

Tab 6

ROY COOPER
Governor
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Secretary
BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

MEMORANDUM

TO: Coastal Resources Advisory Council

FROM: Michael Christenbury, District Planner
Rachel Love-Adrick, District Planner
Division of Coastal Management

DATE: October 26, 2023

SUBJECT: Discussion of potential changes to the 7B Planning Guidelines

Overview

North Carolina recognized the importance of land use planning to help balance the needs of economic development and protecting coastal resources when it adopted the Coastal Area Management Act (CAMA) in 1974. Through the CAMA, the Division of Coastal Management's (DCM) land use planning program is an integral part of the state's coastal management strategy with an emphasis on state and local partnership that provides for the orderly development and management of the state's coastal areas. Engaging the public in the CAMA planning process provides an opportunity for residents and business owners to establish a vision for their future and creates a sense of ownership and a desire to protect coastal resources.

The development of a CAMA land use plan has consequences beyond providing a framework for local decision-making. In North Carolina, CAMA land use plans are considered "comprehensive plans" for the purposes of NC G.S. Chapter 160D which governs the use of zoning ordinances. All changes to zoning regulations are required to be consistent with a comprehensive plan. CAMA land use plans are also used by DCM to make CAMA permit decisions and federal consistency decisions. Proposed projects and activities must be consistent with the enforceable policies of a local land use plan or DCM cannot permit a project to go forward.

The Coastal Resources Commission's (CRC) initial land use planning rules came into effect in 1975 and were amended through the 1990's and early 2000's. The current land use planning guidelines were adopted in February 2016. Over time staff have identified several areas for improvement. The goals of the proposed rule changes are to simplify and clarify rules for local governments, remove some required analysis, while rolling in analysis to complement and bolster long term resiliency efforts within coastal communities.



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CAMA and 160D

Since its inception the NC Coastal Area Management Act (CAMA) §113A-110 has required that the 20 coastal counties prepare and update land use plans according to CRC guidelines ([15A NCAC 7B](#)). The guidelines provide a common format for each plan and a set of topics that must be considered during the planning process. However, the policies included in the plan are those of the local government, not of the CRC. The role of the CRC is limited to determining whether plans have been properly prepared.

The current CRC planning guidelines include specific management topics to ensure that plans support the goals of the CAMA, define the CRC's expectations for land use plan policies and policy implementation actions, and provide a basis for plan review and certification by the CRC. Currently the management topics include Public Access, Land Use Compatibility, Infrastructure Carrying Capacity, Natural Hazard Areas, and Water Quality.

In 2019 comprehensive planning was mandated in North Carolina under G.S.160D-501 for communities that wish to adopt and maintain zoning. Prior to this legislation, only land use planning for the 20-coastal counties was required. Under 160D-501, a CAMA land use plan meets the requirement to adopt a comprehensive plan. Unlike the CRC's 7B planning guidelines, the 160D guidelines are minimal and do not require specific plan elements; the content of the plan is determined by the community. Existing CAMA land use plans qualify as a "comprehensive plan" under 160D.

Goals of potential rule change

Staff has identified the following goals for a potential amendment to the CRC's planning guidelines at 15A NCAC 7B and is seeking the Advisory Council's feedback before presenting these to the CRC.

1. Clarify how plans are used by local governments and DCM in the CAMA permitting process. Provide flexibility by allowing local governments to determine which policy(s) are enforceable in CAMA permit reviews. Having enforceable policies identified in the land use plan will also provide necessary transparency for the public, remove ambiguity about which policies are enforceable, and speed up the permit application review process. CAMA requires local ordinances within an area of environmental concern to be consistent with the land use plan.
2. Reorganization of Management Topics to include required analysis, policy development and implementation actions within each Management Topic. The goal is to better connect the analysis to the development of policies and implementation actions focused on each Management Topic.
3. Increase the analysis required for the Public Access Management Topic. Current rules require public access policies but no analysis to support the development of these policies is required.
4. Considering merging the Natural Hazards and Infrastructure Carrying Capacity Management Topics into one Management Topic (i.e., Resiliency and Natural Hazards).
5. Collaborate with the RCCP to incorporate resiliency work into the LUP Program. Resiliency is an important component of planning. Building resilient communities cannot happen without a fundamental understanding of the hazards that each community may face, with a true linkage to



land use planning with recommended changes to ordinances and development standards to reflect those hazards and vulnerabilities.

