs of the local government without overburdening the community with a cumbersome document that has limited use. The preparation of a Sketch Plan is a simpler process because many of the issues dealt with in a full-sized Plan will not apply.
- (4) Sketch Plans do not diminish the importance of the planning process to the community; they simply acknowledge that the municipality does not have the full range of natural resources and economic development pressures as those local governments which produce full-sized Land Use Plans or Updates.

*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.*

### 15A NCAC 07B .0202 EXECUTIVE SUMMARY

An executive summary shall be prepared and included as an introduction to the Land Use Plan, or as a separate document. In either case, it shall be suitable for distribution throughout the planning area. The executive summary shall contain a summary of the land use issues which will affect the community during the planning period, the policies which

the local government has selected to address those issues, and a land classification map. An executive summary is not required for a Sketch Land Use Plan.

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

#### **15A NCAC 07B .0203 INTRODUCTION**

The introduction to the Land Use Plan shall explain to the general public the specific reason for preparing a CAMA Land Use Plan. The Division of Coastal Management will provide each local government with suggested language for this section of the plan.

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

#### **15A NCAC 07B .0204 GOALS AND OBJECTIVES**

The Goals and objectives of the Land Use Plan shall be listed in this section of the plan. They should provide local application of CAMA goals.

*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.

#### **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**

Establishment of Information Base.

- (1) The first basic element of the Land Use Plan is a presentation of pertinent local and regional data and a thorough analysis of those data. This information shall establish the information base necessary to make local policy choices about future land use and development in the community. The guidelines for data collection and analysis have been formulated so as not to place an unnecessary burden on the local planning resources. The Division of Coastal Management shall provide information on population, natural resources, water quality, economic activity and transportation infrastructure for counties and, where available, for municipalities and for each small watershed in the planning jurisdiction. Other information needs can generally be fulfilled by utilizing existing local plans and studies, including the previous Land Use Plan Update, as well as information provided by regional planning bodies. Local governments desiring to be more detailed or comprehensive than these guidelines suggest may do so.
- (2) The process for data collection and analysis shall begin with an examination of present conditions. An estimate is then made of what land use demands are likely to be placed on the planning area during the ensuing 5 to 10-year period, based upon population and economic projections and upon local policies.

The implications of the projected future demands are then examined and balanced against the suitability of the lands within the local government's jurisdiction for development and the capability of government to provide basic public services and facilities. This analysis should include the number of subdivisions and lots approved and building permits issued since the last plan. The local government should analyze how anticipated development will affect the need for services such as water, sewer, fire and police protection, schools, solid waste disposal, landfill life, transportation, parks, and adequacy of local administrative ability to carry out these services. The local government shall discuss these strong relationships as part of policy development.

- (3) Data collection shall include information for the planning jurisdiction as a whole. Where applicable, it shall also include information for each small watershed. A map of the 14-digit hydrologic units delineated by the U.S. Natural Resources Conservation Service shall be provided by the Division of Coastal Management. At a minimum, small watershed boundaries shall be shown on all maps included in the plan, and existing land uses shall be summarized for each watershed. Emphasis shall be placed on identifying those small watersheds in which water quality merits particular attention.
- (4) Watersheds are useful in relating land use planning to environmental management objectives such as water quality protection, fisheries productivity, and habitat management. Because watersheds are defined by the areas within which water drains to a particular water body, they are appropriate units for considering relationships between land use and surface water quality. Small watershed units should be used as the basis for the aspects of Land Use Plans that relate to water quality. River basin plans developed by N.C. Division of Environmental Management provide a regional context for this watershed assessment.

The 14-digit hydrologic units delineated by the U.S. Natural Resource Conservation Service, are the largest watershed units appropriate for local watershed-based planning. The Division of Coastal Management will provide maps of these watershed boundaries to local governments for use in Land Use Plans. Local governments may use smaller watershed units if they are more useful for meeting local objectives.

Local governments are encouraged to use small watersheds as a framework for evaluating land use planning options. In particular, those watersheds where water quality appears to be either impaired or very high (such as Outstanding Resource Waters), should be examined with the intent of managing land-use through a Land Classification System and by land use regulations. The Division of Coastal Management and Division of Environmental Management (DEM) will provide technical assistance to the extent practical in the consideration of DEM Basinwide Plans, the relationship between land-use patterns and water quality, and the development of land-use management controls.

- (5) The Land Use Plan shall include a summary of the data collection and analysis, indicating the manner in which the data were assembled and evaluated along with a statement of major conclusions. This summary shall also provide an index showing where more detailed information can be found in technical appendices to the plans.
- (6) The Land Use Plan shall also include an analysis of how effectively the local government has implemented the local policies contained in its previous Land Use Plan and what improvements it intends to make in this plan update. This evaluation should occur at the beginning of the update process so as to provide a foundation upon which to develop new policies. This evaluation may be included as an introduction to the policy section called for in Rule .0212 of this Section or as an appendix to the plan.

*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.*

**15A NCAC 07B .0207 PRESENT CONDITIONS**

(a) Present Population and Economy. A brief analysis of the local population and economy shall be made utilizing existing information. Particular attention should be given to the impact of seasonal populations and to economic activities which affect coastal land and water resources.

(b) Existing Land and Water Uses. Existing land and water uses shall be mapped. The maps included in the Land Use Plan should be of an appropriate scale and quality for easy interpretation and should contain a synthesis of data gathered. Detailed maps should be prepared during plan development and retained for local government use as working documents. The maps used during plan development should include existing water conditions, including DEM stream classifications, water quality use support (as identified by DEM), watershed boundaries, wetlands, primary and secondary nursery areas, Outstanding Resource Waters, and other features such as shellfish beds, beds of submerged aquatic vegetation, and natural heritage protection sites. In addition, the maps should show the location of existing development and the location of major subdivisions that have been platted but not yet developed. Existing land uses should be considered as the basis for the land classification map called for in Rule .0213 of this Section. In this analysis, particular attention may be given to:

- (1) significant land use compatibility problems;
- (2) significant water use compatibility problems including those identified in any water supply plan appendix and those identified in the applicable DEM basinwide plan;
- (3) significant problems that have resulted from unplanned development and that have implications for future land use, water use, or water quality;
- (4) an identification of areas experiencing or likely to experience changes in predominant land uses, including agricultural and forestry land being converted to other uses and previously undeveloped shoreline areas where development is now occurring;
- (5) significant water quality conditions and the connection between land use and water quality.

