

1 SUBCHAPTER 7B – ~~CAMA~~ STATE GUIDELINES FOR LAND USE PLANNING

2
3 15A NCAC 07B .0601 is amended with changes as published in 30:06 NCR 620 as follows:

4
5 **15A NCAC 07B .0601 AUTHORITY**

6 This Subchapter establishes the rules that local governments shall follow in developing and adopting a Coastal Area
7 Management Act (CAMA) Land Use Plan. land use plan or comprehensive [plan] plan, hereinafter referred to as
8 “the plan”, that meets the Coastal Resources Commission’s (CRC) planning requirements.

9
10 *History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;*

11 *Eff. August 1, 2002;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
13 *2015;*

14 *Amended Eff. February 1, 2016.*

1 **SECTION .0700 – CAMA LAND USE PLANNING REQUIREMENTS**

2

3 15A NCAC 07B .0701 is readopted and amended **with changes** as published in 30:06 NCR 620-621 as follows:

4

5 **15A NCAC 07B .0701 PLANNING OPTIONS**

6 (a) Each county within the coastal area may prepare and adopt a ~~CAMA~~ land use plan or comprehensive **[plan]**
 7 **plan, hereinafter referred to as “the plan”**, that meets the planning requirements adopted by the Coastal Resources
 8 Commission (CRC). The **CRC [Secretary]** shall prepare and adopt a ~~CAMA Land Use Plan~~ **[land-use] plan that**
 9 **meets the CRC’s planning requirements as set forth in Rule .0702 of this Section** for each county that chooses not to
 10 prepare and adopt a ~~CAMA Land Use Plan~~. **[land-use] plan**. Municipalities may develop individual ~~CAMA Land~~
 11 ~~Use Plans~~ **[land-use plans or comprehensive]** plans that meet the CRC’s requirements if:

- 12 (1) the **County county** delegates this authority to the municipality; or
- 13 (2) the **CRC [Secretary]** grants this authority upon **application written request** from a municipality that
 14 is **currently** enforcing its zoning ordinance, its subdivision regulations and the State Building Code
 15 within its jurisdiction.

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

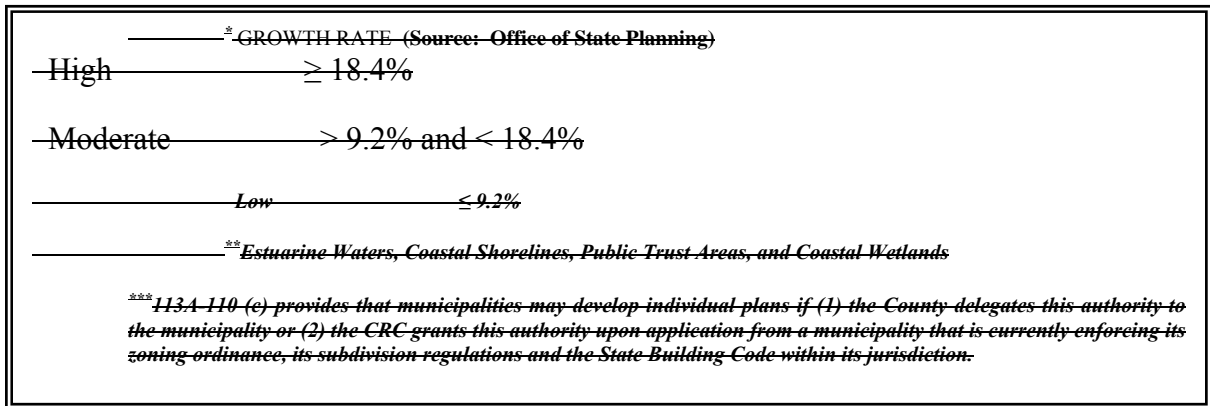
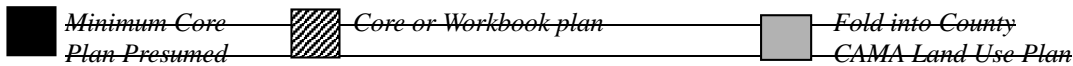
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21 Figure 1: ~~TYPES OF CAMA PLANS PRESUMED FOR MUNICIPALITIES~~

22

		AREAS OF ENVIRONMENTAL CONCERN (AECs)		
POPULATION	GROWTH RATE*	OCEAN HAZARD AREAS	NON-OCEAN HAZARD AREAS**	DO NOT MEET STATUTORY THRESHOLD IN §113A-110 (e)***
≥ 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	■	▨	

23



(e) 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

1 AECs that choose to plan shall prepare a Core Plan if they meet the population and growth rate thresholds as shown
2 in Figure 1. Municipalities with only Non-Ocean Hazard AECs that choose to plan and are at or below the
3 population and growth rate thresholds shown in Figure 1 may prepare a Core Plan or a Workbook Plan.

