



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

Planning Board Meeting Agenda

Tuesday, January 2, 2018 at 6:00 p.m.
Town Hall Council Chambers
321 Causeway Drive, Wrightsville Beach, N.C.

- Call to Order by Vice Chairman Smith
- Pledge of Allegiance
- Approval of Minutes from the October 3, 2017 Meeting
- **New Business**

Agenda Item A: Discussion of Wrightsville Beach's Draft CAMA Land Use Plan Update

- Old Business
- Other Business from the Chairperson & Board Members
- Other Business from Staff
- Adjournment



WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

October 3, 2017

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

PRESENT: Vice Chairman Jim Smith, Susan Snider, David Culp, Vivian "Zeke" Partin, Janice Clark, Jeff DeGroote

ABSENT: Chairman Ken Dull

Staff Members Present: Tony Wilson, Director of Planning & Parks
Danielle Villegas, Planning Technician

CALL TO ORDER

Meeting called to order by Vice Chairman Jim Smith at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chairman Jim Smith led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the September 5, 2017 minutes, with correction. Motion seconded by Mr. Jeff DeGroote and carried unanimously by a vote of (6-0).

NEW BUSINESSAGENDA ITEM A:

CONSIDERATION OF A TEXT AMENDMENT TO CHAPTER 155 BY ADDING SECTION 155.7.22 GROUP HOUSING DEVELOPMENTS AND AN AMENDMENT TO SECTION 155.6.4 TABLE OF PERMITTED/CONDITIONAL USES TO ADD "GROUP HOUSING DEVELOPMENTS" AS A CONDITIONAL USE WITH SUPPLEMENTAL REGULATIONS IN THE C-2 COMMERCIAL DISTRICT II ZONING DISTRICT.

STAFF PRESENTATION:

Mr. Tony Wilson stated that The Petitioner, Paramounte Engineering, representing the property owner 19 East Salisbury Street, LLC, is requesting a Text Amendment and Conditional Use Permit to build ten 2,800 square foot duplexes with one commercial structure, with a residential unit on the top floor.

Mr. Wilson reminded the Board of the current approved Conditional Use Permit for this location and that at the August 1, 2017 Planning Board Meeting the Board discussed this Conditional Use Permit and Text Amendment for 19 East Salisbury Street and that after the presentation and discussion, the Board voted 3-3 for the Conditional Use Permit. He said that after hearing the comments from the Planning Board the Applicant returned with plans to include commercial space in Unit K.

Mr. Wilson then explained the changes to the Text Amendment from the last submission and described the currently proposed project, including fire safety regulations. Mr. Wilson said that there are two other C-2 Commercial Districts that would be affected by this proposed Text Amendment. Mr. Wilson stated that this appears to be consistent with the CAMA Land Use Plan, and was properly advertised in the local news. Mr. Wilson stated that the Planning Department recommends the Board forward a favorable recommendation to the Board of Aldermen. Mr. Wilson also stated that the applicant originally asked for the ordinance to state that 15% of the lot size for Group Housing include a commercial aspect. However, Mr. Wilson said that after discussion with the Town Attorney, Staff changed the ordinance to state that only 10% of the lot be required to have a commercial aspect.

PRESENTATION BY APPLICANT:

Mr. Jeff Keeter, Paramounte Engineering, stated that the Text Amendment is geared towards allowing a Group Housing Development to be built in the C-2 Zoning District

with the approval of a Conditional Use Permit. He stated that the goal of the Text Amendment is to address the issues that would arise from having residential units in a commercial district. He said that due to the wording in the proposed Text Amendment, this development would be unique to this property due to the size of the lots in the other C-2 Zoning Districts.

MOTION:

...Motion by Ms. Janice Clark to forward a favorable recommendation to the Board of Aldermen to approve the Text Amendment to Chapter 155 by adding Section 155.7.22 and the amendment to Section 155.6.4. Motion seconded by Mr. David Culp and carried unanimously by a vote of (6-0).

