

state land policy: new directions in planning?

The 1974 session of the General Assembly enacted two major pieces of legislation which suggest North Carolina has made a significant commitment to land use planning — the Coastal Area Management Act and the Land Policy Act. The commitment expressed in the coastal legislation is relatively firm and effects of the Act are already beginning to emerge as the Coastal Resources Commission moves ahead with implementation.¹

The Land Policy Act, while perhaps more comprehensive in scope than the coastal legislation, carries no direct powers of implementation. Its purpose is to develop land use policy recommendations. Implementation will depend on future action by the Governor, the legislature, and local governments. Impacts of the Act have not yet been felt nor its long range potential widely recognized because it is over a year away from implementation. This, however, does not decrease the need for citizens and public officials interested in land use to be aware of the Act's provisions and to be afforded opportunities for input into the activities of the North Carolina Land Policy Council.

the land policy act

"New Directions in Planning" is how State land policy has been characterized in the informational materials produced by the Land Policy Council. What new directions, if any, are likely to emerge from the Council's activities? How might land use decision-making in North Carolina be affected?

Governor Holshouser first established the Land Policy Council by executive order in August, 1973. The Council's early activities dealt chiefly with management of state-owned lands and on laying some necessary technical groundwork. Recognizing that "the land of North Carolina is a resource basic to the welfare of her people," the General Assembly unanimously endorsed the passage of the Land Policy Act in April, 1974. A fourteen member Land Policy Council was created, consisting of the heads of eight state departments, four members of the legislature, including the Lieutenant Governor and the Speaker of the House, and two local elected officials, one each selected by the

Association of County Commissioners and the League of Municipalities.

The Act also provides for a citizen's Advisory Committee on Land Policy, a twenty-four member body appointed by the Governor and composed of twelve municipal and county elected officials and twelve representatives selected from a range of land use-related interests. A major duty of the Advisory Committee is to assist the Council in securing public participation in the process of determining state land policy. Other duties include assisting and advising the Council on alternative policies and management techniques. The Advisory Committee has been meeting monthly since May, 1975, playing an active role in developing the citizen participation program and in reviewing and commenting on staff proposals before they are presented to the Council.

Primary duties of the Land Policy Council include preparing an information system, providing technical assistance and training, dealing with the impact of large-scale developments, identifying areas of environmental concern, and coordinating state and local land use-related programs. Its recommendations are to be presented to the Governor by July 1, 1976. The Governor, in turn, is to submit a proposed state land policy and the necessary implementing legislation to the 1977 session of the General Assembly.

state land policy—first draft

The primary products of the Council's activities are to be a State Land Classification System and a State Land Policy. The First Draft of a State Land Policy was completed in mid-October and is being circulated for comments and suggestions.² The document addresses a wide range of land use issues including developmental problems, protection of particularly valuable resource lands, and land use aspects of various environmental quality issues such as air and water pollution and scenic quality. Particular attention has been given to institutional problems which result in poor land use decision-making.

The Council recognizes mere statements of policy will have no impact unless they serve as guides to decision-making. Therefore, an "action plan" is being devised which proposes specific strategies for implementing each of the stated policies.

The framework within which these land use issues are developed is threefold: (1) issues of "greater than local concern," (2) coordination of existing land use and land use related programs, particularly public investment, and (3) the use of locally formulated land use plans as a guide for state and even federal decision-making.

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greater than local concern

The Council finds that "In North Carolina, most decision-making powers affecting land use have traditionally been exercised at the local government level and this should continue to be the case." It recognizes, however, that "in certain situations the land use activity has an impact on more than the immediate local area, and a broader range of interests should be considered." Therefore, the Council has adopted the policy that the *"State will become involved in the local land use decision-making process only where issues are of more than local concern."*

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One of these areas is "key facilities." The Land Policy Act defines key facilities as "public facilities which tend to induce development and urbanization of more than local impact" including but not limited to "major facilities for the development, generation, and transmission of energy, for communication, and for transportation." These facilities, which are funded largely by the state and federal government, can have a major impact on decisions made by the private sector. The location of a major highway and its associated access points, for example, or the construction of a regional wastewater treatment facility, can have a direct and profound impact on the use of the surrounding land and the potential for growth in the region. The proposed policies suggest that the public monies spent to provide these facilities should be allocated in a way that recognizes their potential land use impact. The Council has begun to define which public facilities meet the key facility definition and what mechanisms should be used to deal with their impact.

