Memorandum

To: Coastal Resources Commission

From: Frank Rush, Chairman 7B Review Sub-Committee
John Thayer, DCM

Date: November 4, 2010 (CRC Mtg. November 17, 2010)

Subject: Status of 7B Review Sub-Committees Activities

Overview: The sub-committee has met three (3) times including a conference call that was the initial organizational meeting in May of this year. The committee consists of three CRC members (Charles 'Boots' Elam, Ed Mitchell and Bill Peele) and five CRAC members (Frank Rush, Christine Mele, Lee Padrick, Dara Royal, and Tim Tabak).

June Meeting:

DCM staff provided an overview of the 7B rules, a brief history of the rules as well as flagged general issues that have arisen since the Guidelines became effective in August of 2002. Attached are summary minutes from the meeting, as well as a handout version of the power point presentation from that meeting.

During the meeting it was recognized that the current Technical Manual for Land Use Planning lacks guidance and detail for certain requirements in the rules including community infrastructure, carrying capacity and projection of land needs analysis.

The committee asked staff to report back, at the planned mid August meeting, with mock rule language options for the issues flagged as well as consideration of various state initiatives including sustainable communities, working waterfronts and sea level rise.

The August meeting was cancelled due to staff needing additional time to complete the "strawman" 7B example of revisions in the proper context. Also, extra time was needed to do the mock up approaches for sea level rise.

October Meeting:

At the October meeting the committee reviewed both suggested clarifications and additions to the 7B Guidelines as well as two approaches to including sea level rise into the LUP process.

The committee expressed its general concurrence with the suggested clarifications and additions to the 7B Guidelines and flagged a few items for additional consideration and discussion at a future meeting.

During discussions staff noted that many issues would be better addressed in an update of the Technical Manual than rule adjustments. Noted was that though the Manual was developed parallel to the rewrite of 7B that serious gaps need to be addressed. Additionally the manual update needs to benefit from the experiences and lessons learned from staff and the communities using the rules.

Mock Sea Level Rise (SLR) Approaches: The committee then reviewed two (2) staff prepared mock example approaches towards inclusion of the issues associated with SLR into the 7B Guidelines for discussion purposes. One approach discussed would be to only add an "assessment" requirement as part of the LUPs background analysis as part of existing and emerging conditions. The assessment area only concept would be within a state provided 'Sea Level Rise Study Boundary' area.

The assessment's orientation would be to recognize public infrastructure and facilities that could be vulnerable to SLR. The presumption is that the initial boundary would be based on a shorter time line than 100 years and that the state would also be in the position to provide other information, such as the results from the current FEMA SLR Storm Risk Study, scheduled to be completed in September 2011. In this approach the local government would not be required to develop policy.

The second approach would build upon the assessment first, by also formally requiring the development of policy. The mock scenario discussed would add objectives to the existing "Natural Hazards Management Topic", folding in SLR. The more formal inclusion of SLR would ensure the issue is on equal footing with other policy development and require some linkage or reflection resulting from the assessment on/with the FLUPM.

At the conclusion of the discussion, the committee expressed general concurrence with the first approach, primarily to pursue SLR at a more measured pace initially. The committee indicated that LUPs should include some formal assessment of SLR vulnerability now to encourage communities to be thinking about SLR, but indicated that a requirement for communities to develop actual SLR policy should occur gradually over time. The committee directed staff to provide at the December meeting, an example of how and where just the assessment process could be placed within the background analysis section of 7B .0700.

Also for the next agenda is a discussion of the process for federal acceptance of local LUPs following state certification. Included will be issues associated with DCM staff having to identify enforceable local policies to be used in the federal consistency process. Summary minutes for the October meeting are also attached.

Meetings Beyond December 2010:

The next committee meeting is tentatively scheduled for Thursday, December 16. The committee has yet to schedule additional meetings for 2011. Meetings have been scheduled for opposite months from CRC meetings to provide the opportunity to brief the CRC. The first meeting in 2011 will probably occur in March.

After the next December meeting, DCM staff is proposing to more formally begin meeting with various stakeholders including local governments, consultants and other state agencies. The result of those meetings is presumed to be on the agenda for the first meeting in the new-year.

Based on this schedule scenario the committee may be ready to provide recommendations at either the CRC's April or June meeting of next year.

ATTACHMENTS: Minutes from the June and October 7B Subcommittee meetings.

7B Sub-Committee Meeting Minutes – June 15, 2010

The Land Use Plan (LUP) 7-B Rules Review Committee met on June 15, 2010 from 1:00 to 4:00 at the DCM Headquarters office in Morehead City.