AGENDA ITEM B:

CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR 19 EAST SALISBURY STREET, TO CONSTRUCT A GROUP HOUSING DEVELOPMENT WITH COMMERCIAL SPACE.

PRESENTATION BY APPLICANT:

Mr. D. Logan, managing partner for 19 East Salisbury, LLC, presented the original plans for the approved Conditional Use Permit for this property. He then explained that due to that project not being feasible, they developed a new project. Mr. Logan presented the plans for the proposed Group Housing Development with an included commercial element in the building marked K. He stated that he did not know yet what business would be located in the space, but explained that once a business expressed an interest in opening in that location, they would need to come before the Board to get their own Conditional Use Permit. Mr. Logan stated that this project is the first ever proposed for this site that meets all existing Zoning Ordinances, with the exception of the 15 feet separation between buildings. He stated that all parking would be contained on site with the ingress and egress located on Seagull Street. Mr. Logan also pointed out that in addition to the project not making parking in the area worse, it would also provide additional parking spaces for the Town. Mr. Logan then presented project renderings from different perspectives.

PLANNING BOARD QUESTIONS:

Mr. Jim Smith asked why there appeared to be garage doors on the side of the

buildings where there was no way to access them. Mr. Logan stated that those were strictly storage, not meant for vehicle use.

Ms. Zeke Partin asked if there would be commercial space in the entire building or only on the lower floor. Mr. Logan said that the upper level would be residential and the lower level would be commercial space.

Ms. Susan Snider asked for clarification on the change that was made from requiring 15% commercial space to only 10%. Ms. Allison Engebretson stated that after extensive discussion with Town Staff and the Town Attorney, they decided to come up with a percentage that best matched what the proposed project had reserved for commercial space.

Mr. David Culp asked if the 10% included the parking and required access areas. Ms. Engebretson stated that the 10% did include all portions of the property that was dedicated to the operation of the commercial space. Mr. Keeter stated that the applicant originally suggested 15%, and the Town requested it be changed to 10%.

PUBLIC HEARING:

IN FAVOR:

David Monahan, Owner of the Causeway Café, stated that adding more commercial to the Town is an unrealistic dream. He believes that this project will bring more people to the Town that will then support the existing commercial establishments.

David Spetrino, resident at 18 Parmele Drive and developer, stated that he is making history by supporting a competing contractor. He stated that this project is in his neighborhood, and he understands the challenges associated with this property. He believes that the project's development team is responsible and will bring much needed improvement to the area.

Wayne Bland, 11 Seagull Street, stated that he is speaking for the neighbors of Seagull Street and said that they would all love to see a peaceful development on this lot.

John Moore, resident of Schloss Street, stated that one of the positive aspects of this project is that the developers are local and prepared to start building in 6-8 months. He also stated that the increased tax revenue would be another benefit.

Mr. Jim Smith stated that Peggy Gentry called him and said that she is also in favor of the project.

OPPOSE:

Sue Bullock, Chamber of Commerce, stated that although this is a great project and the added commercial element improves its palatability. However, she stated that the more commercial property that is located in the Town, the greater the cost effective ratio for beach nourishment. She stated this is based on the new Corp of Engineer Codes.

PLANNING BOARD DISCUSSION:

Mr. David Culp stated that he is pleased with the addition of the commercial aspect, but is unhappy that the entire building is not commercial

Ms. Zeke Partin stated that she is happy with the 10% commercial aspect.

Ms. Janice Clark stated that she is also pleased with the 10% commercial aspect.

Mr. Jeff DeGroot stated that he believes commercial can still survive in the Town because he is a business owner and has seen firsthand that businesses can thrive. However, he said that he lives near the lot and would like to see a safer, nicer area for his family.

Ms. Susan Snider stated that she supports the project yet also believes that commercial properties can still survive in that area.

Mr. Jim Smith stated that he does not oppose the project, but would like to see more commercial. He said that no one is beating down the doors to build commercial on Wrightsville Beach, and the lot has been empty for too long.