A second area identified as being of greater than local concern is "areas of environmental concern." These are lands which, according to the Act, are either hazardous for development or have important values that are particularly susceptible to damage if subjected to uncontrolled development. Included within this definition are fragile lands (wetlands, unique natural areas, and historic sites), hazard lands (floodplains and erosive areas, for example), renewable resource lands (areas best suited for farming and forestry), and mineral resource lands. These are all areas that possess characteristics important to the citizens of the entire state. The statewide significance of some of these areas has already been recognized with the passage of the Coastal Area Management Act. The Council has proposed specific policies aimed at the protection of these lands, and has recommended that "land use within areas of environmen-

tal concern should be regulated, and land procurement and facilities control be coordinated to achieve the protection goals for each area."

In addition to areas of environmental concern and key facilities, the Council has also identified "large-scale developments" and "projects of regional benefit" as being issues of greater than local concern. Large scale developments are private developments having more than local effect such as new communities, large shopping centers, major recreation facilities and subdivisions. Projects of regional benefit, while not having a great physical impact, do have effects that are felt over more than one unit of government. They include public and private projects performing essential public services and charitable institutions.

application of existing programs

One of the major purposes of a state land policy is to devise a way to apply the many existing programs in a more coordinated and mutually supportive manner. While some of the environmental areas may need the benefit of additional regulation, many of the issues can be dealt with by improved coordination of existing state and local regulations, by re-orienting land acquisition programs, or by altering policies for the provision of public services and facilities.



Fragile lands would be considered for designation as areas of environmental concern.

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A recent study by the land policy staff has identified 61 state programs in 12 departments which either directly or indirectly have a potentially significant impact on land use. These programs, operated by various agencies with different goals, understandably result in fragmented decision-making. Some programs have competing objectives which work at cross purposes. Others share similar objectives and activities, but, because of poor coordination, miss opportunities to support each other. It is felt that the existing programs can serve the needs for which they were originally enacted and help achieve broader state and local land use objectives as well.

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Coordinating existing programs, particularly public investments, has been a concern voiced by the Council throughout its deliberations and one which is reflected in several of the proposed recommendations. The Council recognizes the capability of state programs to influence growth and urges "the use of public investments, property tax, and regulatory programs by state and local government to guide the location and timing of growth." In reference to growth policy, key facilities, large-scale development, and areas of environmental concern, the Council places a strong emphasis on the need for a more systematic application of both public investments and regulatory programs.

Some state agencies have already taken positive steps toward coordination of these land use related programs. The land policy staff is currently analyzing these efforts with the intention of recommending specific organizational arrangements to achieve improved organization. Hopefully the result will be a simplified land use decision-making process which will not only permit the effective attainment of a broader range of public objectives, but will also prevent wasted time and funds on the part of the private sector. By speeding up land use decision-making, simplifying the permit process (there are currently over 20 different regulatory permits and licenses that may be required of a developer), and announcing in advance where public facilities are likely to be provided, potential land users will be able to conduct their business more efficiently. This is a "new direction" which should be welcomed by those in both the public and private sector who are concerned with the wise and efficient use of North Carolina's land resources.

primacy of local plans

A third concern emphasized in the draft policies is one encouraging

local governments to take the initiative in preparing their own plans as a guide to state and federal decision-making.

With this condition in effect, state agencies will be required to adjust their regulatory and investment programs so they conform to locally formulated plans. The state will become involved in local decisions only where there is a legitimate statewide interest.

A similar arrangement is envisioned with regard to the federal-state relationship. Just as many state agency programs occasionally conflict with each other or with local objectives, programs operated by the federal government often work at cross-purposes with each other or with state and local objectives. A recent report by the Council of State Governments notes that at least 137 federal programs have a direct impact on land use. The Land Policy Council has emphasized that "Federal legislation is needed to provide coordination for the various Federal agencies and programs related to land use, and to ensure consistency of Federal program action within the State." The Council further asserts that "the State and local governments of North Carolina are in a better position than the Federal government to ascertain the needs and desires of the people of the State." It expresses the hope the land use program being developed under the Land Policy Act will help convey North Carolina's interests to the federal government. Once a state program is in operation, "Federal decisions should take precedence (over state interests) only in cases of overriding national interest." Such an approach is already being implemented in North Carolina's coastal counties under the Federal Coastal Zone Manage-



Local governments are encouraged to initiate local plans.

ment Act of 1972 (P. L. 92-583). The Council is suggesting joint federal-state action to make a similar approach operative statewide.

