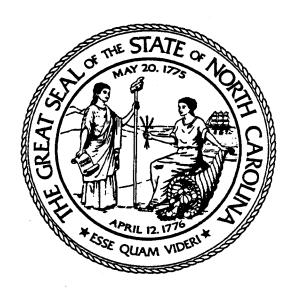
HC 107 .N8 S72 1993 c.2

LEGISLATIVE RESEARCH COMMISSION

STATEWIDE COMPREHENSIVE PLANNING COMMITTEE



REPORT TO THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA

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STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION STATE LEGISLATIVE BUILDING

RALEIGH 27611



January 15, 1993

TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on Statewide Comprehensive Planning. The report was prepared by the Legislative Research Commission's Committee on Statewide Comprehensive Planning pursuant to Section 2.1(38) of Chapter 754 of the 1991 Session Laws.

Respectfully submitted,

Daniel T. Blue, Jr.

Speaker of the House

Henson P. Barnes

President Pro Tempore

Cochairmen Legislative Research Commission 1991 - 1992

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1991-1992

LEGISLATIVE RESEARCH COMMISSION

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PREFACE

The Legislative Research Commission. established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly. "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1991 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of Statewide Comprehensive Planning was authorized by Section 2.1(38) of Chapter 754 of the 1991 Session Laws (1991 Regular Session). That act states that the Commission may consider House Joint Resolution 1157 in determining the nature, scope and aspects of the study. House Joint Resolution 1157 reads in part: "The Legislative Research Commission may study and develop a State-mandated comprehensive planning program in which comprehensive plans are developed by local governments and coordinated at a regional and State level." The relevant portions of Chapter 754 of 1991 Session Laws and House Joint Resolution 1157 are included in Appendix A.

The Legislative Research Commission grouped this study in its State Regulation area under the direction of Senator Frank W. Ballance. Jr. The Committee was chaired by Senator J. K. Sherron. Jr. and Representative Thomas C. Hardaway. The full membership of the Committee is listed at the beginning of this report. A notebook containing the minutes and all information received by the Committee is on file in the Legislative Library.

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EXECUTIVE SUMMARY

The Legislative Research Commission's Committee on Statewide Comprehensive Planning was authorized to study comprehensive planning pursuant to Section 2.1(38) of Chapter 754 of the 1991 Session Laws. (Appendix A). The Committee. cochaired by Senator J. K. Sherron. Jr. and Representative Thomas C. Hardaway, met six times and held four regional public hearings during the 1991 - 1992 biennium.

At the initial meeting. Representative Hardaway, as the sponsor of the legislation establishing the study, began with an overview of his views and vision of comprehensive planning. He stated that "comprehensive planning is simply a strategy to be sure that people control growth, so that growth does not control people." Economic development, government efficiency and the protection of natural and cultural resources were among reasons proffered in support of comprehensive planning for North Carolina. A review of the efforts in other states was suggested as a starting point for the Committee.

Dr. David Godschalk of UNC's School of City and Regional Planning and member of the Committee, then reviewed the program components of the nine states (Florida, Georgia, Hawaii, Maine. New Jersey, Oregon. Rhode Island, Vermont, Washington) that have growth management strategies. Dr. Godschalk recommended that the Committee further examine growth strategies in Florida and Georgia and North Carolina's Coastal Area Management Act (CAMA).

The Committee decided to concentrate its efforts on: (1) reviewing Georgia's comprehensive planning legislation and CAMA; and, (2) conducting meetings/hearings across the State to educate the membership about local and regional planning initiatives, needs and to receive public comment on the concept of comprehensive planning.

Appearing before the Commission to discuss Georgia's legislation were John Sibley and Mike Gleaton. Sibley, who is the former Executive Director of Georgia's Growth Strategies Commission, discussed the process utilized to get Georgia's

legislation enacted. Gleaton, who is with Georgia's Department of Community Affairs, discussed how his department implemented the legislation. Georgia's comprehensive planning legislation is a bottom-up approach which requires local, regional and State plans.

For comprehensive planning to be successful. Sibley and Gleaton stressed that it is important to build coalitions between the State. local governments. business and industry, environmental organizations, developers and all other interested and affected groups. They, also, noted that using an open and inclusive process and strong executive leadership was important to their success in Georgia.