The purpose of the meeting was to discuss the role of the committee, to give an overview of the CAMA Act as it relates to land use planning, and to give an historic perspective of the last 7B and 7L rules review and discuss how that review was ultimately reflected in the current land use plan rules. Another purpose of the meeting was to talk about current strengths and weaknesses of the Technical Manual for Coastal Land Use Planning, as well as to discuss other state initiatives and issues as it relates to land use planning such as climate change and hazard mitigation. The meeting slide presentation is incorporated into these minutes as an ATTACHMENT.

There was considerable discussion between the committee and staff regarding the current process of creating a land use plan. Currently, developing a land use plan is a two year process with the first year consisting of mostly data and information gathering, while the second year consists of policy development and policy analysis. It was recognized that because of the two year process, information and data gathered during the first year did not, in many cases, translate into good policy. It was also noted that the lack of adequate funding hindered the development of good, high quality plans.

Staff talked with the committee regarding the lack of detailed information on some of the Management Topics within the plans, such as public access. It was noted that each plan should identify all current public access facilities within a community, as well as possible future public access sites.

There was discussion that the current Technical Manual for Coastal Land Use Planning lacks detail in certain areas of the rules, particularly in areas such as community analysis, infrastructure and carrying capacity, and projection of future land needs.

It was discussed that the Land Suitability Analysis (LSA) model lacks current data and does not work well for small communities. The committee discussed the possibility of exempting certain communities from the LSA and asked staff to report back with other options to consider as a tool as it relates to the LSA. During this discussion, it was recognized that there is a need for better coordination with other agencies as it relates to gathering the latest and best available data, mapping, and hazards identification (natural and manmade).

The committee also discussed a need for more multi-jurisdictional plans and multi-functional plans. Staff noted that some cities and counties have had success in preparing joint land use plans, while other counties have had success in creating plans in which multiple small jurisdictions have participated in the planning process, and rely on the county plan for planning

and permitting purposes. There was also a brief discussion of the need for more land use planning educational outreach for elected officials and citizens.

At the conclusion of the meeting, the committee asked staff to report back at the next meeting with rule mock-language options to consider with regards to issues discussed, as well as consideration of other State initiatives such as working waterfronts, sustainable communities and climate change. The committee also instructed staff to provide a brief overview of the process and issues associated with LUP's enforceable policies.

The meeting adjourned at 3:45 pm.

The following are the issues flagged in the power point presentation

Analysis of Existing & Emerging Conditions

- Use of outdated data
- Need for longer term projections in 5-year increments
- Lack of compiled data translating to policy and implementation (linkage)

Natural Systems Analysis

- Lack of analysis at the 14-digit hydrological unit level (Watershed)
- No new data created by community, just inserting data from existing sources
- Lack of compiled data analysis translating to policy and implementation (linkage)

Analysis of Land Use & Development

- Clarification needed concerning vacant v/s undeveloped land inventory
- Projected Land Needs to include all land uses, not just residential
- Need for longer term projected land needs in 5-year increments
- Lack of analysis for short term development trends

Analysis of Community Facilities

- Addressing private water & sewer systems along w/other community facilities analysis.
- Need for more detailed Transportation information
- Needed clarification concerning applicable EPA Phase II or DWQ stormwater rules
- Need for incorporation of other community facilities (inc: schools, hospitals, parks, airports, energy.....)

- Need for Public Access site inventory and to include future possible sites

Land Use Suitability Analysis (LSA)

- Scale of information used for the LSA model is not as effective for smaller communities
- Needed assessment of the model as an effective tool for guiding development

Review of the Current CAMA Land Use Plan

- Retool this section for a review of plans created under the 2002 rules

Plan for the Future

- Confusing rule language that suggests deferring to State and Federal requirements will sufficiently address Management Topics
- Need for reformatting rule section to properly cite the final paragraph – (map conflicts, costs facilities per Future Land Use Plan Map, land needs vs. FLUPM)

Public Access

- Ensure existing sites inventoried
- Need for policy to address protection of historic/traditional access areas and working waterfronts
- Criteria

Land Use Compatibility

- Compatibility with hazards, including man-made hazards, needs to be addressed
- Fire, explosive and chemical risks, noise, traffic, intensive versus none intensive uses

Infrastructure Carrying Capacity

- Avoidance of establishing service area boundaries
- Need to address use of package treatment and alternative systems for wastewater control
- Other community and institutional facilities need to be included