Improved coordination is an often recommended, but seldom achieved goal. Fortunately, there are at least two encouraging signs which suggest improved coordination may be accomplished by the Land Policy Council. First, coordination has not been an afterthought. Simplifying and streamlining the decision-making process is a major component of the land policy work program and will be emphasized in the state land policy which the Council ultimately recommends to the Governor. A second factor which may foster greater coordination is the development of a land classification system. As we shall see, land classification has the potential to facilitate the coordination of public investments and regulations and to encourage intergovernmental coordination.

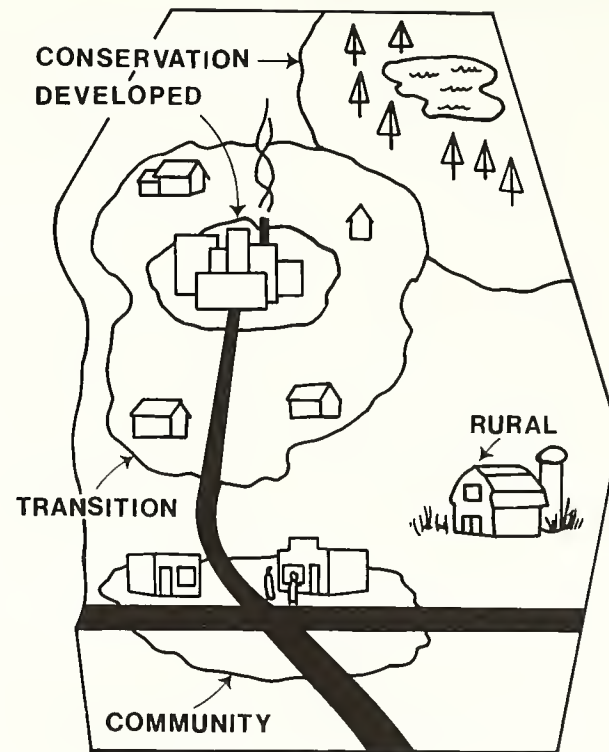
land classification

The Land Policy Act outlines several broad guidelines to follow in developing a land classification system. The system is to be divided between four and eight classes, defined on the basis of both the natural qualities of the land and the availability of public services. It is to include concise descriptions of each of the land classes, guidelines and procedures for the preparation and review of land classification plans, and procedures for reclassification and for appeals by property owners. The Council is directed to recommend a system, including the necessary implementing legislation, which can be implemented by January 1, 1979. The Act also requires that planning agencies in the state be given an opportunity to formally review and comment on the Council's proposals. If a majority of local planning agencies proposes a recommendation to change a proposal, the Council is required to amend the proposed system.

A third draft of the system, which suggests some general descriptions for the land classes and discusses its potential uses, was completed and distributed for comment in June, 1975. This draft³ is essentially the one adopted in February, 1975, by the Coastal Resources Commission as part of their *Guidelines for Local Planning in the Coastal Area Under the Coastal Area Management Act of 1974*.

The land classification system as described in the coastal guidelines is a preliminary one. The class definitions are admittedly imprecise and considerable refinement will be necessary before a system capable of being implemented statewide can be recommended. According to the land classification system outlined, all of the lands in each of the twenty coastal counties are to be placed in one of the following five classes:

Developed - Lands which are already developed at a gross density of at least 2,000 people per square mile and which have a variety of land uses that are provided with the necessary public services.



An illustration of the proposed land classification structure.

Jane Smith, Office of State Planning, Raleigh, N.C.

Transition - Lands where the local government plans to accommodate its projected growth for the following ten year period at a moderate to high density pattern of development and where necessary public services will be provided.

Community - Clusters of existing low-density development or areas where such growth will occur in the following ten years. This class is intended to identify those rural communities where development will be encouraged, but not at a density requiring extensive urban services like public sewers.

Rural - Lands whose highest use is for agriculture, forestry, mining or water supply; and all lands which do not fall into any of the other four classes.