John Crew, Senior Land Use Planner, Division of Coastal Management, appeared before the Committee to discuss CAMA which requires North Carolina's twenty coastal counties to do land use plans. Crew discussed CAMA's history and implementation. Crew attributes CAMA's success to (1) local plans which are adapted to the needs of the locality; (2) financial incentives provided by the State: and, (3) citizen participation.

The Committee held four regional meetings and public hearings across the State at the following locations: Western Carolina University in Cullowhee, the University of North Carolina at Wilmington, Elizabeth City State University, and the University of North Carolina at Charlotte. At each location, local and regional officials and leaders participated on panels to discuss the status of planning and development in their respective areas. Public hearings followed the panel discussions.

Common issues and concerns addressed by panelists at the regional meetings included: (1) the need for local governments to have the ability to plan according to the needs of the locality in any proposed statewide planning process; (2) financial and/or technical assistance and incentives for local planning; (3) mandatory planning requirements versus flexible goals for local planning; (4) coordination and oversight responsibility for statewide planning; (5) coordination of existing regulations with any proposed statewide planning process; (6) educational forums to enhance the public's understanding of statewide planning; (7) caution against creating new levels of bureaucracy; and (8) the need to complete a thorough study of statewide planning that will promote a full and balanced consideration of the issue.

Generally, the panelists were supportive of statewide planning. Several panelists acknowledged that there is a need for comprehensive planning in North Carolina. Most felt that carefully drafted statewide legislation would be beneficial to the State and local governments. The consensus was that statewide planning will guide growth, foster economic development, preserve natural resources and enhance the quality of life for the State's citizens.

Approximately twenty-one persons appeared before the Committee at the public hearings. Generally, the public speakers were supportive of statewide planning. Some members of the public expressed concerns about: (1) the protection of individual property rights. (2) additional levels of bureaucracy; and. (3) legislation that favors "special interests" groups.

Based upon the information and public comment received by the Committee, it was concluded that there is "a great deal of interest" in the concept of comprehensive planning for North Carolina. The Committee, further concluded, that they did not have sufficient time to complete a thorough review of comprehensive planning and recommend substantive legislation to the 1993 General Assembly.

Therefore, Committee recommends, as set forth in its legislative proposals: (1) that the General Assembly establish a thirty member Partnership for Quality Growth: (2) that the membership of the Partnership be appointed by the President Pro Tempore of the Senate, the Speaker of House of Representatives and the Governor and be inclusive of interested and affected parties from across the State: (3) that the Partnership be directed to complete a thorough study of growth and development issues, and report its findings and recommendations, including legislative proposals to enact and implement coordinated and comprehensive statewide planning, to the General Assembly and the Governor not later than the first day of the 1995 Session of the General Assembly; and, (4) that the total sum of \$250,000.00 be appropriated to the Partnership for operations and support.

The Committee's Findings and Conclusions. Legislative Proposals and a summary of the Committee's Proceedings may be found on pages 5 - 26 of its report to the 1993 General Assembly. More detailed information about the Committee's proceedings may be found in its minutes on file in the Committee's notebook in the Legislative Library.

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FINDINGS

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The Legislative Research Commission's Committee on Statewide Comprehensive Planning makes the following findings based upon the presentations, information and public comment received by the Committee.

Comprehensive statewide planning recognizes the value of comprehensive, coordinated planning efforts on the local, regional and State levels which guide growth, foster economic development, preserve and protect natural resources, and enhance the quality of life for the State's citizens. Benefits of comprehensive statewide planning legislation include, but are not limited to: (1) the establishment of State planning goals; (2) a definition of roles at the local, regional and State levels; and, (3) a coordination and regulation of plans to ensure consistency with State goals.

Nine states (Florida, Georgia, Hawaii, Maine, New Jersey, Oregon, Rhode Island, Vermont, Washington) have comprehensive planning/growth strategies. Other states, including Virginia, are studying similar legislation indicating that there is a growing trend toward comprehensive statewide planning initiatives.

North Carolina has enacted the following regional or statewide planning initiatives: (1) Coastal Area Management Act of 1974 (CAMA): (2) Mountain Ridge Protection Act of 1983; and, (3) Water Supply Watershed Act of 1989. These measures, along with various other statutory provisions affecting planning and growth, acknowledge that planning measures are beneficial to and in the best interests of the citizens of the State of North Carolina.