Natural Hazards

- Reliance on the local Hazard Mitigation Plan to address the Management Topic
- Sea Level Rise
- Other State Initiatives

Water Quality

- Deferring to State stormwater and other state and federal rules rather than providing local policy
- Revisit the Land Use Plan Requirement to establish policy to restore closed shellfishing waters

Local Areas of Concern

- Approach the Land Use Plan as a comprehensive plan that can include local area plans/sector plans
- Address emerging topics such as Sea Level Rise, Climate Change, and Alternative Energy Sources
- Better address and incorporate State initiatives

Policy and Future Land Use Map Impact Analysis

- Need for more definitive guidance
- Need to incorporate GIS build-out scenario analysis, including a review of existing zoning as well as proposed future land use

Tools for Managing Development

- Need to address Land Use Plan Amendments in this section, especially where municipalities are part of the County LUP

Other Issues

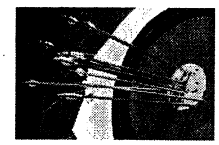
- Sea Level Rise as a Management Topic or folded into other Topics
- Identification of "enforceable policy" for purposes of state and federal consistency
- Needed update to the Technical Manual
- One size fits all
- Recognizing other planning concepts such as LID, smart growth, sustainable communities.

LAND USE PLANNING RULES REVIEW

7B Sub-Committee Meeting

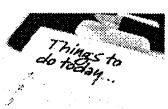
June 15, 2010

Meeting Objective:



To acquaint the committee with the Land Use Plan Requirements and the process required prior to the Coastal Resources Commission certifying a Land Use Plan (LUP).

Meeting Agenda



1. Introductions
2. CAMA Act and Previous 7B and 7L Rules Review
3. Mini-SWOT Analysis
4. LUP Rules, Issues and Practices
5. What Else Does the Committee Want to Know?
6. Next Meeting

Coastal Area Management Act of 1974 (CAMA)

- Cooperative State-local program
- Coastal Resources Commission (CRC)
- Land-use plans
  - Effect of land use plan
  - Planning grants

§ 113A-101. Cooperative State-local program.

This Article establishes a cooperative program of coastal area management between local & State governments. Local government shall have the initiative for planning. State government shall establish areas of environmental concern. With regard to planning, State government shall act primarily in a supportive standard-setting and review capacity, except where local governments do not elect to exercise their initiative. Enforcement shall be a concurrent State-local responsibility.

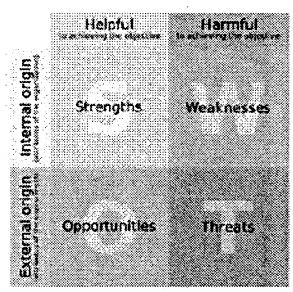
§113A-111. Effect of land-use plan.

No permit shall be issued under Part 4 of this Article for development which is inconsistent with the approved land-use plan for the county in which it is proposed. No local ordinance or other local regulation shall be adopted which, within an area of environmental concern, is inconsistent with the land-use plan of the county or city in which it is effective; any existing local ordinances and regulations within areas of environmental concern shall be reviewed in light of the applicable local land-use plan and modified as may be necessary to make them consistent therewith. *All local ordinances and other local regulations affecting a county within the coastal area, but not affecting an area of environmental concern, shall be reviewed by the Commission for consistency with the applicable county and city land-use plans and, if the Commission finds any such ordinance or regulation to be inconsistent with the applicable land-use plan, it shall transmit recommendations for modification to the adopting local government.*

Previous LUP Rules Review

- TIMELINE
  - November 1998 - LUP Moratorium
  - March 1999 to September 2000 - Review Team Meetings
  - September 2000 - Review Team Report
  - August 2002 New 7B & 7L Rules effective
- KEY FINDINGS
- RECOMMENDATIONS

SWOT Analysis

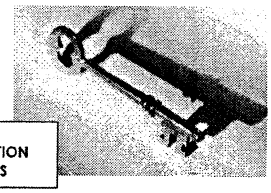


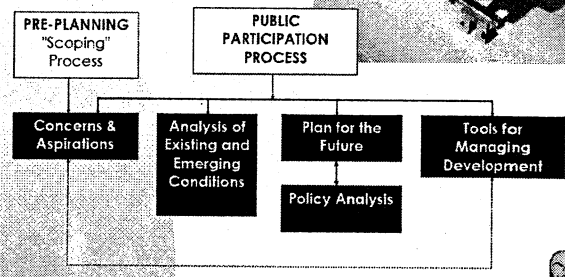
7B CAMA LAND USE PLANNING RULES

- PLANNING OPTIONS
- ELEMENTS OF CAMA CORE PLANS
  - Organization of the Plan
  - Community Concerns and Aspirations
  - Analysis of Existing and Emerging Conditions
  - Plan for the Future
  - Tools for Managing Development