(c) Current Plans, Policies and Regulations. This element shall contain:

- (1) a listing and narrative summary of existing plans and policies having significant implications for land use, including where applicable transportation plans, community facilities plans, water supply plans, solid waste plans, utilities extension policies, open space and recreation policies, and prior Land Use Plans and policies. This listing and summary shall distinguish between studies and other background documents and local ordinances or policies that have been adopted and are currently in use;
- (2) a listing of all existing local land use regulations and ordinances and a brief description of the means for their enforcement (both staffing arrangements and the adequacy of ordinances themselves), such as zoning, subdivision, floodway, building, septic tank, historic district, nuisance, dune protection, wetland protection, sedimentation, environmental impact, stormwater management, mobile home park, group housing and planned unit development (PUD). The local government should also review the relationship of its local regulations and ordinances with its Land Use Plan policies and land classification map, and identify conflicts, inconsistencies and possible solutions. Specific permitted land uses, densities and lot sizes should be discussed.

*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.

**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**

(a) Land Suitability. An analysis shall be made of the general suitability for the development of undeveloped lands as identified on the map of existing land and water uses, with consideration given to the following factors: physical limitations for development, watersheds with impaired water quality, fragile areas, and areas with resource potential. The major purpose of this analysis is to assist in preparing the land classification map and, where applicable, in identifying which small watersheds have significant limitations or opportunities for development.

- (1) Physical Limitations for Development. The Land Use Plan shall identify areas likely to have conditions making development costly or that would cause undesirable consequences if developed. The following areas shall be identified:
  - (A) major hazard areas, including man-made hazards (for example, airports, tank farms for the storage of flammable liquids, nuclear power plants) and natural hazards (for example, ocean hazard areas, flood hazard areas, and areas that would be susceptible to sea level rise); reference the specific sources of the data such as flood insurance rate maps or county soils maps;
  - (B) areas with soil limitations, including the following:
    - (i) areas presenting hazards for foundations such as non-compacting soils;
    - (ii) shallow soils;
    - (iii) poorly drained soils;
    - (iv) areas with limitations for septic tanks including both areas that are generally characterized by soil limitations, but within which small pockets of favorable soils do exist; and areas where soil limitations are common to most of the soils present;
  - (C) where the information is readily available, water supply areas and the estimated quantity and quality of the water supply [unless discussed in a water supply plan appendix], including:
    - (i) groundwater recharge areas (bedrock and surficial),
    - (ii) public water supply watershed,
    - (iii) public and community supply wellfields;
  - (D) areas where the predominant slope exceeds 12 percent;
  - (E) shoreline areas with a high erosion potential where bulkheads may be constructed in the future; and
  - (F) small watersheds which drain into water bodies that the Environmental Management Commission has classified or designated Nutrient Sensitive Waters, Outstanding Resource Waters, Primary Nursery Areas, High Quality Waters, SA Waters, or not-fully-supporting waters.
- (2) Fragile Areas. Based on information provided by the Division of Coastal Management. The Land Use Plan shall identify sensitive areas which could easily be damaged or destroyed by inappropriate or poorly-planned development. These shall include Areas of Environmental Concern (AECs) as defined in 15A NCAC 7H and other areas that could qualify for AEC designation under 15A NCAC 7H .0500, including coastal wetlands, sand dunes along the Outer Banks, ocean beaches and shorelines, estuarine waters and estuarine shorelines, public trust waters, complex natural areas, areas that sustain remnant species, areas containing unique geologic formations, and archaeological or historic resources. Special emphasis should be given to other fragile areas such as maritime forests, prime wildlife habitats, scenic areas and prominent high points, archaeological and historic sites, wetlands identified on Division of Coastal Management wetland maps, other wetlands, natural areas identified by the Division of Parks and Recreation's Natural Heritage Program, streams identified by the Division of Marine Fisheries as Anadromous Fish Spawning Areas, and other sensitive areas not offered protection by existing Rules. Only an identification of fragile areas is called for here. Local policies to protect those areas are called for in Rule .0212(1) of this Section.
- (3) Areas with Resource Potential. The Land Use Plan shall identify areas with resource potential, including productive and unique agricultural lands; potentially valuable mineral sites; publicly-owned

forests, parks, fish and gamelands, and other non-intensive outdoor recreation lands; and privately-owned wildlife sanctuaries. Prime farmland shall be identified consistent with the Governor's Executive Order Number 96 promoting interagency coordination toward prime farmland preservation.

(b) Community Services Capacity. An examination of community services capacity shall be made to assist the local government in evaluating its ability to provide basic community services to meet anticipated demand, as well as pointing out deficiencies which will need future attention and efforts. The plan shall contain comprehensive analyses of:

- (1) Wastewater Management. This analysis shall project all wastewater treatment needs. It should include the following considerations:
  - (A) Estimation of projected sewage treatment needs (including central systems, package treatment plants and septic systems) based upon projected population growth and the population that can be accumulated by the land classifications assigned in accordance with Rule .0213 of this Section. Such needs may not exceed the assimilative capacity of coastal lands, wetlands and waters to absorb point and nonpoint source pollution, including the secondary pollution resulting from growth induced by increased treatment capacity;
  - (B) Water conservation and pollution prevention planning to reduce wastewater volume and pollutant concentration at public and private treatment facilities;
  - (C) Re-use of treated water as a first alternative where feasible. Plans for land application of wastewater should ensure that application lands do not drain to waters classified for shellfish harvest;
  - (D) Pursuit of non-discharge treatment technologies, such as connection to existing treatment facilities, land application or subsurface systems, as a first alternative;
  - (E) Regionalization of discharge with best available treatment technology when discharges are necessary;
  - (F) Incorporation of small communities with failing septic systems and of small, on-site wastewater treatment facilities (package plants) that frequently malfunction into centralized wastewater systems;
  - (G) Targeting of public funds for treatment facilities to low income communities with failing wastewater systems that are causing water quality impairment; and
  - (H) Long-term maintenance and monitoring at on-site wastewater facilities.
- (2) Drinking Water Supply. Natural supplies of fresh surface and groundwater are limited in some parts of the coastal area. G.S. 143-355(1) requires all local governments that supply water to prepare plans to identify sources to meet projected needs. Updates of water supply plans should be coordinated to occur simultaneously with updates of the CAMA Land Use Plans. Conclusions of these water supply plans should be summarized in this section of the plan. The local government's capacity to provide adequate drinking water supplies in light of projected peak population estimates should be evaluated.
- (3) Transportation. Transportation improvements over the next 10 years necessary to meet local and regional peak population estimates shall be evaluated and mapped. To assist in this analysis, the Division of Coastal Management shall provide all transportation plans currently under development by the Department of Transportation to local governments. The ability of a local government to conduct a hurricane evacuation shall be determined.
- (4) Other Community Facilities and Services. Considerations of the design capacity of the existing schools, landfill or other solid waste disposal facility, police and fire protection capability, and public administrative ability. Peak seasonal population shall be used as a basis for public facility planning and policy development. Past peak season usage data should be used to predict future needs and demand.

*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.*

#### **15A NCAC 07B .0211 ESTIMATED DEMANDS**

(a) Population and Economy. A population estimate for the upcoming 10 years shall be made and used as the basis for determining land and facilities demand and for classifying land areas. Population projections from the Department of

Administration shall be provided for counties by the Division of Coastal Management for use in making population estimates. The projections are based on prior trends with annual updates. The local government may use these trend projections as its population estimates or to modify them to include additional factors such as:

- (1) seasonal population. The local government shall use peak seasonal population as a basis for most public facility planning and policy development.
- (2) local objectives concerning growth. The local governments shall consider the local plans and policies concerning growth that are identified pursuant to Rules .0207(c) and .0212 of this Section.
- (3) foreseeable social and economic change. The local government shall evaluate the proportions of the local economy devoted to tourism, retail, construction and professional trades to illustrate social and economic changes.

(b) Future Land Needs. To estimate the need for land for residential structures, commercial uses and related services, the population predictions shall be examined in relation to present and future types of land development. The estimated population increase should be distributed at density levels which have been stated in the policies described in Rule .0212 of this Section and in line with the land classification system outlined in Rule .0213 of this Section. These policies shall consider both past development densities and patterns and the desired future density and type of development.

(c) Demand for Community Facilities and Services. Consideration shall be given to new and expanded facilities which will be required by the estimated population growth and the densities at which the land is to be developed. Features such as landfills, road widenings, bridges, water and sewer, police and fire protection, solid waste and schools should be considered in order to meet the intent of this item.

*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.*

#### **15A NCAC 07B .0212 POLICY STATEMENTS**

(a) The plan shall contain statements of local policy on those land use issues which will affect the community during the 10-year planning period. This section shall begin with a general vision policy statement describing the type of community that the local government would like to become in the next 10 years. The issues shall include but not be limited to: resource protection, resource production and management, economic and community development, continued public participation and storm hazard mitigation. Policies may be specific to particular small watersheds and may differ among small watersheds with different conditions. Particular emphasis should be given to small watersheds with existing water quality impairment or other unique characteristics identified in the applicable Basinwide Plan or other state or local analysis. Local governments should ensure to the greatest extent possible that there is consistency among individual policies developed in each policy category. Particular attention should be given to individual policies in the resources protection, resources production and economic and community development categories. For example, a resource protection policy to "protect water quality in surface waters" should be reflected in economic and community development policies which would also affect surface water quality. Local governments may include the analysis of previous policy effectiveness called for in Rule .0206 of this Section as a preface to this policy section.

- (1) Resource Protection. The plan shall include a basic statement as to the community attitude toward resource protection:
  - (A) Local governments shall discuss each of the Areas of Environmental Concern (AECs) and other fragile areas that are listed in G.S. 113A-113 and located within its jurisdiction, and list the types of land uses which it feels are appropriate in each of those areas. In addition, the local government should identify, discuss and develop policies for issues that are locally significant, but not identified elsewhere in this Rule.
  - (B) At a minimum, the plan shall contain policy statements on the following resource protection issues (if relevant):
    - (i) constraints to development (e.g., soils, flood prone areas). This shall include an explicit discussion of soil suitability/septic tank use;
    - (ii) specific local resource development issues relative to areas of environmental concern designated under 15A NCAC 7H and land uses and development densities in proximity to Outstanding Resource Waters;

