A Local Government Perspective on Land Use Planning

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Rapid growth in coastal North Carolina poses tremendous challenges for local governments. Even though we are growing quickly we are still in general small, rural and often economically disadvantaged communities. As people move to the coast to enjoy a lifestyle that often includes golf and water access, they are migrating to communities that have insufficient infrastructure to support increasing numbers and additional demands for higher-level government services. Even with the influx of new residents, our tax bases are not large, our regional population remains politically insignificant and many government services taken for granted in larger communities remain unaffordable.

Many communities in coastal North Carolina are struggling with the challenge of absorbing the newcomers. Local governments are confronted with the reality of increasing restrictions from other levels of government on development of necessary infrastructure. We desperately need roads, sewer, water, landfills, and diversified economies to responsibly provide services to the people who are here and to accommodate the people we know are coming.

This growth is viewed as a “bad” thing by some who fear that the unique environment of coastal North Carolina will be destroyed by people coming here to enjoy it. To others who have waited years for economic prosperity, this growth is a “good” thing that will finally bring coastal North Carolina into the twentieth, much less twenty-first, century. Complicating these perceptions about coastal North Carolina are the towns and counties that are not experiencing growth, many who are among the poorest in the state. Coastal North Carolina is very diverse, and that diversity makes generalizations about coastal issues very dangerous.

Conflicts between those who view growth as good or bad are most intense at the local government level where land use and zoning decisions are made. Local governments must cope with various factions, interest groups and citizens whose opinions are often opposite and who vow to go to any length to see their views prevail. A commonly heard remark is that we need “more, or better, planning” to deal with the growth. Some look to “planning” to slow or stop growth while others look to “planning” to provide infrastructure to encourage growth. Using “planning” to attempt to reconcile divergent views about community growth is one of the biggest challenges for any local government.

It is appropriate that the level of government closest to and most directly responsible to the citizens makes zoning and land use decisions. It is ironic to hear people at other levels of government question the ability of local government to make these decisions. In the end, it is our citizens, through their involvement in various boards and public hearings and meetings, who make the zoning and land use decisions, and it is our citizens who pay the local taxes which fund the programs and personnel mandated by regulations from the state and federal governments. Attempts to require additional

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state or federal involvement in mandatory "planning" is one of the biggest fears of local government. These mandates often come with no funding and unrealistic perceptions about what the planning should accomplish and the ability of local government to implement yet another layer of "planning" requirements.

Years ago the state recognized the importance of planning and acknowledged that small communities often cannot adequately fund important planning functions. Grants and planning expertise are available to local communities through the Department of Commerce Division of Community Assistance. In addition, many Councils of Government provide planning services to local government on a contract basis. Many coastal communities were first introduced to planning with the enactment of the Coastal Area Management Act (CAMA), which mandates the preparation of land use plans in all 20 coastal counties and allows municipalities to adopt their own land use plans.

CAMA land use plans are prepared by local governments and funded in part by grants from the Division of Coastal Management. Content of the plan is defined in state regulations. The plans are reviewed by the Division of Coastal Management staff and then referred to the Coastal Resources Commission, a politically appointed board, for approval. Local governments use these plans for policy guidance, and state and federal governments use them for reviews during various permitting processes to ensure that permits are consistent with the locally adopted policies.

The land use planning requirement is part of the same state act that created the Division of Coastal Management and authorized the creation of various regulations regarding the use of coastal resources. Many of the state government functions authorized by the act directly impact local governments and even infringe on local government autonomy. To ease local governments' concerns about these issues, the act envisioned a partnership between the state and local governments. In the case of land use planning, it is clear that planning policy decisions are to be made locally. The state is to provide information to help develop the plans, and the state review process is to assure compliance with state and federal regulations. Recent controversies regarding land use planning have centered on whether the Division of Coastal Management staff or the Coastal Resources Commission should be involved in changing the policies developed at the local level.

The plans reflect the diverse needs of individual coastal communities and are most useful when they are truly local documents encompassing the policies determined important by the citizens during the plan development process.

The land use plans and their development have become increasingly controversial as rapid growth has come to coastal North Carolina. Citizens whose views on policies did not prevail at the local level ask the Coastal Resources Commission to disapprove or change land use plans. Local governments contend that plans developed in accordance with the regulations should be approved and that policy debate was concluded at the local level. Division of Coastal Management or Coastal Resources Commission intervention in local policy during the approval process is a direct assault on local government autonomy and a violation of the partnership defined by the CAMA. Worse, it is an indication of a lack of trust for the professionalism of local government employees and contracted planners and the motives of elected officials.

These concerns go to the very heart of whether planning should be a local or higher level government function, how much involvement outside interests should have and
whether plans should be subject to some sort of enforcement from a higher level. Citizens frustrated by rapid growth and the environmental changes it brings are looking for ways to “make” local governments solve the problems caused by growth. For them the land use planning process is a weapon to be used by higher levels of government to force what they see as irresponsible local governments to change the way they do business.

The reality is that CAMA land use plans provide a wealth of information on population and economic trends, land and water uses and natural resources. They are tools to provide guidance for decisions regarding land use regulations, issuance of permits and plans for public facilities and services. The plans themselves are not regulatory but rather are a reference to be used in the development of regulations. They reflect the diverse needs of individual coastal communities and are most useful when they are truly local documents encompassing the policies determined important by the citizens during the plan development process.

Questions about the utility and implementation of land use plans have moved the Coastal Resources Commission to initiate a review of the land use planning process and requirements. This review is important and will undoubtedly yield many improvements, but it is unlikely to resolve some of the most basic concerns about the local-state partnership in development of coastal regulations and citizen questions about the direction of growth management.