Mr. Wilson explained that if this project is approved, and a business comes before the Board for approval to open in that space, they do not need to come back for a parking exception because the parking has already been approved.

MOTION:

...Motion by Ms. Janice Clark to forward a favorable recommendation to the Board of Aldermen to approve the Conditional Use Permit application for 19 East Salisbury Street. Motion seconded by Ms. Zeke Partin and carried unanimously by a vote of (6-0).

AGENDA ITEM C:

CONSIDERATION OF A TEXT AMENDMENT TO *CHAPTER 155.9.1.8 PARKING SPACE ARRANGEMENTS AND DIMENSIONS* TO INCLUDE A NEW SECTION ADDRESSING SMALL PARKING LOT EXCEPTIONS.

STAFF PRESENTATION:

Mr. Tony Wilson stated that Planning Department received a Text Amendment application from authorized agent Faison Sutton and Petitioners NSJBS, LLC and Isabella Holding Company, LLC. He stated that the Applicant is requesting a Zoning Text Amendment that would create a Small Parking Lot Exception in the C-3 Commercial District allowing for the creation of a small parking lot adjacent to an existing C-3 business. Mr. Wilson said that the Town's existing parking lot ordinance does not allow for this type of use, so exceptions are needed for a small commercial parking lot. Mr. Wilson explained that the result of this Text Amendment, if approved, will allow small parking lots on lots up to 12,000 square feet and adjacent to an existing C-3 business. He then pointed out the C-3 Commercial Districts are located at the Marina Street area, Causeway Drive, Seapath Marina/Parking Lot, The Landing, and the old Scotchman site located on Salisbury Street. Mr. Wilson stated that this appears to be consistent with the CAMA Land Use Plan, and required public notice was posted at the site and advertised in the local news.

PLANNING BOARD QUESTIONS:

The Planning Board and Mr. Wilson discussed the issues associated with making the lot a parking lot, and the concern that it would then always be a parking lot. Mr. Wilson explained the process required for any changes to the property if they were requested after this was approved.

PRESENTATION BY APPLICANT:

Ms. Faison Sutton, Authorized Agent, presented the applicant's request for a Text Amendment to Chapter 155.9.1.8 to allow for the lot adjacent to Poe's Tavern to be converted in to a small parking lot.

MOTION:

...Motion by Ms. Janice Clark to forward a favorable recommendation to the Board of Aldermen to approve the Text Amendment to 155.9.1.8. Motion

seconded by Ms. Susan Snider and carried unanimously by a vote of (6-0).

AGENDA ITEM D:

CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR 216 CAUSEWAY DRIVE, TO ALLOW FOR THE CONVERSION OF THE LOT TO A SMALL PARKING LOT.

STAFF PRESENTATION:

Mr. Tony Wilson stated that the Planning and Inspections Department received a Conditional Use Permit (CUP) application from Faison Sutton, authorized agent for NSJBS, LLC and Isabella Holding Company LLC. He stated that the Applicant is requesting to create a small parking lot on lots 51 and 52 Causeway Drive. He explained that the property is located within the C-3 Commercial Zoning District and consists of five parcels, lots 51, 52, 53, 54 and 55 Causeway Drive. Mr. Wilson stated that the existing 4,300 square foot one story structure was built in 1956, and is the former location of the MOI Restaurant. He said that the petitioner is requesting to demolish the existing one story MOI building and turn it into a small parking lot for Poe's customers and the property located on lots 51 and 52 Causeway Drive is currently a vacant structure. He explained that there are 12 existing parking spaces on lots 51-52, and 24 parking spaces will be added and when completed Poe's will have 57 parking spaces on site.

Mr. Wilson stated that this appears to be consistent with the CAMA Land Use Plan Policy 9.1.A.5 that states the Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. He also stated that required public notice was posted at the site and advertised in the local news.