- (iii) protection of wetlands identified as of the highest functional significance on maps supplied by the Division of Coastal Management (where available);
  - (iv) other hazardous or fragile land areas, including but not limited to other wetlands, maritime forests, Outstanding Resource Water areas, shellfishing waters, water supply areas and other waters with special values, cultural and historic resources, and man-made hazards. This discussion may be in terms of the nomination procedure for Areas of Environmental Concern under Section .0500 of 15A NCAC 7H;
  - (v) means of protecting the potable water supply;
  - (vi) the use of package plants for sewage treatment disposal. Discussion of package treatment plants should also include consideration of requirements for the ongoing private operation and maintenance of the plant(s) and provisions for assumption of the plant(s) into the public system should the private operation fail;
  - (vii) stormwater runoff associated with agriculture, residential development, phosphate or peat mining and their impacts on coastal wetlands, surface waters or other fragile areas;
  - (viii) marina and floating home development, moorings and mooring fields, and dry stack storage facilities for boats associated either with or independent of marinas;
  - (ix) industrial impacts on fragile areas;
  - (x) development of sound and estuarine system islands;
  - (xi) restriction of development within areas that might be susceptible to sea level rise;
  - (xii) upland excavation for marina basins;
  - (xiii) the damaging of existing marshes by bulkhead installation; and
  - (xiv) water quality problems and management measures designed to reduce or eliminate local sources of surface water quality problems.
- (2) Resource Production and Management. The plan shall include a basic statement as to the community attitude toward resource production and management:
- (A) Local governments shall discuss the importance of agriculture, forestry, mining, fisheries and recreational resources to the community. The most productive areas shall be identified and values of protecting these productive areas discussed. In addition, the local government should identify, discuss and develop policies for issues that are locally significant.
  - (B) At a minimum, the plan shall contain policy statements on the following resource production and management issues (if relevant):
    - (i) productive agricultural lands;
    - (ii) commercial forest lands;
    - (iii) existing and potential mineral production areas;
    - (iv) commercial and recreational fisheries; including nursery and habitat areas, Outstanding Resource Waters, and trawling activities in estuarine waters;
    - (v) off-road vehicles;
    - (vi) residential, commercial and industrial land development impacts on any resources; and
    - (vii) peat or phosphate mining's impacts on any resource.
- (3) Economic and Community Development. The plan shall include a basic statement as to the community attitude toward growth:
- (A) Local governments shall discuss the types of development which are to be encouraged. In this instance, the term "development" shall include residential, commercial, industrial and institutional development. The plan shall consider the costs and benefits of redevelopment of older areas as well as the creation of new subdivisions or industrial parks.
  - (B) At a minimum, the plan shall contain policy statements on the following economic and community development issues (if relevant):
    - (i) types and locations of industries desired (including discussion of specific sites or standards for sites in general) and local assets desirable to such industries;
    - (ii) local commitment to providing services to development;
    - (iii) types of urban growth patterns desired (including policy regarding development away from existing urban clusters);

- (iv) types, densities, location, units per acre, etc. of anticipated residential development and services necessary to support such development including an assessment of how solid waste disposal will be managed;
  - (v) redevelopment of developed areas including relocation of structures endangered by erosion, paying particular attention to the extent existing zoning allows more intense redevelopment than current uses;
  - (vi) commitment to state and federal programs (for example erosion control, highway improvements, port facilities, dredging, military facilities, housing rehabilitation, community development block grants, housing for low and moderate income level citizens, water and sewer installation, and rural water systems);
  - (vii) assistance to channel maintenance, interstate waterways, and beach nourishment projects (including financial aid, provision of borrow and spoil areas, provision of easements for work);
  - (viii) energy facility siting and development to include specific reference to electric generating plants, both inshore and outer continental shelf (OCS) exploration or development to address the possibilities of refineries, storage, transshipment and the potential negative environmental effect from blowouts, spills etc.;
  - (ix) tourism;
  - (x) public beach and waterfront access. Policies on type and location should be based on an inventory of all publicly owned properties, to include street ends appropriate for access development, all privately owned parcels appropriate for access development, and privately owned parcels where access occurs customarily. State guidelines for beach access locations as expressed in 7M .0303 shall also be considered in site location. These access areas should be indicated on maps in the Land Use Plan and shall provide for the diverse needs of the permanent and peak seasonal populations as well as day visitors.
- (C) In addition to specific policy statements on issues listed in this Paragraph, local governments should pay particular attention in policy development to observed land use trends such as: in inland areas significant changes from lower intensity to higher intensity uses, conversion of agricultural and forest uses to residential or commercial, or from forest to agricultural. Land use trends in estuarine, river and sound areas include residential waterfront development and increases in density of waterfront residential uses; marina, moorings, or dry stack facility development and expansion, floating homes and public and private services provided to support higher intensity uses and the cumulative impact of such trends on water quality. Oceanfront and barrier islands should address the adequacy of existing and planned transportation routes, bridges, water and sewer systems, and other carrying capacity features and local ordinances to accommodate expected and potential changes in land use intensities and overall growth.
- (4) Continuing Public Participation. Local governments shall discuss the means by which public involvement in the Land Use Plan update will be encouraged. The public involvement policies shall be consistent with the concepts set forth in Rule .0215 of this Section. At a minimum, the plan shall address the following public participation issues:
- (A) description of means to be used for public education on planning issues;
  - (B) description of means to be used for continuing public participation in planning; and
  - (C) description of means to be used for obtaining citizen input in developing Land Use Plan policy statements.
- (5) Storm Hazard Mitigation, Post-Disaster Recovery and Evacuation Plans:
- (A) Local governments shall adopt local policies dealing with coastal storm hazard mitigation. The purpose of these policies is to guide the development of the community so that the risk of damage to property and the threat of harm to human life from coastal storms is kept to a minimum level.
    - (i) The following information shall be included in the plan:
      - (I) A description of the likely conditions that the community will experience during a coastal storm; e.g. high winds, storm surge, flooding, wave action, erosion, etc.