4 (b) A County county shall accept a municipality's locally adopted policies and implementation actions for
5 inclusion in the County CAMA Land Use Plan [land use] county plan for the municipality's jurisdiction if requested
6 to do so by any municipality not preparing an individual CAMA Land Use Plan. its own [land use] plan. Inclusion
7 of a municipality's adopted policies and implementation actions shall occur either at the time of County CAMA
8 Land Use Plan [land use] county plan preparation or a subsequent County CAMA Land Use Plan [land use] county
9 plan amendment. The municipality's policies and implementation actions are limited to its jurisdiction and may
10 differ from the County's policies. county's policies and implementation actions.

11 (c) Municipalities may seek CRC certification as set forth in Rule 15A NCAC 07B .0803 for these plans if all
12 requirements found in 15A NCAC 07B and G.S. 113A-110 are met.

13
14 *History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;*
15 *Eff. August 1, 2002;*
16 *Readopted and Amended Eff. February 1, 2016.*

1 15A NCAC 07B .0702 is readopted and amended **with changes** as published in 30:06 NCR 621-630 as follows:

2
3 **15A NCAC 07B .0702 ELEMENTS OF CAMA CORE AND ADVANCED CORE LAND USE PLANS**
4 **LAND USE PLAN ELEMENTS**

5 (a) Organization of the Plan. ~~The elements in this Rule provide general direction for development of the CAMA~~
6 ~~Core and Advanced Core Land Use Plans. A detailed Table of Contents shall be included and if the local~~
7 ~~government does not follow the outline described in this Rule, a matrix shall be included~~ **Include a matrix in the**
8 ~~land use plan or comprehensive plan~~ **The land use plan or comprehensive plan, hereinafter referred to as “the plan”,**
9 **shall include a matrix** that shows the exact location of the following required ~~elements.~~ **elements as set forth in this**
10 **Rule.**

11 (b) Community Concerns and ~~Aspirations:~~ Aspirations. The purpose of this element is to provide an understanding
12 of the underlying planning needs and desires of the ~~community.~~ **community to support the land use and**
13 **development policies included in the plan. This element shall include:**

- 14 (1) Significant existing and emerging conditions: ~~The plan shall include a description of~~ **[Describe]**
15 **The plan shall describe** the dominant growth-related conditions that influence land use,
16 development, water quality, and other environmental concerns in the planning area.
- 17 (2) Key issues: ~~The plan shall include a description of~~ **[Describe]** **The plan shall describe** the land use
18 and development topics most important to the future of the planning area. **At a minimum, this**
19 **This** description shall include public access, land use compatibility, infrastructure carrying
20 capacity, natural hazard areas, water quality, and may also include local areas of concern as
21 described in Subparagraph (d)(3) (2) (Land Use Plan Management Topics) of this Rule.
- 22 (3) A community vision: ~~This shall consist of a description of~~ **[Describe]** **The vision shall describe**
23 the general physical appearance and form that represents the local government’s plan for the
24 future. ~~The community vision shall include statements of general~~ **[Include]** It shall include
25 objectives to be achieved by the plan. ~~These objectives shall serve as the foundation for more~~
26 ~~specific objectives and policies stated elsewhere in the CAMA Land Use Plan. The objectives~~
27 ~~shall include~~ plan and identify changes that ~~the local government feels are~~ may be needed to
28 achieve the planning ~~vision.~~ **vision as determined by the local government.**

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

- 34 (1) Population, Housing, and Economy. ~~The plan shall include an analysis and~~ **Include** **The plan shall**
35 **include** discussion of the following data and trends:
36 (A) Population:

- 1 (i) Permanent population growth trends using data from the two most recent
2 decennial Censuses;
- 3 (ii) Current permanent and seasonal population estimates;
- 4 (iii) Key population ~~characteristics;~~ characteristics, including age and income, and
5 ~~(iv) — Age; and~~
6 ~~(v) Income. [Income; and]~~
7 ~~[(vi)](iv) Thirty year projections of permanent and seasonal population in [five year] five-~~
8 ~~year increments.~~
- 9 (B) Housing stock: ~~Estimate~~ The plan shall include an estimate of current housing stock,
10 including permanent and seasonal units, tenure, and types of units (single-family,
11 multifamily, and manufactured).
- 12 (i) ~~Estimate of current housing stock, including permanent and seasonal units,~~
13 ~~tenure, and types of units (single family, multifamily, and manufactured); and~~
- 14 (ii) ~~Building permits issued for single family, multifamily, and manufactured homes~~
15 ~~since last plan update.~~
- 16 (C) Local economy: ~~Employment~~ [Describe employment] The plan shall describe
17 employment by major sectors and ~~description of~~ community economic activity.
- 18 (D) ~~Projections. Short term (five and ten year) and long term (20 year) projections of~~
19 ~~permanent and seasonal population.~~
- 20 (2) Natural systems analysis. ~~The purpose of the natural systems analysis is to describe and analyze~~
21 ~~the systems. [Describe the]~~ The plan shall describe the natural features and discuss the
22 environmental conditions of the planning jurisdiction, and to assess their capabilities and
23 limitations for development. This analysis shall jurisdiction to include:
- 24 (A) ~~Mapping and analysis of natural~~ Natural features; features as follows. ~~The 14 digit~~
25 ~~hydrological units delineated by the Natural Resources Conservation Service shall be~~
26 ~~used as the basic unit of analysis of natural features. Maps of the following natural~~
27 ~~features shall be developed with data provided by DCM or other state agencies for~~
28 ~~analysis and plan development. These maps may be reproduced and included in the~~
29 ~~CAMA Land Use Plan at the option of the local government. If the maps are not included~~
30 ~~in the plan, they shall be made available to the public:~~
- 31 (i) Areas of Environmental Concern ~~(AECs);~~ (AECs) as set forth in Subchapter
32 15A NCAC 07H;
- 33 (ii) Soil characteristics, including limitations for septic tanks, erodibility, and other
34 factors related to development;
- 35 (iii) Environmental Management Commission (EMC) water quality classifications
36 (SC, SB, SA, HQW, and ORW) and related use support designations,
37 designations located at <http://portal.ncdenr.org/web/q/ps/csu/classifications> and

1 ~~provided at no fee;~~ and Division of Environmental Health (DEH) of Marine
2 Fisheries (DMF) shellfish growing areas and water quality ~~conditions;~~
3 ~~conditions located at [http://portal.ncdenr.org/web/mf/shellfish-sanitation-and-](http://portal.ncdenr.org/web/mf/shellfish-sanitation-and-recreational-water-quality)~~
4 ~~recreational-water-quality and provided at no fee;~~

- 5 (iv) Flood and other natural hazard areas;
- 6 (v) Storm surge areas;
- 7 (vi) Non-coastal ~~wetlands~~ ~~wetlands~~, including forested wetlands, shrub-scrub
8 wetlands and freshwater marshes;
- 9 (vii) Water supply watersheds or wellhead protection areas;
- 10 (viii) Primary nursery areas, ~~where mapped;~~ ~~areas;~~
- 11 (ix) Environmentally fragile areas, such ~~as, but not limited to~~ ~~as~~ wetlands, natural
12 heritage areas, areas containing endangered species, prime wildlife habitats, or
13 maritime forests; and
- 14 (x) Additional natural features or conditions identified by the local government.

15 ~~(B) Composite map of environmental conditions:~~

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

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

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

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

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

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

- 36 (i) Water quality:

- 1 (I) Status and changes of surface water quality, including impaired streams
2 from the most recent N.C. Division of Water ~~Quality Basinwide Water~~
3 ~~Quality Plans, Resources Basin Planning Branch Reports, Clean Water~~
4 ~~Act 303(d) List List~~, and other comparable data;
- 5 (II) Current situation and trends on permanent and temporary closures of
6 shellfishing waters as determined by the Report of Sanitary Survey by
7 the Shellfish Sanitation and Recreational Water Quality Section of the
8 N.C. Division of ~~Environmental Health~~; Marine Fisheries;
- 9 (III) Areas experiencing chronic wastewater treatment system malfunctions;
10 and
- 11 (IV) Areas with water quality or public health problems related to non-point
12 source pollution.
- 13 (ii) Natural hazards:
- 14 (I) Areas subject to ~~storm hazards such as~~ recurrent flooding, storm surges
15 and high winds; and
- 16 (II) Areas experiencing significant shoreline erosion as evidenced by the
17 presence of threatened structures or public ~~facilities; and~~ facilities.
- 18 ~~(III) Where data is available, estimates of public and private damage~~
19 ~~resulting from floods and wind that has occurred since the last plan~~
20 ~~update.~~
- 21 (iii) Natural resources:
- 22 (I) Environmentally fragile areas [as defined in Part (c)(2)(A)(ix) of this
23 Rule] or areas where resource functions ~~may be~~ are [being] impacted
24 as a result of development; and
- 25 (II) ~~Areas containing potentially valuable natural resources. [Valuable~~
26 ~~natural]~~ Natural resource areas that are being impacted or lost as a
27 result of incompatible development. These may include, but are not
28 limited to the following: ~~beach quality sand deposits, coastal wetlands,~~
29 ~~protected open space, and agricultural land, that may be impacted or~~
30 ~~lost as a result of incompatible development. land.~~
- 31 (3) ~~Analysis of Existing Land Use and Development. The purpose of the analysis of land use and~~
32 ~~development is to describe and quantify existing patterns of land uses, identify potential land use~~
33 ~~and land use/water use conflicts, determine future development trends, and project future land~~
34 ~~needs. The plan shall include the following mapping and analysis of existing land use: [Include]~~
35 The plan shall include a map and descriptions of the following:
- 36 (A) ~~A map of land including the following:~~ Existing land use patterns, which may include the
37 following categories: Residential, commercial, industrial, institutional, public, dedicated