Land Use Plan

Key Components





Land Use Planning 3 Basic Questions

- Where are we now?
  - Existing Conditions/AECs
- Where do we want to go?
  - Land Suitability Analysis/Population Projections/Future Services Demand
- How do we get there?
  - Goals/Objectives/Policies/Actions
  - Policy Impact Analysis

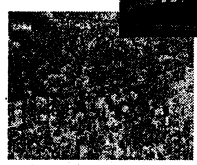
Land Use Plan Elements

Community Concerns and Aspirations

- Significant Existing and Emerging Conditions
- Key Issues
- Community Vision

Land Use Plan Elements

Analysis of Existing and Emerging Conditions



- Population
- Housing
- Local Economy
- Population Projections

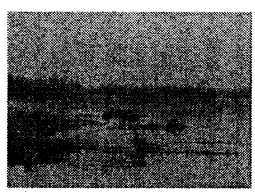
Analysis of Existing and Emerging Conditions

ISSUES

- Use of outdated data
- Need for longer term projections in 5-year increments
- Lack of compiled data translating to policy and implementation (linkage)

Land Use Plan Elements

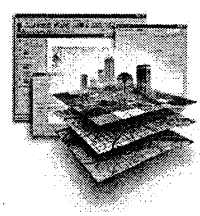
Natural Systems Analysis



- Mapping and Analysis of Natural Features
- Assessment of Environmental Conditions
- Composite Map of Environmental Conditions

Land Use Plan

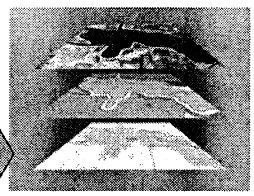
Mapping with GIS



- Explanation of GIS
- Environmental Constraints Map
- Land Suitability Analysis Map
- Ranking and Weighting Criteria
- Planning Boundary

Land Use Plan

Environmental Constraints Map

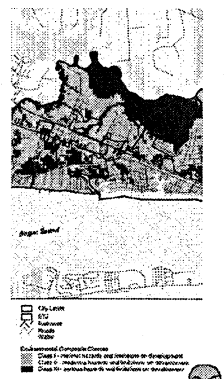


- AECs
- Soil Characteristics
- Water Quality Classes
- Flood and other Natural Hazards
- Storm Surge Areas
- Wetlands
- Water Supply Watersheds or Wellhead Protection Areas
- Environmentally Fragile Areas
- Local Natural Features

Land Use Plan

Environmental Constraints Map

- Class I – land containing only minimal hazards and limitations
- Class II – land that has certain hazards and limitations for development.
- Class III – land that has serious hazards and limitations for development or lands where the impact of development may cause serious damage to the functions of natural systems.



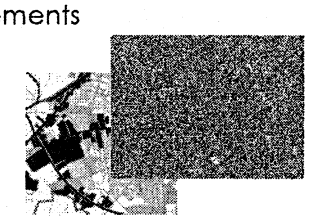
Natural Systems Analysis

ISSUES

- Lack of analysis at the 14-digit hydrological unit level (Watershed)
- No new data created by community, just inserting data from existing sources
- Lack of compiled data analysis translating to policy and implementation (linkage)

Land Use Plan Elements

Analysis of Land Use and Development



- Existing Land Use Map
- Historic, Cultural, and Scenic Areas
- Projection of Future Land Needs

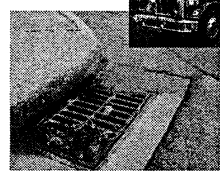
Analysis of Land Use and Development

ISSUES

- Clarification needed concerning vacant v/s undeveloped land inventory
- Projected Land Needs to include all land uses, not just residential
- Need for longer term projected land needs in 5-year increments
- Lack of analysis for short term development trends

Land Use Plan Elements

Analysis of Community Facilities



- Transportation
- Public and Private Water and Wastewater
- Stormwater Systems
- Other Facilities (ex: Health and Safety)