- (II) A composite hazards map showing the hazardous areas within the planning jurisdiction. The local government should use the best available information including flood insurance rate maps and other data from the Division of Emergency Management. Each hazardous area should be described in terms of type of hazard that it is likely to be subjected to and the relative severity of risk present.
  - (III) An existing land use inventory for each of the most hazardous areas which portrays the amount of existing development at risk. The intent of this provision can be achieved by overlaying each hazard area upon the existing land use map.
  - (ii) The following coastal storm hazard mitigation policies shall be included in the plan:
    - (I) Policies intended to mitigate the effects of high winds, storm surge, flooding, wave action, erosion, etc.;
    - (II) Policies intended to discourage development, especially high density or large structures in the most hazardous areas;
    - (III) Policies dealing with public acquisition of land in the most hazardous areas;
    - (IV) Policies dealing with evacuation. While it is recognized that evacuation is the responsibility of county emergency management personnel and the Department of Crime Control and Public Safety, Division of Emergency Management, each Land Use Plan should consider the impact of the land use and other policies on evacuation problems. The following should be considered: decreasing density so as to decrease the number of people needing to evacuate; requiring that major residential development (including motels, condominiums and subdivisions of over 30 units) provide adequate emergency shelter for their occupants; ensuring that new public buildings can be adequately used as shelters; participation in a regional evacuation planning process.
  - (B) Post-disaster reconstruction policies are also required as part of the Land Use Plan in order to guide development during the reconstruction period following a disaster so that the community, as it is rebuilt, is less vulnerable to coastal storms than it was before the disaster. The following should be considered in these policies:
    - (i) The county emergency management plan, especially the preparation and response sections;
    - (ii) Local policies which will direct reconstruction over a longer period of time;
    - (iii) The establishment of a "recovery task force" to oversee the reconstruction process and any policy issues which might arise after a storm disaster;
    - (iv) The establishment of a schedule for staging and permitting repairs, including the imposition of moratoria, according to established priorities assigned to the restoration of essential services, minor repairs, major repairs and new development; and
    - (v) The establishment of policies for repair or replacement of public infrastructure, including relocation to less hazardous areas.
  - (6) The Coastal Resources Commission, in consultation with the local government, may, at the beginning of the planning process, specify other issues that must be addressed in particular local Land Use Plans, and the local government may to develop policies on issues that are of particular local importance.
- (b) For each of the policy issues listed in Paragraph (a)(1) through (6) of this Rule, the Land Use Plan shall contain the following: a discussion of the scope and importance of the issue, alternative policies considered, the policy adopted by the local government, and a description of how the local policy (or group of policies) will be implemented.
- (1) Definition of Issues. The local government shall consider, with the aid of the planning board and citizen advisory groups, those issues which will affect the community during the 10-year planning period.
  - (2) Discussion of Possible Policy Alternatives. Alternative scenarios shall be discussed for each land use issue, based upon different population projections and different types of public policy. The costs and benefits to the community shall be analyzed, including cost of providing services and increased revenues from potential development both for the initial action and for the long-term consequences.

- (3) Selection of Policies. The local government shall select policies based upon the data analysis and a discussion of the best possible alternative for each land use issue. The policies that are selected shall be indicated clearly in the plan. The policies shall be reasonable and achievable by the local government within the fiscal constraints and the management system which the local government has established and within the 10-year planning period.
  - (4) Proposed Implementation Methods.
    - (A) The local government shall discuss various methods of achieving each of the policies selected for adoption. The Land Use Plan shall include a description of the methods by which the local government intends to implement its policy choices. Actions which will need to be taken shall be described and a proposed time schedule for these necessary actions shall be outlined.
    - (B) The Land Use Plan should include an analysis of the consistency of all existing land use ordinances and capital improvement plans and budgets with the Land Use Plan. The plan should also discuss the local administrative ability and timing priority for carrying out the policy.
- (c) In the policy discussion process, the local governments shall review and consider all current land use and related plans, policies and regulations which affect the planning jurisdiction as identified in Rule .0206(d) of this Section whether prepared by the local government or another governmental unit. Meetings should be held with the planning and governing boards of all adjoining planning jurisdictions to discuss planning concerns of mutual interest. The plan shall include a list of these joint meetings and the results of those meetings.
- (d) All policies adopted by the local government as a part of the Land Use Plan shall be consistent with the overall coastal policy adopted by the Coastal Resources Commission.

*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.*

#### **15A NCAC 07B .0213 LAND CLASSIFICATION**

- (a) A land classification system has been devised as a means of assisting in the implementation of the local policies adopted pursuant to Rule .0212 of this Section. By delineating land classes on a map, local government and its citizens can specify those areas where certain policies (local, state and federal) will apply. The land classification system should be supported by and consistent with zoning, subdivision and other local growth management tools. Although specific areas are outlined on a land classification map, land classification is merely a tool to help implement policies and not, in the strict sense of the term, a regulatory mechanism. Boundaries of each land classification should be described in the text as clearly as possible. To further clarify its intent, the local government should describe how land classification is linked to policy.
- (b) The final land classification map included in the Land Use Plan shall be clear and legible. This map may be a smaller version of the final map prepared by the planning jurisdiction. One copy of the land classification map which is suitable for entry into a geographic information system (GIS) shall be submitted to the Division of Coastal Management. This map shall reference a standard coordinate system (latitude/longitude or NC State Plane) and have a minimum map scale of 1:100,000 for counties. Higher detail maps should be used for municipal land classification maps. Where feasible, a digital version of the map shall be submitted.
- (c) The land classification system provides a framework to be used by local governments to identify the future use of all lands. The designation of land classes allows the local government to illustrate their policy statements as to where and to what intensity they want growth to occur, and where they want to conserve natural and cultural resources by guiding growth.
- (d) The land classification system includes seven classes: Developed, Urban Transition, Limited Transition, Community, Rural, Rural with Services, and Conservation. The local government may subdivide these classes into more specific subclasses but any subclass should be able to aggregate back to the original class. Some classes may not apply

to each local government; for example, the Community or Rural class may not apply in an incorporated municipality. Local governments may make some distinction between Urban Transition areas, which are intended to reflect intensely developing areas with the full range of urban services to be supplied, and Limited Transition areas that are less intensely developed, may have private services and are frequently located in a rural landscape. Both of these classes are described later in this Rule.

(e) In applying the land classification system the local government should give particular attention to how, where and when development of certain types and intensity will be encouraged or discouraged, based upon the community services analysis conducted in Rule .0210(b) of this Section. Urban land uses and higher intensity uses which presently require the traditional urban services should be directed to lands classified as Developed. Areas developing or anticipated to develop at urban densities which will eventually require urban services should be directed to lands classified as Transition. Low density development in settlements which will not require sewer services should be directed to areas classified as Community. Agriculture, forestry, mineral extraction and other similar low intensity uses and very low-density residential uses should be directed to lands classified as Rural. Generally, public or private water or sewer systems will not be provided in areas classified rural as an incentive for intense development. The land use classification should reflect the future water and wastewater service areas assumed in any water supply plan appendix.