1 open space, ~~vacant~~, agriculture, forestry, ~~confined animal feeding operations~~, and
2 ~~undeveloped~~; and forestry. Land use descriptions shall include estimates of the land area
3 allocated to each land use and characteristics of each land use category.

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

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

6 (ii) ~~Description of any land use conflicts;~~

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

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

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

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

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

25 (4) ~~Analysis of Community Facilities. The purpose of the analysis of community facilities is to~~
26 ~~evaluate~~ Evaluate ~~The plan shall evaluate~~ existing and planned capacity, location, and adequacy
27 of key community facilities that serve the community's existing and planned population and
28 economic base; as well as those that protect important environmental factors such as water quality;
29 and that guide land development in the coastal area. ~~This analysis~~ These The evaluation shall
30 include:

31 (A) Public and private water supply and wastewater systems. ~~The analysis of water and~~
32 ~~sewer systems shall include a description and map(s) of~~ Describe The plan shall
33 describe existing public and private systems, including existing condition and capacity;
34 ~~location of pipelines, documentation of any capacity.~~ Describe any documented It shall
35 describe any documented overflows, bypasses, or other problems that may degrade water
36 quality or constitute a threat to public health; ~~existing and planned service areas; and~~
37 ~~future needs based on population projections. If any required information is not available~~

1 for private systems, the local government shall so state in the plan and this factor may be
2 eliminated from the analysis. ~~health.~~ ~~Indicate~~ health as documented by the Division of
3 Water Resources (DWR). It shall indicate future needs based on population projections.
4 ~~Map~~ The plan shall include a map of existing and planned service areas.

5 (B) Transportation systems. ~~The analysis of the transportation system shall include a map~~
6 ~~showing: the existing highway system; any~~ ~~Map~~ The plan shall include a map of the
7 existing and planned multimodal systems and port and airport facilities. ~~Describe~~ It
8 shall describe any highway segments deemed by the North Carolina Department of
9 Transportation (NCDOT) as having unacceptable service levels; ~~highway~~ ~~levels.~~
10 ~~Describe highway~~ as documented in the most recent NCDOT Transportation and/or
11 Thoroughfare Plan. It shall describe highway facilities on the current thoroughfare plan;
12 and ~~plan or~~ facilities on the current transportation improvement program. ~~The analysis~~
13 ~~shall also assess the impact of planned highway or other transportation facilities on~~
14 ~~growth levels and development patterns.~~ ~~plan.~~ ~~Describe~~ It shall describe the impact of
15 existing facilities on land use patterns.

16 (C) Stormwater systems. ~~The analysis of public and permitted private stormwater systems~~
17 ~~shall include identification of existing drainage problems in the planning area;~~
18 ~~identification of~~ ~~Describe~~ The plan shall describe the existing public stormwater
19 management system. ~~Identify~~ It shall identify existing drainage problems and water
20 quality issues related to point-source discharges of stormwater runoff; and an overview of
21 potential stormwater system requirements for local governments subject to the EPA's
22 Storm Water Phase II Final Rules. ~~runoff.~~

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

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

32 (A) Water quality;

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

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

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

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

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

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

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

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

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

14 (d) ~~Plan for the Future. Future Land Use. This element of the plan is intended to guide the development and use of~~
15 ~~land in the planning jurisdiction in a manner that achieves its goals for the community and CAMA. Policies~~
16 ~~affecting AECs shall also be used in making CAMA permit decisions. The plan for the future includes the local~~
17 ~~government's goals, land use and development policies, and future land use map: the goals of the [CAMA] Coastal~~
18 ~~Area Management Act through local government land use and development policies, including a future land use~~
19 ~~map. This element shall include:~~

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

22 (A) ~~Community concerns and aspirations identified at the beginning of the planning process;~~
23 ~~and Concerns and Aspirations and Existing and Emerging Conditions shall be considered~~
24 ~~in the development of local government [land use] plan policies as required in [7B .0702~~
25 ~~(b) and (c)] in Rule .0702(b) and (c) of this Section.~~