One of the first steps in creating change to local ordinances and development standards is to include topics in the land use plan to advise local leaders. It is typical for a local government to identify issues within a land use plan and recommend changes to local ordinances or development standards based on recommendations and policies within the LUP. Currently the RCCP and the LUP operate in two separate silos within the same division. This causes confusion for communities and staff. This also causes redundant and inefficient planning efforts. Updating the planning rules to incorporate resiliency will allow local governments not yet participating in the RCCP to lay a foundation for development of their resiliency plan. While local governments that have participated in the RCCP will have in hand readily available data to include in their LUP.

6. State Review Process. Currently, once the plan is reviewed by a DCM Planner to ensure consistency with the 7B Planning Rules, the plan is sent to state/federal agencies for a State Review. State/Federal agency partners have 30 days to provide comments. This review process adds considerable time to the Certification Process and seldom produces substantive comment(s). Staff is also considering changes to the State Review Requirements which will shorten the plan certification process. Every two years local governments are required to submit a Periodic Implementation Status Report based on the implementation actions for the CRC's Management Topics. Staff is proposing limiting these reports to identifying the consistency of existing land use and development ordinances with current land use policies as required by the CAMA (§ 113A-111).
7. Ensure all CAMA plans in the future continue to meet or exceed 160D requirements. Current CAMA plans meet 160D requirements.

DCM staff look forward to reviewing and discussing the Land Use Planning program at your November meeting.



Diane Miller

From: Diane Miller <manager@townoforiental.com>
Sent: Monday, November 27, 2023 4:52 PM
To: sallybelangia@townoforiental.com; charlieovercash@townoforiental.com; Allen; Frank Roe; bonniecrosser@townoforiental.com; breenalitzenberger@townoforiental.com
Subject: FW: CAMA proposal
Attachments: Planning Guideline Discussion Nov 2023 CRAC.pdf

Good Afternoon,

See below- Candy Bohmert had sent the original notification from Coastal Resources Advisory Committee that CAMA was looking to have input to zoning regulations. You might want to look at that memo (attached). I had asked Candy to whom we should write if we wanted any input to this process. Her response below.

Please consider a response that might indicate that it is not in CAMA's purview to dictate zoning within a municipality. We are required to have a CAMA Land Use plan, which we do- and it is advisory in nature, and 160D compliant. (As it should be). Anyone developing at the water's edge needs a CAMA permit now- we don't handle that- we send them to CAMA. Another duplication in effort requires coordination and enforcement twice on the same issue, which is unnecessary, and unnecessarily expends twice the resources in enforcement and monitoring. Additionally, State agencies squeezing additional regulations into local zoning simply removes zoning from the municipality. Oriental's GMO is written based on property owners' rights. We weigh very carefully, additions and revisions to it, in order to protect both those rights, and preserve the quality that makes Oriental -Oriental.

Feel free to have these conversations either in person one or two together, and let me know your thoughts individually. You very well may decide to not respond at all, which is fine. If you would like something drafted, I'll need some guidance- again, one on one. Please do not reply to all.

Thanks,
D.

Diane H. Miller, MPA, ICMA-CM

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SAILING CAPITAL OF NC

From: candy bohmert [mailto:candybohmert@gmail.com]
Sent: Monday, November 27, 2023 3:37 PM
To: Manager@TownOfOriental.com
Subject: Re: CAMA proposal

They should send them to me or Jeff(?) because we are your reps.

Thanks!

On Mon, Nov 27, 2023, 9:57 AM Diane Miller <manager@townoforiental.com> wrote:

Good Morning,

Following your forward of the proposed rules, my Board might would want to have some input on this- to whom and how soon should a letter be directed? Any assistance would be greatly appreciated.

D.

Diane H. Miller, MPA, ICMA-CM

Town Manager

Town of Oriental, NC

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Oriental, NC 28571

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