(1) Developed:

- (A) Purpose. The purpose of the Developed class is to provide for continued intensive development and redevelopment of existing cities, towns and their urban environs.
- (B) Description and characteristics. Areas meeting the intent of the Developed classification are currently urban in character where minimal undeveloped land remains and have in place, or are scheduled for the timely provision of, the usual municipal or public services. Urban in character includes mixed land uses such as residential, commercial, industrial, institutional and other uses at high to moderate densities. Services include water, sewer, recreational facilities, streets and roads, police and fire protection. In some instances an area may not have all the traditional urban services in place, but if it otherwise has a developed character and is scheduled for the timely provision of these services, it still meets the intent of the developed classification. Areas developed for predominantly residential purposes meet the intent of this classification if they exhibit:
  - (i) a density of three or more dwelling units per acre; or
  - (ii) a majority of lots of 15,000 square feet or less, which are provided or scheduled to be provided with the traditional urban services; or
  - (iii) permanent population densities that are high and seasonal populations that may swell significantly.
- (C) Discussion. Local governments may subdivide the Developed class into subclasses such as Developed/Multifamily Residential, Developed/Single-family Residential, Developed/Commercial and Developed/Industrial. In applying the Developed class or subclasses, the local government should discuss how, when and where it will provide the services necessary to support the needs of an urban area. This class is designed to illustrate urban intensity development and services necessary to support it and should be applied to existing cities and towns and intense development within the extraterritorial planning jurisdictional area (if any). The Developed class is one of two classes the local government should apply to areas containing intense urban development requiring urban services.

(2) Urban Transition:

- (A) Purpose. The purpose of the Urban Transition class is to provide for future intensive urban development on lands that are suitable and that will be provided with the necessary urban services to support intense urban development.
- (B) Description and Characteristics. Areas meeting the intent of the Urban Transition classification are presently being developed for urban purposes or will be developed in the next five to ten years to accommodate anticipated population and urban growth. These areas are in, or will be in "transition" state of development going from lower intensity uses to higher intensity uses and as such will eventually require urban services. Examples of areas meeting the intent of this class are lands included within municipal extraterritorial planning boundaries and areas being considered for annexation.
  - (i) Areas classified Urban Transition will provide lands for intensive urban growth when lands in the Developed class are not available. Urban Transition lands must be able to support urban development by being generally free of physical limitations

and be served or readily served by urban services. Urban development includes mixed land uses such as residential, commercial, institutional, industrial and other uses at or approaching high to moderate densities. Urban services include water, sewer, streets and roads, police and fire protection that will be made available at the time development occurs or soon thereafter. Permanent population densities in this class will be high and the seasonal population may swell significantly.

- (ii) In choosing land for the Urban Transition class, such land should not include: Areas with severe physical limitations which would make the provision of urban services difficult or impossible, lands which meet the definition of conservation, lands of special value (unless no other alternative exists) such as productive and unique agricultural lands, forest lands, potentially valuable mineral deposits, water supply watersheds, scenic and tourist resources including archaeological sites, habitat for important wildlife species, areas subject to frequent flooding, areas important for environmental or scientific values, lands where urban development might destroy or damage natural systems or processes of more than local concern, or lands where intense development might result in undue risk to life and property from natural or existing manmade hazards.
- (iii) Even though AEC standards occasionally permit Urban Transition type development on a lot-by-lot basis within the various AECs, this classification should not be applied to any AEC.
- (iv) Areas that are predominantly residential meet the intent of this class if:
  - (I) they are approaching three dwelling units per acre, or
  - (II) a majority of the lots are 15,000 square feet or less and will be provided with essential urban services to support this high density development, or
  - (III) are contiguous to existing developed municipal areas.

(3) Limited Transition:

- (A) Purpose. The purpose of the Limited Transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the Urban Transition class, or are geographically remote from existing towns and municipalities.
- (B) Description and Characteristics. Areas meeting the intent of this class will experience increased development during the planning period. They will be in a state of development necessitating some municipal type services. These areas are of modest densities and often suitable for the provision of closed water systems rather than individual wells.
  - (i) Areas classified Limited Transition will provide controlled development with services, but may not be on lands that are suitable for traditional high intensity urban development normally associated with sewers or other services. These may be lands with physical limitations or areas near valuable estuarine waters or other fragile natural systems. Sewers and other services may be provided because such services are already in the area or readily available nearby, because the lands are unsuitable for septic tanks or the cumulative impact of septic tanks may negatively impact significant public resources. Self-contained, large, retirement/vacation developments in otherwise rural areas would meet the intent of this class.
  - (ii) The Limited Transition class is intended for predominately residential development with densities of three units per acre or less, or where the majority of lots are 15,000 square feet or greater. In many areas, lower densities may be necessary and should be discussed. Clustering or development associated with Planned Unit Developments may be appropriate in the Limited Transition class;
  - (iii) Areas which meet the definition of the Conservation class should not be classified Limited Transition; and
  - (iv) Due to its very nature, the Limited Transition land classification may be controversial. As such, if a local government chooses to use this class, it shall describe the circumstances making this classification necessary and shall also describe how this class will help the local government achieve both its economic development and natural resources protection policies. This discussion shall include statements as to why lands included in this classification are appropriate for development which necessitates the provision of services.