Mr. Wilson stated that the Planning Staff recommends the Planning Board consider the Conditional Use Permit for a small parking lot located at 212-216 Causeway Drive and consider Staff's comments:

1. Reduce the parking exception of 50 spaces that was granted on November 13, 2014 from 50 parking spaces to 13 parking spaces.
2. Request that the applicant combine lots 51, 52, 53, 54, and 55 into one parcel.
3. Upgrade existing dumpster to meet required regulations per Chapter 95.20.

PLANNING BOARD QUESTIONS:

Ms. Zeke Partin asked if converting the lot into a parking lot would free up parking for other businesses. Mr. Wilson stated that it would create more parking. Ms. Partin asked

if the lot could later be used for something else. Mr. Wilson stated that it could be used for anything that is allowed in the ordinances.

Ms. Partin asked if these lots were being purchased by the owners of Poe's Tavern. The owners stated that they were in the process of purchasing the lots.

Mr. Jim Smith asked why the Town Staff recommended combining the lots. Mr. Wilson stated that after discussing the situation with the Town Manager, they felt it was best to combine the lots.

PRESENTATION BY APPLICANT:

Ms. Faison Sutton, Authorized Agent, presented to the Board the proposed project and explained the previous Conditional Use Permit for Poe's Tavern and the Parking Exception. Ms. Sutton stated that since opening, Poe's has become a popular restaurant and requires more parking. She stated that this lot converting to a parking lot would be beneficial to the Town, Poe's Tavern, and the neighbors. Ms. Sutton stated that the applicant does not agree with the Town's recommended conditions on reducing the parking exception and combining the lots. She stated that one day Poe's may not need all the parking and this would take away the owner's future flexibility. Ms. Sutton recommended an alternative to the conditions that as long as the small parking lot is being used as parking, then the parking exception would be reduced.

PLANNING BOARD QUESTIONS:

Ms. Zeke Partin stated that she agreed with the proposed alternative to the conditions.

Ms. Susan Snider stated that she did not agree with the Staff's recommended condition of reducing the parking exception because it would be taking away something that was previously granted.

Mr. Jim Smith stated that he also did not agree with the Staff's recommended conditions because he would like to incentivize owners to one day develop a commercial project on the property. He also asked if they could include a condition to add bicycle racks.

Owner, Rusty Bennett stated that Poe's Tavern has been very successful and always tries to be good neighbors. He said that he would like to see the adjacent lot improved, but wants to maintain flexibility with the lot due to an uncertain future.

Ms. Partin stated that a parking lot would be more attractive than the current vacant structure. Mr. Bennett said that he has always put effort in to landscaping his current

property and will continue that effort with this additional property.

PUBLIC HEARING:

IN FAVOR:

David Monahan, owner of Causeway Café, stated that the Text Amendment should be specific to only this property.

Sue Bullock, Chamber of Commerce, stated that she is very supportive of this project because Poe's Tavern is in the middle of a premiere commercial center and parking is always a problem.

Joy Hunts, Lighthouse Beer and Wine, stated that she hopes this will help parking at her nearby business.

OPPOSE:

None

PLANNING BOARD DISCUSSION:

Ms. Susan Snider stated that she would like to eliminate the first 2 conditions recommended by Town Staff, keep the third condition about the dumpster, and add a condition that addresses maintaining and increasing bicycle racks.

MOTION:

...Motion by Ms. Janice Clark to forward a favorable recommendation to the Board of Aldermen to approve the Conditional Use Permit application for 216 Causeway Drive. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (6-0).

OLD BUSINESS

None at this time.

OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS

None at this time.

OTHER BUSINESS FROM STAFF

None at this time.

ADJOURNMENT

...There being no further business to come before the board, Ms. Janice Clark made a motion to adjourn which was seconded by Ms. Zeke Partin, the meeting was adjourned by unanimous vote at 7:23 p.m. Vote (6-0).