Analysis of Community Facilities

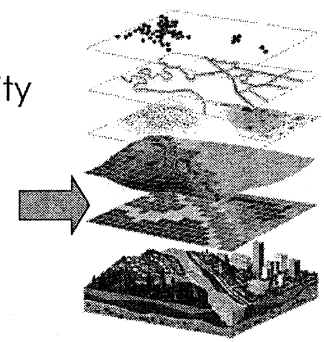
ISSUES

- Addressing private water & sewer systems along w/other community facilities analysis.
- Need for more detailed Transportation information
- Needed clarification concerning applicable EPA Phase II or DWQ stormwater rules
- Need for incorporation of other community facilities (inc: schools, hospitals, parks, airports, energy.....)
- Need for Public Access site inventory and to include future possible sites

Land Use Plan

Land Suitability Analysis Map

- Environmental Composite Map
- Proximity to Existing Developed Areas
- Cultural Resources
- Community Facilities/Infrastructure



Land Use Plan

Land Suitability Analysis Map

- Least Suitable
- Low Suitability
- Medium Suitability
- High Suitability for Development

Planning Boundary

- For County, it is un-incorporated areas, as well as municipalities which have folded into the effort
- Cities and Town boundaries at a minimum must include all incorporated territory and the ETJ boundary
- Towns may use a larger boundary for planning purposes
- Required identification of existing & future service area boundaries

What happens when multiple plans are in effect?

Examples:

- Hazard Mitigation Plan
- Comprehensive Plan
- Downtown Plan
- Waterfront Development Plan etc.
- Stormwater Management Plan
- Airport Master Plan

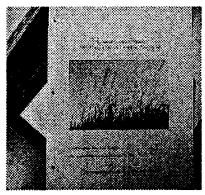
Land Suitability Analysis Map

ISSUES

- Scale of information used for the LSA model is not as effective for smaller communities
- Needed assessment of the model as an effective tool for guiding development

Land Use Plan Elements

Review of Current CAMA Land Use Plan



- Consistency with Existing Land Use and Ordinances
- Adoption of Implementation Measures
- Effectiveness of Current Policies

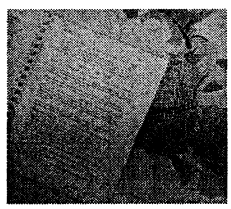
Review of Current CAMA Land Use Plan

ISSUE

- Retool this section for a review of plans created under the 2002 rules

Land Use Plan Elements

Plan for the Future



- Land Use and Development Goals
- Policies
- Future Land Use Map

Plan for the Future

ISSUES

- Confusing rule language that suggests deferring to State and Federal requirements will sufficiently address Management Topics
- Need for reformatting rule section to properly cite the final paragraph – (map conflicts, costs facilities per Future Land Use Plan Map, land needs vs. FLUPM)

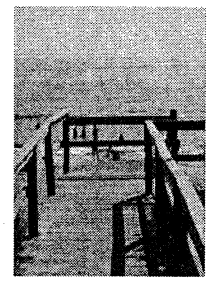
Land Use Plan Elements

6 Management Topics

- Public Access
- Land Use Compatibility
- Infrastructure Carrying Capacity
- Natural Hazard Areas
- Water Quality
- Local Areas of Concern

Land Use Plan
Management Topics

Public Access



- Local criteria for frequency and type of ocean and waterfront access
- Provisions for all segments of the community, including persons with disabilities
- Criteria for beach areas targeted for nourishment

Public Access

ISSUES

- Ensure existing sites inventoried
- Need for policy to address protection of historic/traditional access areas and working waterfronts
- Criteria

Land Use Plan
Management Topics

Land Use Compatibility

- Building intensity and density criteria for each Future Land Use Plan Map designation
- Local mitigation criteria and concepts

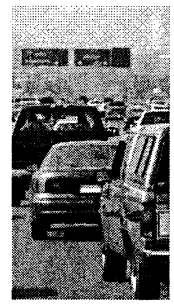
Land Use Compatibility

ISSUE

- Compatibility with hazards, including man-made hazards, needs to be addressed
- Fire, explosive and chemical risks, noise, traffic, intensive versus non intensive uses

Land Use Plan Management Topics

Infrastructure Carrying Capacity



- Identify/establish service area boundaries for existing and future infrastructure
- Correlate future land use map categories with existing and planned infrastructure

Infrastructure Carrying Capacity

ISSUES

- Avoidance of establishing service area boundaries
- Need to address use of package treatment and alternative systems for wastewater control
- Other community and institutional facilities need to be included

Land Use Plan Management Topics

Natural Hazard Areas

- Location, density, and intensity criteria for new and existing development, redevelopment, and public facilities and infrastructure
- Correlate existing and planned development with existing and planned evacuation infrastructure