Conservation - Fragile, hazard, and others lands "necessary to maintain a healthy natural environment and necessary to provide for the public health, safety, or welfare."

While the coastal guidelines largely leave to local governments the problem of determining the process to be used in arriving at county land classification plans, land classification is clearly intended as a *planning process*. It involves an integration of land capacity considerations, estimates of future land needs, considerations of the fiscal capabilities in providing necessary public services, and local and state land use policies and objectives. As such, it will then result in county-wide planning throughout the state. This alone will be a significant step forward as many areas within the state with important resources support little or no planning activities.⁴

Land Classification will act as a catalyst, encouraging *all* the counties to begin making basic determinations about which areas are best suited for growth and are to be provided with urban services, which areas should remain rural or primarily agricultural, and which lands ought to be conserved. And, for the first time, the citizens of North Carolina will be encouraged to seriously consider what sort of future they envision for all of the state's land resources.

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Of course, simply preparing 100 county land classification plans will not determine the future landscape of North Carolina. As economist Kenneth Boulding has stated, "The world moves into the future as a result of decisions, not as the result of plans. Plans are significant only in so far as they affect decisions."⁵ Land classification has the potential to establish some new directions in decision-making as well as in planning. Hopefully, along with expressing preferences as to where growth should occur, local governments will also be making some basic commitments for future decision-making too. For example, the land classification plan can provide the framework for determining where water and sewer services are to be provided, where local investments for schools and recreation should be focused, and how local regulations are to be applied. Likewise, land classification, by establishing a broad planning framework which is consistent statewide, can serve to link local planning with state policy and with state agency decision-making. The policy objective of improving intergovernmental coordination could also be achieved if state agency decisions over facilities funding and



Land classification can provide a framework for state-wide resource management.

North Carolina Travel Development Photo

construction, land acquisition and management, and regulation were required to conform to local land classification plans. In addition, coordination between local governments can be encouraged as municipalities and counties work together in formulating the county land classification plan. And perhaps federal decision-making can be affected if land use policies are translated into physical terms and North Carolina is in a better position to substantively influence federal land use related decisions.

These are ambitious objectives. In order to achieve them, the land classification system must be a useful planning tool for local governments and must be accompanied by an administrative structure that will insure its utility as a coordinative device. Land classification is intended to be a broad-scale planning effort, particularly suited to the many areas in the state that have done little or no planning. The system is not intended to replace present planning activities at the local level. While it offers some real potential for improving land use decision-making in North Carolina, land classification is not designed to address the many detailed planning issues which must be resolved at the local level. At the same time, however, land classification is intended to function as a useful framework for, and serve as a way to coordinate, the many ongoing local and regional planning programs. As Elizabeth Haskell, a consultant to the Land Policy Council on organizational matters has stated, the goal is not to "simply add another overlay on the confused map of planning requirements already placed on local governments and the region."⁶ Rather, land classification must integrate these existing planning efforts.

Land classification is intended to provide a broad, but uniform, statewide framework for local land use planning. Its approach differs from that taken by many other states in at least two ways. First, in drawing up its land classification system the North Carolina General Assembly has chosen an approach which will give local governments the opportunity to put together their own land use plans which will then form the basis of the state plan. Second, North Carolina's land classification system does not rely solely on regulation. Its goal is to encourage a statewide but locally administered planning process that can serve as a guide for state and local public investment decision-making, regulation, and perhaps, property taxation.

The land policy staff in conjunction with the North Carolina State University Computer Science Department, has also given considerable attention to exploring the feasibility of establishing a computer-based information system in North Carolina.

land use information

The Land Policy Act finds that in North Carolina there exists "a lack of systematic collection, classification, and utilization of information regarding the land resources." One of the stated purposes of the Act is, therefore, to "promote the development of methods for the exchange of land use, environmental, economic, and social information among all levels of government."

In response to this charge, the land policy staff has begun the development of a "Land Use Information Service." Basic information needs for preparing land classification plans and for carrying out regional and state planning responsibilities have been identified. A *Catalogue of Land Related Information* has been prepared. This manual provides an index of a relatively large assortment of available information which might be useful to those involved in local planning. The manual allows for periodic updating, and is intended to be distributed to local and regional planning agencies, public libraries, planning consultants, and other interested organizations.