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

27 (2) ~~Policies:~~

28 (A)(B) ~~Policies included in the land use plan shall be consistent with the goals of the CAMA,~~
29 ~~shall address the CRC management topics for land use plans, Land Use Plan~~
30 ~~Management Topics set forth in (d)(2) of this Rule, and comply with all state and federal~~
31 ~~rules. The CAMA Land Use Plan shall demonstrate how the land use and development~~
32 ~~goals, policies and future land use map, as required in Subparagraph (d)(4) of this Rule,~~
33 ~~will guide the development and use of land in the planning jurisdiction in a manner that is~~
34 ~~consistent with the specific management goal(s), planning objective(s) and land use plan~~
35 ~~requirements of each Management Topic.~~

36 (B) ~~The plan shall contain a description of the type and extent of analysis completed to~~
37 ~~determine the impact of CAMA Land Use Plan policies on the management topics; a~~

1 description of both positive and negative impacts of the land use plan policies on the
2 management topics; and a description of the policies, methods, programs and processes to
3 mitigate any negative impacts on applicable management topics.

4 (C) The plan shall contain a statement that the governing body either accepts state and federal
5 law regarding land uses and development in AECs or, that the local government's policies
6 exceed the requirements of state and federal agencies. If local policies exceed the State
7 and Federal requirements, the CAMA Land Use Plan shall identify which policies exceed
8 these requirements and to what extent. If the governing body intends to rely on Federal
9 and State laws and regulations it shall reference these in the plan. Policies that exceed use
10 standards and permitting requirements found in Subchapter 7H, State Guidelines for
11 Areas of Environmental Concern, shall be identified in the plan.

12 (3)(2) Land Use Plan Management Topics. The purposes of the CRC management topics are to insure
13 that CAMA Land Use Plans ensure that [land use] plans support the goals of the CAMA, to define
14 the CRC's expectations for the land use planning process, land use policies, and to give the CRC a
15 substantive provide a basis for [land use] plan review and certification of CAMA Land Use Plans.
16 certification certification by the CRC. Each of the following management topics (Public Access,
17 Land Use Compatibility, Infrastructure Carrying Capacity, Natural Hazard Areas, Water Quality,
18 and Local Areas of Concern) include three components: a management goal, a statement of the
19 CRC's planning objective, and requirements for the CAMA Land Use Plans: In addition to the
20 management topics outlined below, plans may also include policies to address local areas of
21 concern. Each management topic includes two components: a management goal and planning
22 objectives.

23 (A) Public Access:

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

26 (ii) Planning Objective: ~~Develop comprehensive policies that provide beach and~~
27 ~~public trust water access opportunities for the public along the shoreline within~~
28 ~~the planning jurisdiction. Objectives: Policies shall [that] The plan shall include~~
29 policies that address access needs and opportunities, ~~include~~ with strategies to
30 develop public access, and identify feasible funding options. access and
31 provisions for all segments of the community, including persons with
32 disabilities. Oceanfront communities shall establish access policies for beach
33 areas targeted for nourishment.

34 (iii) ~~Land Use Plan Requirements: Land use plan policies on ocean and public~~
35 ~~waterfront access shall establish local criteria for frequency and type of access~~
36 ~~facilities. These policies shall contain provisions for public access for all~~

1 ~~segments of the community, including persons with disabilities, and shall~~
2 ~~establish access criteria for beach areas targeted for nourishment.~~

3 (B) Land Use Compatibility:

4 (i) Management Goal: Ensure that development and use of resources or
5 preservation of land ~~minimizes direct and secondary environmental impacts,~~
6 ~~balance protection of natural resources and fragile areas with economic~~
7 ~~development,~~ avoids risks to public health, ~~safety and welfare~~ ~~[welfare,]~~ and is
8 ~~[are] consistent with the capability of the~~ land based on considerations of
9 ~~interactions of natural and manmade features.~~ ~~[land.]~~ ~~safety, and welfare.~~

10 (ii) Planning Objective: Objectives: ~~[Policies]~~ ~~The plan shall include policies that~~
11 ~~characterize future land use development patterns and establish mitigation~~
12 ~~criteria and concepts to minimize conflicts.~~

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

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

18 (iii) ~~Land Use Plan Requirements:~~

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

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

26 (C) Infrastructure Carrying Capacity:

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

30 (ii) Planning Objective: ~~Establish level of service policies and criteria for~~
31 ~~infrastructure consistent with Part (c)(3)(D) (Projections of Future Land Needs)~~
32 ~~of this Rule. Objectives: [Policies]~~ ~~The plan shall include policies that establish~~
33 ~~service criteria and ensure improvements minimize impacts to AECs and other~~
34 ~~fragile areas.~~