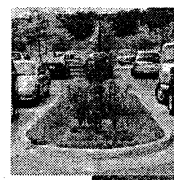
Natural Hazard Areas

ISSUES

- Reliance on the local Hazard Mitigation Plan to address the Management Topic
- Sea Level Rise
- Other State Initiatives

Land Use Plan Management Topics

Water Quality



- Policies that prevent or control nonpoint source discharges
- Policies and land use categories aimed at protecting open shellfishing waters and restoring those that are closed or conditionally closed

Water Quality

ISSUES

- Deferring to State stormwater and other state and federal rules rather than providing local policy
- Revisit the Land Use Plan Requirement to establish policy to restore closed shellfishing waters

Land Use Plan Management Topics

Local Areas of Concern

- Development of goals, policies, and implementation strategies unique to local concerns and issues

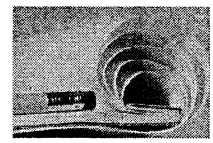
Local Areas of Concern

ISSUES

- Approach the Land Use Plan as a comprehensive plan that can include local area plans/sector plans
- Address emerging topics such as Sea Level Rise, Climate Change, and Alternative Energy Sources
- Better address and incorporate State initiatives

Land Use Plan

Policy Statements

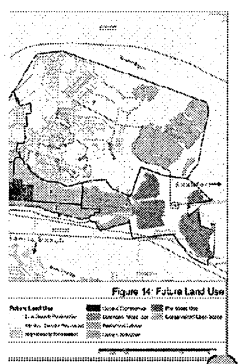


- Provide clear link with goals
- Avoid deferring statements
- Use and define active terms
- Include mitigation strategies

Land Use Plan Elements

Future Land Use Map

- Land Use Designations
- Development Density and Intensity
- Supporting Infrastructure

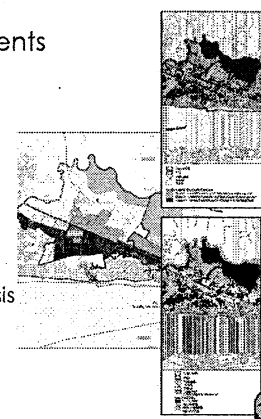


Land Use Plan Elements

Future Land Use Map

Compatible with:

- Environmental Constraints
- Land Suitability Analysis
- Projection of Future Land Needs



Land Use Plan

Flexibility in Land Needs Projections

- Projections of land needs may be increased up to 50% to allow for unanticipated growth and to provide market flexibility
- For local governments experiencing low or no growth, the projections of land needs may consider economic strategies in the final calculation

(Determination is based on Figure 1 in Section .0701 and for municipalities and counties classified as economically distressed by the NC Department of Commerce)

Land Use Plan

Policy and Future Land Use Map Impact Analysis

- 6 Management Topics
- Existing and Future Land Needs
- Existing and Future Infrastructure Needs
- Existing Zoning and other Ordinances

Land Use Plan Analysis

- Projections of Future Land Needs
- Build-out or "Holding Capacity" and estimated cost of additional facilities or services based on policy & the FLUPM
- Comparison of Future Land Use Map patterns and uses with the Natural Systems and Land Suitability Analysis
- Policy Impact Analysis

Land Use Plan

Intent of Analysis

- Density/Intensity assumptions are inseparable from infrastructure capacity assumptions. Both must be identified to facilitate policy impact analysis.
- The intent is not meant for infrastructure problems to be solved, but to disclose and demonstrate an effort was made to identify issues and assumptions; and,
- To ensure policy and implementation strategies can be considered.

Land Use Plan

Policy Impact Analysis

The plan shall contain:

- a description of the type and extent of analysis completed to determine the impact of Land Use Plan policies on the management topics;
- a description of both positive and negative impacts of the policies on the topics; and,
- a description of the policies, methods, programs and processes to mitigate any negative impacts on applicable topics.

