

1 15A NCAC 07B .0702 is proposed for amendment as follows:

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3 **15A NCAC 07B .0702 LAND USE PLAN ELEMENTS**

4 (a) Organization of the Plan. The land use plan or comprehensive plan, hereinafter referred to as "the plan", shall  
5 include a matrix that shows the location of the required elements as set forth in this Rule.

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

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

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

16 (3) A community vision: The vision shall describe the general physical appearance and form that  
17 represents the local government's plan for the future. It shall include objectives to be achieved by  
18 the plan and identify changes that may be needed to achieve the planning vision as determined by  
19 the local government.

20 (c) Existing and Emerging Conditions. The purpose of this element is to provide a sound factual basis necessary to  
21 support the land use and development policies included in the plan. It shall describe the following:

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

24 (A) Population:

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

27 (ii) Current permanent and seasonal population estimates;

28 (iii) Key population characteristics, including age and income, and

29 (iv) Thirty year projections of permanent and seasonal population in five-year  
30 increments.

31 (B) Housing stock: The plan shall include an estimate of current housing stock, including  
32 permanent and seasonal units, tenure, and types of units (single-family, multifamily, and  
33 manufactured).

34 (C) Local economy: The plan shall describe employment by major sectors and community  
35 economic activity.

36 (2) Natural systems. The plan shall describe the natural features and discuss the environmental  
37 conditions of the planning jurisdiction to include:

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- (A) Natural features as follows.
  - (i) Areas of Environmental Concern (AECs) as set forth in 15A NCAC 07H;
  - (ii) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;
  - (iii) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations located at <http://portal.ncdenr.org/web/q/ps/csu/classifications> and provided at no fee; and Division of Marine Fisheries (DMF) shellfish growing areas and water quality conditions located at <http://portal.ncdenr.org/web/mf/shellfish-sanitation-and-recreational-water-quality> and provided at no fee;
  - (iv) Flood and other natural hazard areas;
  - (v) Storm surge areas;
  - (vi) Non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes;
  - (vii) Water supply watersheds or wellhead protection areas;
  - (viii) Primary nursery areas;
  - (ix) Environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or maritime forests; and
  - (x) Additional natural features or conditions identified by the local government.
- (B) Environmental conditions. The plan shall provide an assessment of the following environmental conditions and features:
  - (i) Water quality:
    - (I) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Resources Basin Planning Branch Reports, Clean Water Act 303(d) List, and other comparable data;
    - (II) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation and Recreational Water Quality Section of the N.C. Division of Marine Fisheries;
    - (III) Areas experiencing chronic wastewater treatment system malfunctions; and
    - (IV) Areas with water quality or public health problems related to non-point source pollution.
  - (ii) Natural hazards:
    - (I) Areas subject to recurrent flooding, storm surges and high winds; and

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- (II) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities.
- (iii) Natural resources:
  - (I) Environmentally fragile areas (as defined in Sub-Part (c)(2)(A)(ix) of this Rule) or areas where resource functions are impacted as a result of development; and
  - (II) Natural resource areas that are being impacted or lost as a result of incompatible development. These may include, but are not limited to the following: coastal wetlands, protected open space, and agricultural land.
- (3) Existing Land Use and Development. The plan shall include a map and descriptions of the following:
  - (A) Existing land use patterns, which may include the following categories: Residential, commercial, industrial, institutional, public, dedicated open space, vacant, agriculture, and forestry. Land use descriptions shall include estimates of the land area allocated to each land use and characteristics of each land use category.
  - (B) Historic, cultural, and scenic areas designated by a state or federal agency or by local government.
- (4) Community Facilities. The plan shall evaluate existing and planned capacity, location, and adequacy of community facilities that serve the community's existing and planned population and economic base; as well as those that protect important environmental factors such as water quality; and that guide land development in the coastal area. The evaluation shall include:
  - (A) Public and private water supply and wastewater systems. The plan shall describe existing public and private systems, including existing condition and capacity. It shall describe any documented overflows, bypasses, or other problems that may degrade water quality or constitute a threat to public health as documented by the Division of Water Resources (DWR). It shall indicate future needs based on population projections. The plan shall include a map of existing and planned service areas.
  - (B) Transportation systems. The plan shall include a map of the existing and planned multimodal systems and port and airport facilities. It shall describe any highway segments deemed by the North Carolina Department of Transportation (NCDOT) as having unacceptable service as documented in the most recent NCDOT Transportation and/or Thoroughfare Plan. It shall describe highway facilities on the current thoroughfare plan or facilities on the current transportation improvement plan. It shall describe the impact of existing facilities on land use patterns.
  - (C) Stormwater systems. The plan shall describe the existing public stormwater management system. It shall identify existing drainage problems and water quality issues related to point-source discharges of stormwater runoff.

1 (d) Future Land Use. This element of the plan is intended to guide the development and use of land in a manner that  
2 achieves the goals of the Coastal Area Management Act through local government land use and development policies,  
3 including a future land use map. This element shall include:

4 (1) Policies.