Respectfully Submitted,

Danielle Villegas, Planning Technician



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

December 27, 2017

MEMORANDUM

To: Vice Chairman Smith and Planning Board Members
From: Tony Wilson, Director of Planning and Parks
Re: Discussion of Draft CAMA Land Use Plan Update
Cc: Tim Owens, Town Manager

Request:

The Town Planning Staff is requesting that the Planning Board review and discuss the draft of the CAMA Land Use Plan Update.



Background:

The Board of Aldermen approved the Citizen Participation Plan on November 10, 2016. The CPP established a 12-member CAMA Land Use Plan Steering Committee to oversee development of the CAMA Land Use Plan. The CAMA Land Use Plan Steering Committee began meeting on November 15, 2016 with Holland Consulting to discuss updating the CAMA Land Use Plan. These monthly meetings included a Public Input Meeting on March 16, 2017.

CAMA Land Use Planning:

The Coastal Area Management Act requires each of the 20 coastal counties to have a local land use plan in accordance with guidelines established by the Coastal Resources Commission.

Staff Recommendations:

Consider the draft of the CAMA Land Use Plan and provide a recommendation to the Board of Aldermen.

Attachments:

1. www.planwrightsvillebeach.com/draft-plan.html
2. State Guidelines for Land Use Planning

SECTION .0700 –LAND USE PLANNING REQUIREMENTS

15A NCAC 07B .0701 PLANNING OPTIONS

(a) Each county within the coastal area may prepare and adopt a land use plan or comprehensive plan, hereinafter referred to as “the plan”, that meets the planning requirements adopted by the Coastal Resources Commission (CRC). The CRC shall prepare and adopt a plan that meets the CRC’s planning requirements as set forth in Rule .0702 of this Section for each county that chooses not to prepare and adopt a plan. Municipalities may develop individual plans that meet the CRC’s requirements if:

- (1) the county delegates this authority to the municipality; or
- (2) the CRC grants this authority upon written request from a municipality that is enforcing its zoning ordinance, its subdivision regulations and the State Building Code within its jurisdiction.

(b) A county shall accept a municipality’s locally adopted policies and implementation actions for inclusion in the county plan for the municipality’s jurisdiction if requested to do so by any municipality not preparing its own plan. Inclusion of a municipality’s adopted policies and implementation actions shall occur either at the time of county plan preparation or a subsequent county plan amendment. The municipality’s policies and implementation actions are limited to its jurisdiction and may differ from the county’s policies and implementation actions.

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

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

15A NCAC 07B .0702 LAND USE PLAN ELEMENTS

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

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

- (1) Significant existing and emerging conditions: The plan shall describe the dominant growth-related conditions that influence land use, development, water quality, and other environmental concerns in the planning area.
- (2) Key issues: The plan shall describe the land use and development topics most important to the future of the planning area. This description shall include public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, water quality, and may also include local areas of concern as described in Subparagraph (d)(2) (Land Use Plan Management Topics) of this Rule.
- (3) A community vision: The vision shall describe the general physical appearance and form that represents the local government’s plan for the future. It shall include objectives to be achieved by the plan and identify changes that may be needed to achieve the planning vision as determined by the local government.

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

- (1) Population, Housing, and Economy. The plan shall include discussion of the following data and trends:
 - (A) Population:
 - (i) Permanent population growth trends using data from the two most recent decennial Censuses;
 - (ii) Current permanent and seasonal population estimates;
 - (iii) Key population characteristics, including age and income, and
 - (iv) Thirty year projections of permanent and seasonal population in five-year increments.
 - (B) Housing stock: The plan shall include an estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multifamily, and manufactured).
 - (C) Local economy: The plan shall describe employment by major sectors and community economic activity.
- (2) Natural systems. The plan shall describe the natural features and discuss the environmental conditions of the planning jurisdiction to include:
 - (A) Natural features as follows:
 - (i) Areas of Environmental Concern (AECs) as set forth in Subchapter 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
 - (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 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.