- (C) Discussion. As sewer and other services become more widespread, they are frequently extended to areas that are not suitable for high density urban development. The use of such services generally increases environmental protection in these areas if the density of development remains relatively low. The Limited Transition class is intended to provide for appropriate moderate densities of development with the benefits of services. However, the reliability of services such as sewage treatment systems is critical in these areas. If the local government intends to allow the private provision of urban services such as sewage systems and garbage collection, then the local government should require special assurances that these private services will reliably protect the public resources and avoid unnecessary public expenses. Both the Urban Transition and Limited Transition classes are designed to illustrate emerging and developing areas where some appropriate level of services are required.
- (4) Community:
- (A) Purpose. The purpose of the Community class is to provide for clustered, mixed land uses at low densities to help meet the housing, shopping, employment and other needs in rural counties.
  - (B) Description and Characteristics. Areas meeting the intent of the Community class are presently developed at low densities which are suitable for private septic tank use. These areas are clustered residential or commercial land uses which provide both low intensity shopping and housing opportunities and provide a local social sense of a "community". These communities are generally small and some are not incorporated. Very limited municipal type services such as fire protection and community water may be available, but municipal type sewer systems are not to be provided as a catalyst for future development. In some unusual cases sewer systems may be possible, but only to correct an existing or projected public health hazard. Areas developed in a low density fashion in small, dispersed clusters in a larger rural county landscape with very limited or no water and sewer services meet the intent of this class.
  - (C) Discussion. The Community class applies to clustered low intensity development in a rural landscape. This development is usually associated with crossroads in counties. Some "communities" may have or may require municipal type services to avert an existing or anticipated health problem. Even though limited services may be available, these areas should not be shown in the higher intensity land classes, as the major characteristic which distinguishes the Community class from the Developed and Transition classes is that services are not provided to stimulate intense development in a rural setting, but rather to neutralize or avert health problems. Due to the small size of most communities, they will appear as small areas in a dispersed pattern on the county land classification map. This class illustrates small, dispersed groupings of housing and commercial land uses forming "crossroad" communities in a rural landscape.
- (5) Rural:
- (A) Purpose. The Rural class is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Examples include energy generating plants; refining plants, airports, landfills, sewage treatment facilities; fuel storage tanks and other industrial type uses. Very low density dispersed residential uses on large lots with on site water and sewer are consistent with the intent of the rural class. Development in this class should be as compatible with resource production as possible.
  - (B) Description and Characteristics. Areas meeting the intent of the Rural classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Very low density dispersed, single family residential uses are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. Private septic tanks and wells are the primary on site services available to support residential development, but fire, rescue squad and sheriff protection may also be available. Population densities will be very low.

- (C) Discussion. The Rural class is the broadest of the five classes and will generally constitute the major land class on county land classification maps. Local governments may subdivide the Rural class into subclasses such as Rural/Agriculture, Rural/Forestry etc. in order to illustrate where these basic rural activities will occur.
- (6) Rural with Services.
- (A) Purpose. The Rural with Services class is to provide for very low density land uses including residential use where limited water services are provided in order to avert an existing or projected health problem. Development within this class should be low intensity in order to maintain a rural character. Rural water systems, such as those funded by Farmers Home Administration, are or may be available in these areas due to the need to avert poor water quality problems. These systems, however, should be designed to serve a limited number of customers and should not serve as a catalyst for future higher intensity development.
  - (B) Description and Characteristics. Areas meeting the intent of this class are appropriate for very low intensity residential uses, where lot sizes are large, and where the provision of services will not disrupt the primary rural character of the landscape. Private wells and septic tank services may exist, but most development is supported by a closed water system. Other services such as sheriff protection and rural or volunteer fire protection and emergency rescue etc. may also be available.
  - (C) Discussion. This class is intended to be applied where the local government has provided, or intends to provide very limited water services to avert a known or anticipated health problem in a predominantly larger agrarian region.
- (7) Conservation:
- (A) Purpose. The purpose of the Conservation class is to provide for the effective long-term management and protection of significant, limited, or irreplaceable areas. Management is needed due to the natural, cultural, recreational, scenic or natural productive values of both local and more than local concern.
  - (B) Description and Characteristics. Areas meeting the intent of this classification that should be considered for inclusion include:
    - (i) Areas of Environmental Concern (AECs), including but not limited to public trust waters, estuarine waters, coastal wetlands etc., as identified in 15A NCAC 7H;
    - (ii) other similar lands, environmentally significant because of their natural role in the integrity of the coastal region, including but are not limited to wetlands identified on Division of Coastal Management wetland maps, other wetlands, areas that are or have a high probability of providing wildlife habitat, forest lands that are essentially undeveloped and lands which otherwise contain significant productive, natural, scenic, cultural or recreational resources.
  - (C) Discussion. The Conservation class is designed to illustrate the natural, productive, scenic, cultural and recreational features of the coastal zone which make the region a desirable place in which to live, work and visit. As such, the Conservation class should be applied to areas that because of their unique, productive, limited, cultural or natural features should be either not developed at all (preserved), or if developed, done so in an extremely limited and cautious fashion. At a minimum all AECs as defined in 15A NCAC 7H should be included in this class and the Land Use Plan should so state. The local government may and is strongly urged to include other similar areas afforded some level of protection by state or federal agencies, such as "404 wetlands". As AECs should be included in the Conservation class, the local government should acknowledge the distinctions among the various uses the Coastal Management Program permits within each AEC category. The local government may develop its own more restrictive standards for AECs as the state's are considered minimum. At a minimum each plan should include language such as:
    - (i) coastal wetlands - These areas are the most restrictive of all AECs and very few uses are permitted therein; the highest priority is for their preservation as they are well documented in their contribution to the natural productivity of the coastal area.
    - (ii) ocean hazard AECs - These areas include V zones and ocean erodible areas and are known for their vulnerability to storms. Some limited uses are permitted within, even though subject to storm risks. Some development is permitted in these areas if it is well managed and carefully sited to minimize risks to life and property.

- (iii) estuarine shoreline AECs - These areas are located adjacent to estuarine waters AECs and are known for their contribution to the natural productivity of the waters close by. Many uses may be permitted as long as the 30 percent impervious rule is met and development is well managed on individual sites to ensure minimal degradation.
- (iv) other similar lands that are afforded some protection by another agency, such as "404 wetlands" where use and performance standards of that agency will apply.
- (v) other unique lands known for their natural, scenic, historical, cultural or hazardous nature. These areas might include areas identified by the Natural Heritage Program, Pakistanis, savannas, tracts of native forests, undeveloped shorelines etc. When these areas are included in the conservation class the local government should describe the types of uses it deems appropriate, if any, within each area and under what circumstances those uses might be appropriate.