Policy Analysis Matrix

	Policy Benchmarks – Indicate whether policy beneficial, neutral or detrimental		
Management Topics	Land Use Compatibility	Infrastructure	Water Quality
Land Use & Development Policies	• reduction in habitat loss & fragmentation related to impacts of land use & development	• water, sewer, and other key community facilities being available in required locations	• land use & development criteria & measures that abate impacts that degrade water quality
Land Use Compatibility			
Infrastructure			
Natural Hazards			
Local Concerns			

FLUP/Zoning Compatibility Matrix

	Zone		A-1	RRA	R-1	C-1
LUP Design.	Density	Intensity				
Agricultural	1 du/2 ac		+	--	--	--
Rural	1 du/1 ac	Pop per sq mile	+	+	--	--
Low Density	2-4 du/ac	Pop per sq mile	+	+	+	?
Resort Com	FAR	Hght/lot cover	?	?	--	+
Mixed Use	2-4 du/ac FAR	Hght/lot cover	?	?	?	+

+ Generally Consistent ? Conditionally Consistent -- Conflicts

Policy and Future Land Use Map Impact Analysis

ISSUES

- Need for more definitive guidance
- Need to incorporate GIS build-out scenario analysis, including a review of existing zoning as well as proposed future land use

Land Use Plan Elements

Tools for Managing Development

- Role of Land Use Plan in Local Decision-making
- Existing Development Program
- Implementation Tools
  - Ordinances, Capital Improvements Program, Acquisition Program, Specific Projects
- Action Plan

Tools for Managing Development

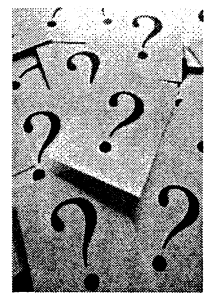
ISSUE

- Need to address Land Use Plan Amendments in this section, especially where municipalities are part of the County LUP

OTHER ISSUES

- Sea Level Rise as a Management Topic or folded into other Topics
- Identification of "enforceable policy" for purposes of state and federal consistency
- Needed update to the Technical Manual
- One size fits all
- Recognizing other planning concepts such as LID, smart growth, sustainable communities.

WHAT ELSE DOES THE COMMITTEE WANT TO KNOW?



Next Meeting
Tuesday, August 17th

- Technical Manual and Workbook Plan Manual Overview
- NOAA's acceptance of Local LUPs into the State's Program and Federal Consistency Process and Issues Overview
- Committee Requested Items

7B Sub-Committee Meeting Minutes – October 19, 2010

The Land Use Plan (LUP) 7-B Rules Review Committee met on October 19, 2010 from 1:00 pm to 4:30 pm at the DCM Headquarters office in Morehead City.

The purpose of the meeting was to review suggested clarifications to the 7-B Land Use Planning Guidelines, review mock scenario approaches for inclusion of Sea Level Rise (SLR) into the guidelines and discuss how local LUPs are used for federal consistency purposes.

7-B Land Use Planning Guidelines Clarifications. It was noted that most of the suggested changes to the 7-B Guidelines are clarifications based on existing practices or direction that has been given to consultants and local governments based on the rules and not new or additional subject items.

DCM Staff presented preliminary language and edits beginning with Section 7-B .0600 – Introduction. Staff noted that a "DEFINITIONS" section needs to be included. Staff provided a few terms/phrases to be defined such as "working waterfronts". *Staff stated that definition text would be proposed at a future meeting for these and any other terms/phrases to be defined.*

Under .701- Planning Options, staff noted that no language was proposed; however, staff identified a need to better describe the requirements of an Advanced Core Land Use Plan. Staff believes providing extra funds to local governments for inclusion of material already required by other state agencies is not sufficient to qualify an LUP as Advanced Core. *Staff stated that they would report to the committee on this issue at the next meeting; further defining the Advanced Core LUP requirements and providing examples of elements that would qualify an LUP as Advanced Core.*

Staff then presented mock rule language for Section 7-B .0702 Elements of CAMA Core and Advance Core Land Use Plans including:

<u>Analysis of Existing & Emerging Conditions:</u> Extending the 20 year timeline for projections to 30-years. This change will allow both flexibility and better coordination with existing local public infrastructure planning. Staff noted that throughout the rule a minimum 30 year horizon is suggested.

<u>Natural Systems Analysis:</u> Drawing analysis from the community's Hazard Mitigation Plan. Staff noted that the natural hazards analysis has traditionally been weak in current plans. It was acknowledged that few Hazard Mitigation Plans have a pre-planning for disaster emphasis.

<u>Analysis of Land Use & Development:</u> Ensuring manmade hazards are included, with examples. Also including trends for non-residential as well as residential development.

Analysis of Community Facilities: Recognizing private and commercial water and sewer systems and other community facilities, with analysis examples. Clarifying that transportation includes rail and airports as well as roadways. Requiring an inventory of public and commercial access sites and recognition of non-government managed traditional or historic access (example road ends).