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

- (1) Policies.
 - (A) Community Concerns and Aspirations and Existing and Emerging Conditions shall be considered in the development of local government plan policies as required in Rule .0702(b) and (c) of this Section.
 - (B) Policies shall be consistent with the goals of the CAMA, shall address the Land Use Plan Management Topics set forth in (d)(2) of this Rule, and comply with all state and federal rules.
 - (C) Policies that exceed use standards and permitting requirements found in Subchapter 7H, State Guidelines for Areas of Environmental Concern, shall be identified in the plan.
- (2) Land Use Plan Management Topics. The purposes of the CRC management topics are to ensure that plans support the goals of the CAMA, define the CRC's expectations for land use policies, and provide a basis for plan review and certification by the CRC. In addition to the management topics outlined below, plans may also include policies to address local areas of concern. Each management topic includes two components: a management goal and planning objectives.
 - (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.
- (3) Future land use map. 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. The plan shall include map designations with descriptions of land uses and development.

(e) Tools for Managing Development. The purpose of this element is to describe the management tools and actions the local government will use to implement the plan. This element shall include:

- (1) Guide for land use decision-making. The plan shall describe the role of the plan policies, including the future land use map, in local decisions regarding land use and development.
- (2) Development program. The plan shall describe the community's development management program, including local ordinances, codes, other plans and policies.
- (3) Action plan and implementation schedule. The plan shall describe the actions that will be taken by the local government to implement policies that meet the CRC's management topic goals and objectives. It shall specify the fiscal year(s) in which each action is anticipated to start and finish. It shall describe the specific steps the local government plans to take to implement the policies, including the adoption and amendment of local ordinances, other plans, and special projects. The action plan shall be used to prepare the implementation status report for the plan.

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

SECTION .0800 –LAND USE PLAN AND AMENDMENT REVIEW AND CERTIFICATION

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

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

*History Note: Authority G.S. 113A-106; 113A-107.
Eff: February 1, 2016.*

15A NCAC 07B . 0802 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS

(a) Notice of Public Hearing. The local government shall provide the Secretary or his or her designee written notice of the public hearing for local adoption and a copy of the proposed land use plan or comprehensive plan, hereinafter referred to as "the plan", or amendment no less than five business days prior to publication of a public hearing notice. The public hearing notice shall include, as set forth in Rule .0803(a)(2) of this Section, disclosure of the public's opportunity to provide written comment to the Secretary following local adoption of the plan.

(b) Final Plan Content. The final plan or amendment shall be adopted by the elected body of each participating local government.

(c) Transmittal to the Division for Certification. The local government shall provide the Executive Secretary of the CRC or his or her designee the locally adopted plan, a certified statement of the local government adoption action, and documentation that it has followed the public hearing process required in G.S. 113A-110. The locally adopted plan or amendment shall be submitted at least 45 calendar days prior to the CRC meeting on which it will be considered for certification.

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

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

15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN

(a) CRC Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or comprehensive plans, hereinafter referred to as "the plan", or plan amendments. The procedures are as follows:

- (1) The Division District Planner shall submit a written report to the CRC on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Sub-paragraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to action by the CRC. Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered by the CRC in the certification of the local plan or amendment.
- (3) The CRC shall certify plans and amendments following the procedures and conditions specified in this Rule. The CRC shall certify plans and amendments which:
 - (A) are consistent with the current federally approved North Carolina Coastal Management Program;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate state or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule 15A NCAC 07B .0702(d)(2).

- (4) If the plan or amendment does not meet certification requirements, the CRC shall within 45 calendar days inform the local government how the plan or amendment does not meet the procedures and conditions for certification.
- (b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.
- (c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing from the following:
 - (1) Local administration: The local government reviews the CAMA permits for consistency with the plan;
 - (2) Joint administration: The local government identifies policies, including the future land use map and implementation actions that will be used by the Division for the CAMA permit consistency reviews or;
 - (3) Division administration: The Division reviews the CAMA permits for consistency with the plan policies, including the future land use map and implementation actions.
- (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan updates and amendments.

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

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

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

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

*History Note: Authority G.S.113A-106; 113A-107.
 Eff. February 1, 2016.*