Urban services, public or private, should not be provided in these areas as a catalyst to stimulate intense development. In most cases limited on site services will adequately support any limited development within this class and will also protect the very features which justify the area's inclusion in the Conservation class. Even though AEC standards occasionally permit urban type development on a lot-by-lot basis within the various AECs and services are occasionally provided, this is the exception rather than the rule. The primary intent of the Conservation class is to provide protection for the resources included therein. Mapping of AECs in the Conservation class on the local government's land classification map should be accomplished with the understanding the AECs are intensively defined by their characteristics in 15A NCAC 7H, and therefore maps only indicate approximate locations and are not definitive enough for site specific regulation purposes. Policy development in the Land use Plan should acknowledge the intent of this class and policies should be consistent with the function of areas shown in the Conservation class.

*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.*

#### **15A NCAC 07B .0214 INTERGOVERNMENTAL COORDINATION AND IMPLEMENTATION**

(a) The statements of local policy and the land classification map will serve as the basic tools for coordinating numerous policies, standards, regulations and other governmental activities at the local, state and federal levels. Such coordination may be described by three applications:

- (1) The local land use policies and the land classification map encourage coordination and consistency between local policies and the state and federal governments actions. The local Land Use Plan is the principal document for guiding governmental decisions and activities which affect land uses in the coastal area.
- (2) The local Land Use Plan provides 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 Plan aids in better coordination of regulatory policies and decisions by describing local land use policies and designating specific areas for certain types of activities.

(b) As specified in Rule .0212(c) of this Section, the local government shall ensure that issues and concerns of adjoining planning jurisdictions shall be discussed. This is particularly important when one local government's development policies are inconsistent with those of the adjoining jurisdiction. Meaningful attempts to resolve such conflicts shall be made between the jurisdictions.

*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.*

#### **15A NCAC 07B .0215 PUBLIC PARTICIPATION**

- (a) Local governments shall employ a variety of educational efforts and participation techniques to assure that all segments of the community have a full and adequate opportunity to participate in all stages of plan development. Educational efforts may include, but are not limited to newspaper articles, public service announcements, direct mail, etc. Participatory techniques may include, but are not limited to, neighborhood meetings, questionnaires, newsletters and presentations to civic, business, church and similar groups. To encourage public participation at meetings, the public shall be informed of each public meeting in multiple ways, rather than relying only on a legal notice.
- (b) For all Land Use Plans, a concise Citizen Participation Plan shall be prepared and adopted by the local government at the beginning of the planning process. The Citizen Participation Plan shall be included in the Land Use Plan. At a minimum, the plan shall include the following:
- (1) A designation of the principal local board, agency or department responsible for preparing or updating the Land Use Plan.
  - (2) An explanation of the various means of soliciting public participation such as citizen surveys, questionnaires, informational brochures, community outreach, etc.
  - (3) A schedule of the various opportunities for public information and participation with specific dates.
  - (4) An explanation of how the public will be notified of its opportunities for input.
- (c) A public hearing or a series of meetings shall be conducted at the beginning of the update process. During the meeting the local government shall discuss the statements of local policy found in the current Land Use Plan and the effect of those policies on the community. In addition, the local government will explain the process by which it will solicit the views of a wide cross-section of citizens in the development of undated policy statements.
- (d) The Citizen Participation Plan shall ensure that all economic, social, ethnic and cultural view points are considered as much as possible in the development or update of the Land Use Plan. Where communities have a significant number of non-resident land owners, special efforts should be made by the local government to encourage and facilitate participation of non-residents in the planning process.
- (e) The Land Use Plan shall include an assessment of the effectiveness and adequacy of the citizen participation effort and a description of how local elected officials were involved in all aspects of plan development.
- (f) While final policy decisions will be made by local elected officials, the Citizen Participation Plan is designed to provide the public the opportunity to voice its views on all required policy items.

*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.*

#### **15A NCAC 07B .0216 PLAN REVIEW AND APPROVAL**

- (a) The Coastal Resources Commission will review all plans for technical accuracy, internal consistency, and consistency with other plans. In the event the Commission questions the accuracy of statements, or data contained in a plan, the Commission will withhold approval of the plan and request that the local government support the questionable statement or data. After considering the supporting information, the Commission may reject the plan upon a finding that the statement or data set forth in the plan is not supported by the information supplied by the local government. In the

event the local government does not support the questionable statement or data within 30 days the Commission will reject the plan.

(b) In the event the Commission determines that a plan is internally inconsistent or is inconsistent with other local plans or includes inaccurate data, the Commission may request the local government(s) to provide data to resolve or support the alleged internal inconsistencies or the inconsistencies between plans. After considering the supporting information, the Commission may reject the plan upon finding that the inconsistencies have not been resolved.

(c) State and federal agencies with technical expertise in land use planning and related fields, the Coastal Resources Advisory Council, regional councils of government, and other interested parties will be called upon to participate in the Land Use Plan review process. The participation in the review process of state and federal agencies that have activities in the coastal area is especially important so that they can determine if their concerns are being adequately addressed. The Commission shall consider the recommendations of these parties in determining whether to approve or disapprove local Land Use Plans.

(d) In addition to the basis for withholding or denying approval of Land Use Plans cited above, the Commission shall not approve any plan which:

- (1) is inconsistent with the current North Carolina Coastal Management Plan (other than the Land Use Plan under consideration),
- (2) is inconsistent with the Rules of the Commission, or
- (3) violates state or federal law or policy.

(e) To assist in plan review, the Chairman of the Commission will designate one member of the Commission or the Coastal Resources Advisory Council who shall personally review the planning process and the plan and shall report his/her observations and recommendations to the Commission during the plan approval proceedings.

*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.*