35 (iii) ~~Land Use Plan Requirements:~~

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

1 ~~(H) Correlate future land use map categories with existing and planned~~
2 ~~infrastructure such as wastewater, water infrastructure and~~
3 ~~transportation.~~

4 (D) Natural Hazard Areas:

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

8 (ii) ~~Planning Objective: Develop policies~~ Objectives: [Policies] The plan shall
9 include policies that establish mitigation and adaptation concepts and criteria for
10 development and redevelopment, including public facilities, and that minimize
11 threats to life, property, and natural resources resulting from ~~development~~
12 ~~located in or adjacent to hazard areas, such as those subject to erosion, high~~
13 ~~winds, storm surge, flooding, or sea level rise.~~ other natural hazards.

14 ~~(iii) Land Use Plan Requirements:~~

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

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

20 (E) Water Quality:

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

23 (ii) ~~Planning Objective: Adopt policies for coastal waters within the planning~~
24 ~~jurisdiction to help ensure that water quality is maintained if not impaired and~~
25 ~~improved if impaired.~~ Objectives: [Policies] The plan shall include policies that
26 establish strategies and practices to prevent or control nonpoint source pollution
27 and maintain or improve water quality.

28 ~~(iii) Land Use Plan Requirements:~~

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

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

36 (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)(3) Future land use map. This map depicts application of [Depict] The plan shall include a map that depicts 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 [Include] infrastructure. The plan shall include map designations with 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: development.~~

~~(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 purpose of this element is to describe the management tools that and actions the local government selects and the actions to be taken will use to implement the CAMA Land Use Plan. land use plan. It also includes a five year schedule for implementation. [This element shall include:]~~

- 1 (1) Guide for land use decision-making. ~~Describe~~ The plan shall describe the ~~specific role and the~~
2 ~~status of the~~ land use ~~plan policies and~~ policies, including the future land use plan map ~~map,~~ in
3 local decisions regarding land use and development.
- 4 (2) ~~Existing development program.~~ Describe Development program. The plan shall describe the
5 community's existing development management program, including local ordinances, codes, other
6 plans and policies, ~~state and federal laws and regulations, and the role that the existing~~
7 ~~management program plays in implementing the plan. This description shall also include the~~
8 ~~community's approach to coordinating these codes and rules to implement the land use and~~
9 ~~development policies.~~ policies.
- 10 (3) ~~Additional tools. Describe any of the following additional tools selected by the local government~~
11 ~~to implement the CAMA land use plan policies:~~
- 12 (A) ~~Ordinances:~~
- 13 (i) ~~Amendments or adjustments in existing development codes required for~~
14 ~~consistency with the plan;~~
- 15 (ii) ~~New ordinances or codes to be developed;~~
- 16 (B) ~~Capital improvements program. New, upgraded or expanded community facilities, such~~
17 ~~as but not limited to the following: water, sewer, stormwater, transportation, and other~~
18 ~~facilities, and policies regarding connections to and extensions of community facilities;~~
- 19 (C) ~~Acquisition program. Planned acquisition of property, easements, or rights of way; and~~
- 20 (D) ~~Specific projects to reach goals.~~
- 21 (4)(3) ~~Action plan/schedule.~~ plan and implementation schedule. ~~Describe~~ The plan shall describe the
22 ~~priority actions that will be taken by the local government to implement the CAMA Land Use~~
23 ~~Plan and specify policies that meet the CRC's~~ [Management Topic] management topic goals and
24 objectives. [Specify] It shall specify the fiscal year(s) in which each action is anticipated to start
25 and finish. ~~The document shall contain a description of~~ Describe It shall describe the specific
26 steps ~~that the local government plans to take to involve the public in monitoring implementation of~~
27 ~~the CAMA Land Use Plan, implement the policies, including the adoption and amendment of~~
28 ~~local ordinances that affect AECs.~~ ordinances, other plans, and special projects. The action plan
29 shall be used to prepare the implementation status report for the CAMA Land Use Plan. [land use]
30 plan.

31

32 *History Note:* Authority G.S. 113A-102; 113A-107(a); 113A-110, 113A-111, 113A-124;
33 Eff. August 1, 2002;
34 Amended Eff. April 1, 2003;
35 Readopted and Amended Eff. February 1, 2016.