5 (A) Definitions:

6 (i) Policy: A specified policy statement and the future land use map and its  
7 designation descriptions.

8 (ii) Exceeding Policy: A policy that is more stringent than the use standards and  
9 permitting requirements found in Subchapter 07H, State Guidelines for Areas of  
10 Environmental Concern, or that establishes a standard for development activity  
11 no addressed within Subchapter 07H.

12 (iii) Enforceable Policy: A policy that is definitive and regulatory in its wording and  
13 not open to broad interpretation.

14 ~~(A)~~ (B) Community Concerns and Aspirations and Existing and Emerging Conditions shall be  
15 considered in the development of local government plan policies as required in Rule  
16 .0702(b) and (c) of this Section.

17 ~~(B)~~ (C) Policies shall be consistent with the goals of the CAMA, shall address the Land Use Plan  
18 Management Topics set forth in Subparagraph (d)(2) of this Rule, and comply with all state  
19 and federal rules.

20 ~~(C)~~ (D) ~~Policies that exceed use standards and permitting requirements found in Subchapter 7H,~~  
21 ~~State Guidelines for Areas of Environmental Concern,~~ Exceeding policies shall be  
22 identified in the plan. For each policy that exceeds the use standards and permitting  
23 requirements found in Subchapter 07H, a description that cites the rule being exceeded and  
24 explains how the rule is exceeded shall be provided.

25 (E) Enforceable policies shall be identified in the plan.

26 (F) Local governments shall select from the list of exceeding and enforceable policies that will  
27 be used in the review of CAMA permits.

28 (G) Local governments with plans certified prior to the effective date of this rule may amend  
29 their plan to identify enforceable policies and select from the identified enforceable policies  
30 those that will be used in the review of CAMA permits. In the absence of local government  
31 selected enforceable policies, the Division and its Local Permit Officers shall use all  
32 policies that meet the definition of enforceable in the review of CAMA permits.

33 (2) Land Use Plan Management Topics. The purposes of the CRC management topics are to ensure  
34 that plans support the goals of the CAMA, define the CRC's expectations for land use policies, and  
35 provide a basis for plan review and certification by the CRC. In addition to the management topics  
36 outlined below, plans may also include policies to address local areas of concern. Each management  
37 topic includes two components: a management goal and planning objectives.

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- (A) Public Access:
  - (i) Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.
  - (ii) Planning Objectives: The plan shall include policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. Oceanfront communities shall establish access policies for beach areas targeted for nourishment.
- (B) Land Use Compatibility:
  - (i) Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to public health, safety, and welfare.
  - (ii) Planning Objectives: The plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.
- (C) Infrastructure Carrying Capacity:
  - (i) Management Goal: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected or restored.
  - (ii) Planning Objectives: The plan shall include policies that establish service criteria and ensure improvements minimize impacts to AECs and other fragile areas.
- (D) Natural Hazard Areas:
  - (i) Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.
  - (ii) Planning Objectives: The plan shall include policies that establish mitigation and adaptation concepts and criteria for development and redevelopment, including public facilities, and that minimize threats to life, property, and natural resources resulting from erosion, high winds, storm surge, flooding, or other natural hazards.
- (E) Water Quality:
  - (i) Management Goal: Maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries.
  - (ii) Planning Objectives: The plan shall include policies that establish strategies and practices to prevent or control nonpoint source pollution and maintain or improve water quality.

1 (3) Future land use map. The plan shall include a map that depicts the policies for growth and  
2 development, and the desired future patterns of land use and land development with consideration  
3 given to natural system constraints and infrastructure. The plan shall include map designations with  
4 descriptions of land uses and development.

5 (e) Tools for Managing Development. The purpose of this element is to describe the management tools and actions  
6 the local government will use to implement the ~~plan~~. plan and, if applicable, how enforceable policies are used in the  
7 CAMA permit reviews. This element shall include:

8 (1) Guide for land use decision-making. The plan shall describe the role of the plan policies, including  
9 the future land use map, in local decisions regarding land use and development.

10 (2) Development program. The plan shall describe the community's development management  
11 program, including local ordinances, codes, other plans and policies.

12 (3) Action plan and implementation schedule. The plan shall describe the actions that will be taken by  
13 the local government to implement policies that meet the CRC's management topic goals and  
14 objectives. It shall specify the fiscal year(s) in which each action is anticipated to start and finish.  
15 It shall describe the specific steps the local government plans to take to implement the policies,  
16 including the adoption and amendment of local ordinances, other plans, and special projects. The  
17 action plan shall be used to prepare the implementation status report for the plan.

18 (4) The plan shall describe the role of any enforceable policies selected by the local government for use  
19 in the review of CAMA permits in accordance with G.S. 113A-111.

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21 *History Note: Authority G.S. 113A-102; 113A-107(a); 113A-110; 113A-111; 113A-124;*  
22 *Eff. August 1, 2002;*  
23 *Amended Eff. April 1, 2003;*  
24 *Readopted Eff. February 1, 2016;*  
25 *Amended Eff. July 1, 2023.*