Plan for the Future: Clarifying that deference to other State and Federal rules is allowed, but other policy must be included to direct development. Simply deferring to other State and Federal rules without additional policy is not sufficient to meet 7B requirements.

Public Access Management Topic (MT): Inventorying existing sites along with historic and traditional access areas and working waterfronts. *Staff agreed to bring back a proposed definition of "working waterfronts".*

Land Use Compatibility MT: Clarifying that manmade hazards are to be addressed under this topic.

Infrastructure Carrying Capacity MT: Clarifying that other public facilities and quasi-institutional facilities are to be addressed under this topic.

Natural Hazards MT: Strengthening linkage with Hazard Mitigation Plans.

Water Quality MT: This area in the local LUPs is usually very weak. Most communities do little more than defer to state and federal government rules to address issues. No suggestions were provided, though staff noted that they need to discuss with the Division of Water Quality (DWQ) what can reasonably be accomplished through local government LUP policies and implementation actions. *Staff will report back on this item at the next meeting.*

Future Land Use Plan Map (FLUPM): Indicating that descriptions need to address both compatible and incompatible uses.

The committee was reminded that prior to the 2002 rules, most local LUP FLUPMs provided little policy direction, instead mimicking category descriptions found in the earlier 7B rules which were ambiguous at best. For some communities this continues to be a weak area. Staff drew the committee's attention to the problem of an orphan paragraph that is difficult to locate and reference. It is found after the end of the 'Future land use map' subsection (d)(5), however it is an extension of the main section (d).

Staff broke down the orphan paragraph into three (3) parts for discussion, as follows:

> "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 Part (c)(3)(A)(iv) of this Rule (Projections of Future Land Needs)."

Staff noted that the three (3) requirements are an extension of earlier background analysis and are important in addressing the policy impact analysis requirement in the rules. The planners stated that policy impact analysis requirements are one of the notable gaps in the Technical Manual. Committee members agreed that there is too much to digest in the orphan paragraph.

Staff presented a proposal to replace the paragraph with a new subsection header titled: Future Land Use Plan Impact Analysis. Within this subsection, existing language is folded in and broken down into separate paragraphs with additional clarifications regarding the assessment of policy statements, FLUPM designations, and implementation statements that are necessary to accomplish policy impact analysis.

Tools for Managing Development: Requiring the local government to disclose how plan policy will be used by the local government, specifying "self directing" policy not involving consistency verses policy for local and state consistency consideration. *Staff noted this addition needed to be revisited after discussion involving use of the local plan and the state and federal consistency process.*

Section .0900 Land Use Plan Amendments: Ensuring updates to background analysis discussion as part of a land use plan amendment application, as appropriate.

Sea Level Rise (SLR) in the 7B Guidelines – Consideration of Approaches. Staff provided an overview of two (2) example approaches for inclusion of SLR issues into the 7B Guidelines. The two approaches were described as overlapping with the first scenario adding an "assessment and disclosure" requirement as part of the background analysis of existing and emerging conditions section of the rules, and the second scenario additionally requiring the development of policy and reflection of the issue, in some manner, on the Future Land Use Plan Map.

The first approach would not mandate that specific policy and implementation statements be included in the plan. This scenario may be characterized by a self assessment process documented in the plan that is based on both locally collected and state supplied information. This approach's aim is, at a minimum, for a local thematic assessment and recognition of vulnerable facilities and infrastructure. The assessment area would be within a state provided "Sea Level Rise Influence Boundary". It is presumed that the initial boundary would be based on a shorter time line than 100 years (example: 30 to 50 years). It is also presumed that the state

would be in the position to provide other information, such as the results from the current FEMA SLR Storm Risk Study, scheduled to be completed in September 2011. Scenarios for each of the coastal counties will be included within the risk study. Conceptually, the assessment would be separate from the Land Suitability Analysis (LSA) and could be part of background appendices rather than within the main LUP document.

The second approach would formally add SLR into the Natural Hazards Area Management Topic (MT). Draft language reviewed illustrated text that could be added to the existing Natural Hazard Area MT. More formal inclusion of SLR into the MT would ensure the issue is on equal footing with other policy development and require some linkage or reflection on or with the FLUPM.

After lengthy discussion, the *committee asked Staff to come back with draft example language at the next committee meeting, providing language incorporating the first approach with possibly reasonable portions of the second.* The committee feels more comfortable with a disclosure approach.

Use of LUPs for Federal Consistency. *Due to the late hour, this item was postponed to the next meeting.*

The meeting adjourned at 4:30 pm.