1 **SECTION .0800 – ~~CAMA LAND USE PLAN~~ AND AMENDMENT REVIEW AND CRC CERTIFICATION**

2
3 15A NCAC 07B .0801 is adopted **with changes** as published in 30:06 NCR 630 as follows:

4
5 **15A NCAC 07B .0801 STATE REVIEW AND COMMENT ON DRAFT PLAN**

6 ~~[Procedure for Agency Review and Comment.]~~ The Division **of Coastal Management** shall review all draft land use
7 **plans or comprehensive plans, hereinafter referred to as plans,** for consistency with the CRC's requirements for
8 ~~[land use]~~ plans prior to local ~~[adoption.]~~ **adoption, as set forth in Rule 15A NCAC 07B .0702.** The Division shall
9 provide **written** notice to the CRC, other State and Federal Agencies, and adjacent jurisdictions (including non-
10 CAMA areas and if applicable, out of state areas) that the plan is available for review and comment. The review
11 period shall be 30 calendar ~~[days. After the review period ends, comments shall be provided]~~ **days and shall begin**
12 **upon receipt of a plan accepted as complete by the Division, as set forth in Rule 15A NCAC 07B .0702.** The
13 **Division shall provide written comments** to the local government within 45 calendar ~~[days.]~~ **days after the end of the**
14 **review period.**

15
16 *History Note:* Authority G.S. ~~[113A-112; 113A-124.]~~ **113A-106; 113A-107.**

17 *Eff: February 1, 2016.*

1 15A NCAC 07B .0801 is readopted and amended **with changes** as published in 30:06 NCR 630 as follows:

2
3 **15A NCAC 07B .0801 .0802 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS**

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

7 (a) Notice of Public Hearing. The local government shall provide the Secretary **or his or her** designee written notice
8 of the public hearing for local adoption and a copy of the proposed land use plan **or comprehensive plan, hereinafter**
9 **referred to as “the plan”**, or amendment no less than five business days prior to publication of a public hearing
10 notice. The public hearing notice shall include, ~~[per 7B .0803(a)(2),]~~ **as set forth in Rule .0803(a)(2) of this Section,**
11 disclosure of the public’s opportunity to provide written comment to the Secretary following local adoption of the
12 **[land use] plan.**

13 (b) Final Plan Content. The final ~~decision on local policies and all contents of the CAMA Land Use Plan consistent~~
14 with the CAMA land use planning rules **[land use]** plan or amendment shall be ~~made~~ **adopted** by the elected body of
15 each participating local government.

16 (c) Transmittal to the ~~CRC, Division for Certification.~~ The local government shall provide the Executive Secretary
17 of the CRC ~~with as many copies of~~ **or his or her** designee the locally adopted **[land use]** plan ~~as the Executive~~
18 Secretary requests, ~~and plan,~~ a certified statement of the local government adoption action ~~no earlier than 45 days~~
19 and ~~no later than 30 days prior to the next CRC meeting.~~ If the local government fails to submit the requested
20 copies of the locally adopted land use plan and certified statement to the Executive Secretary within the specified
21 timeframe, the local government may resubmit documents within the specified timeframe for consideration at the
22 following CRC meeting. ~~action, and documentation that it has followed the public hearing process required in G.S.~~
23 **113A-110. The locally adopted **[land use]** plan or amendment shall be submitted at least 45 calendar days prior to**
24 **the CRC meeting on which it will be considered for certification.**

25 **(d) For joint plans originally adopted by each participating jurisdiction, each government retains its sole and**
26 **independent authority to make amendments to the plan as it affects its jurisdiction.**

27
28 *History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;*
29 *Eff. August 1, 2002.*
30 *Amended Eff. January 1, 2007; February 1, 2006;*
31 *Readopted and Amended Eff. February 1, 2016.*

1 15A NCAC 07B .0802 is readopted and amended with changes as published in 30:06 NCR 630-631 as follows:
2

3 **15A NCAC 07B .0802 .0803 PRESENTATION TO COASTAL RESOURCES COMMISSION FOR**
4 **CERTIFICATION AND USE OF THE PLAN**

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

8 ~~(b)(a) Committee Designated by CRC to Review Local [Secretary] CRC Certification of Land Use Plans: Plans and~~
9 ~~Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or~~
10 ~~comprehensive plans, hereinafter referred to as "the plan", or plan amendments. The procedures are as follows:~~

11 (1) ~~The appropriate DCM Division District Planner shall submit a written report to the committee~~
12 ~~designated by the CRC as to the type of plan being presented, highlight any unique characteristics~~
13 ~~of the plan, identify any land use conflicts with adjacent planning jurisdictions or other~~
14 ~~state/federal agencies, identify any inaccuracy or inconsistency of items in the plan, and~~
15 ~~recommend certification, conditional certification, or non-certification. [Secretary] CRC on the~~
16 ~~locally adopted [land use] plan or amendment and either recommend certification or identify how~~
17 ~~the plan or amendment does not meet the procedures and conditions for [certification.]~~
18 ~~certification as set forth in Sub-paragraph (a)(3) of this Rule.~~