The land policy staff in conjunction with the North Carolina State University Computer Science Department, has also given considerable attention to exploring the feasibility of establishing a computer-based information system in North Carolina. The purpose of the system being considered is to provide a uniform structure which can be used to encourage consistency in the collection of land use related information. The intent is to provide a framework to encourage consistency in the

many ongoing and future data collection efforts, and provide for storing and making this information accessible to local planners and state agencies. Computer storage of current data in this standardized framework will create a valuable new reservoir of information that has not in the past been readily available for use in land planning and decision-making.

citizen participation

The Land Policy Act has made provision for public input through required public hearings, the establishment of the Land Policy Advisory Committee, and the formal review process for land classification that was mentioned earlier. According to the Act, at least six public hearings are required, two in each of the state's three physiographic regions. These hearings are scheduled for the Spring of 1976.

While the hearing process is a necessary and useful one it involves a limited number of persons and is scheduled somewhat late in the policy formulation process. Therefore, the Council has, in cooperation with the Land Policy Advisory Committee, made a more extensive effort to actively involve the public in the land policy program. Six workshops have been held across the state, with more planned. Technical



Citizen participation is a required part of the land policy strategy.

committees have been established to provide assistance in particular areas. Drafts of land classification system proposals and the state land policy have been widely circulated for comment. In addition, a series of slide shows, pamphlets, and questionnaires have been prepared for use in discussions with local civic organizations and various interest groups. Hopefully, through these and other means, the Land Policy Council and staff will gain an accurate understanding of how the citizens of North Carolina feel about the current efforts to develop a state land policy. Likewise, it is also hoped that the public will become aware of the objectives of the Land Policy Act and of the need for more effective land use planning.

conclusion

The land policies and the land classification system in draft form will be subject to additional staff work, public input, and consideration by the Land Policy Council and the Advisory Committee. These drafts do begin however, to suggest some new directions toward which the Land Policy Council is aiming.

If successfully implemented, the Land Policy Council recommendations will help ensure that land use issues of statewide concern are addressed. Critical environmental resources will be protected and the impact of major public facilities will be better managed. A basic level of local planning will be instituted statewide, and local planning will be linked with local, state, and even federal decision-making. The many land use activities of local and state government will be carried out in a more coordinated fashion as more consideration is given to their land use impacts.

Government is properly limited in the impact it can have on private land use decisions. But a state land policy, combined with effective local planning, can provide the means to balance private with public interests and environmental concerns with social and economic concerns. It can help guide both public and private decisions so that potential land use problems are avoided or addressed before they arise.

The policy work of the Council suggests what needs to be done. The question of how to enact the proposals remains unresolved. The Council has yet to determine, for example, how land classification can best be linked to local and state government decision-making, how the property tax and regulatory tools should be related to land classification, and what the respective roles of the city and county should be in producing a plan that is useful to both. Perhaps the most difficult implementation issue is how to best provide the financial and technical resources necessary to assist local governments in their planning and management programs.

Whether any new directions in land use decision-making are actually achieved depends upon how the Land Policy Council resolves these problems of implementation and, ultimately, on the reactions of the Governor, the legislature, and local governments.

Footnotes

¹For a description of the Act see Arthur Cooper and Stuart George, "Coastal Area Management Act: Regional Planning for the State's Coastal Area," *Carolina Planning*, Vol. 1, No. 1, Summer, 1975.

²Copies of "First Draft of a State Land Policy" are available from the Land Policy Staff, Office of State Planning, 116 West Jones Street, Raleigh, N.C., 27603.

³Another draft reflecting additional staff work, proposals from the Advisory Committee on Land Policy, and the experiences to date of the twenty coastal counties, will be circulated for review and comment early in 1976.

⁴A recent survey by the land policy staff indicates that slightly over half of the State's counties and only about 40 percent of its municipalities have prepared a land use plan. Many of these are out of date or not utilized for decision-making.

⁵Kenneth Boulding, "Reflection on Planning: The Value of Uncertainty," *Technology Review*, October/November, 1974, p. 8.

⁶These comments are contained in a draft report presented to the Council in October and December 1975, entitled *Land Use in North Carolina: Governmental Organization and Coordination*, by Elizabeth Haskell with the assistance of Victoria Price.