19 (2) ~~The local government shall submit its draft Land Use Plan to the committee designated by the~~
20 ~~CRC.~~

21 ~~(3)(2) The public shall have an opportunity to submit written objections, comments, or statements of~~
22 ~~support prior to action by the committee designated by the CRC. objections or comments on the~~
23 ~~locally adopted [land use] plan or amendment prior to action by the [Secretary.] CRC. Written~~
24 ~~objections or comments shall be received by DCM no less than 15 business days prior to the next~~
25 ~~scheduled CAMA Land Use Plan review meeting and the Division no more than 30 calendar days~~
26 ~~after local adoption of the [land use] plan or [amendment.] amendment. Written objections shall be~~
27 ~~limited to the criteria for CRC certification as defined in Subparagraph ~~(e)(3)~~ (a)(3) of this Rule.~~
28 ~~Written objections Rule, and shall identify the specific plan elements that are opposed. ~~A copy of~~~~
29 ~~any Written objections or comments shall be sent by the DCM Division to the local government~~
30 ~~submitting the CAMA Land Use Plan. [land use] plan or amendment. Written objections or~~
31 ~~comments shall be considered by the CRC in the certification of the local [land use] plan or~~
32 ~~amendment.~~

33 (4)(3) ~~The local government may withdraw the submitted CAMA Land Use Plan from CRC~~
34 ~~consideration at any time before review. The [Secretary] CRC shall certify [land use] plans and~~
35 ~~amendments following the procedures and conditions specified in this Rule. The [Secretary] CRC~~
36 ~~shall certify plans and amendments which:~~

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

1 (B) are consistent with the Rules rules of the CRC;

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

3 (D) contain policies that address each Management Topic management topic as set forth in
4 Rule 15A NCAC 07B .0702(d)(2).

5 (4) If the land use plan or amendment does not meet certification requirements requirements, the
6 Secretary CRC shall within 45 calendar days inform the local government how the plan or
7 amendment does not meet the procedures and conditions for certification.

8 (b) Copies of the Plan. Within 90 calendar days of certification of the land use plan or an amendment
9 amendment, the local government shall provide one printed and one digital copy of the land use plan to the
10 Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and
11 amendments shall be published on the cover.

12 (c) Use of the Plan. Once certified, the land use plan shall be utilized in the review of the CAMA permits in
13 accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement
14 responsibility by choosing from the following:

15 (1) Local administration administration: The local government reviews the CAMA permits for
16 consistency with the land use plan plan;

17 (2) Joint administration administration: The local government identifies policies, including the
18 future land use map and implementation actions that will be used by the Division for the CAMA
19 permit consistency reviews reviews or;

20 (3) Division administration administration: The Division reviews the CAMA permits for
21 consistency with the land use plan policies, including the future land use map and
22 implementation actions.

23 (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan
24 updates and amendments.

25 ~~(e) CRC Certification:~~

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

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

32 ~~(3) The CRC shall certify plans which:~~

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

35 ~~(B) are consistent with the Rules of the CRC;~~

36 ~~(C) do not violate state or federal law;~~

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

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

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

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

18
19 *History Note: Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;*
20 *Eff. August 1, 2002;*
21 *Amended Eff. April 1, 2008; September 1, 2006;*
22 *Readopted and Amended Eff. February 1, 2016.*

1 15A NCAC 07B .0804 is adopted **with changes** as published in 30:06 NCR 632 as follows:

2

3 **15A NCAC 07B .0804 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS**

4 **(e)** Jurisdictions with a locally adopted and certified land use plan shall submit an Implementation Status Report **to**
5 **the Division of Coastal Management** every two years from the date of initial ~~certification~~ **certification by the**
6 **CRC**. This report shall be based on implementation actions that meet the CRC's Management Topic goals and
7 objectives, as indicated in the action ~~plan~~ **plan pursuant to Rule 07B .0702(e)(3) of this Section**. The
8 **Implementation Status Report shall also identify:**

- 9 (1) All local, state, ~~federal~~ **federal**, and joint actions that have been undertaken successfully to
10 implement its certified land use plan;
11 (2) Any actions that have been delayed and the reasons for the delays;
12 (3) Any unforeseen land use issues that have arisen since certification of the land use plan; and
13 (4) Consistency of existing land use and development ordinances with current land use plan policies.

14

15 *History Note:* Authority G.S. ~~113A-112; 113A-124;~~ **113A-106; 113A-107.**

16 *Eff. February 1, 2016.*