Local Governments, Lead Regional Organizations, coalitions of local governments, and public-private associations across the State have and continue to plan, to the best of their abilities, for their respective localities and regions. There are no requirements, however, that these efforts be comprehensive, coordinated, or consistent with one another. There are no State goals which guide these efforts. Comprehensive statewide planning legislation would encourage local and regional planning in a manner that is comprehensive, coordinated, and consistent with a set of State goals. Such legislation

promotes more efficient expenditures of tax dollars in that growth and development needs may be better assessed and provided for across the State.

There is sufficient interest in and an expressed need for comprehensive statewide planning based upon information and public comment received from across the State. The interest in statewide planning warrants a complete and thorough study. Such study should include interested and affected parties from across the State to foster a full and balanced consideration of the issue. Further, such study should be sufficiently funded and staffed so that it can expeditiously report to the General Assembly its findings and recommendations to enact and implement comprehensive statewide planning.

CONCLUSION AND RECOMMENDATION

The findings support a need to continue the study and consideration of statewide planning for the State of North Carolina. Therefore, the General Assembly should establish a Partnership for Quality Growth, that is adequately funded and staffed, to complete a thorough study of growth and development issues. The proposed Partnership should be directed to report its findings and recommendations, including legislative proposals to enact and implement coordinated and comprehensive statewide planning by the first day of the Regular Session of the 1995 General Assembly.

Therefore, it is the recommendation of the Committee on Statewide Comprehensive Planning that the General Assembly establish a North Carolina Partnership for Quality Growth as set forth in the Committee's Legislative Proposal I. The Committee feels that this recommendation will assist the State of North Carolina in developing sound comprehensive planning/growth policies and strategies that will serve the best interests of the State.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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Senate 93-DRK-1.2 THIS IS A DRAFT - 30-DEC-92

Short Title:	Partnership for Quality Growth.	(Public)
Sponsors:	Senators Sherron and Blackmon.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA PARTNERSHIP FOR **OUALITY GROWTH.**

Whereas, the General Assembly recognizes that in order to facilitate 5 quality growth and development of the State for the benefit of all of its citizens, the State of North Carolina must develop a viable strategy to foster quality growth across the State; and.

Whereas, the General Assembly recognizes that the development of 9 viable growth initiatives will require comprehensive planning on the local. 10 regional, and State levels, and that meaningful citizen participation and a 11 partnership between the local, regional and State governments and the citizens 12 of North Carolina is necessary for statewide quality growth; and.

Whereas, the General Assembly also recognizes 14 development of viable growth initiatives will require involvement and 15 participation from the Governor of the State of North Carolina in shaping 16 statewide quality growth in cooperation with the General Assembly; and.

Whereas, the General Assembly welcomes and encourages the 17 18 Governor's involvement and participation in a partnership for quality growth:

Now therefore, the General Assembly of North Carolina enacts:

Section 1. The North Carolina Partnership for Quality Growth is 20 21 established. For the purposes of this act. the term "Partnership" means the 22 North Carolina Partnership for Quality Growth. The Partnership is deemed to

23 be a Committee of the General Assembly pursuant to Article 5A of Chapter 24 120 of the General Statutes; provided, however, that the provisions of this act

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1 shall supercede any section of Article 5A that is in conflict with the provisions 2 of this act.

- Sec. 2. (a) The Partnership shall study growth and development 4 issues and develop appropriate initiatives to promote comprehensive and 5 coordinated planning on the local, regional and State levels which guides 6 growth and land use, fosters economic-development, protects and preserves 7 natural and cultural resources; promotes efficient infrastructure development. 8 transportation systems, affordable housing, and enhances the quality of life for 9 the citizens of North Carolina. The Partnership may address all issues 10 deemed necessary to the development and implementation of statewide quality 11 growth, but shall study and evaluate:
 - The present and anticipated consequences of population (1) growth and patterns of development on the vitality of the State's economy, environment, land uses, natural and cultural resources, infrastructure, transportation systems and housing needs:
 - Comprehensive planning goals and methods that will (2) accommodate the State's growth and development needs and best serve all of the diverse interests and geographic regions of the State, including consideration of the appropriate State, and local responsibilities. coordination enforcement of those responsibilities, implementation:
 - Funding requirements of comprehensive planning **(3)** alternatives for meeting those requirements, including consideration of the appropriate State, regional and local responsibilities therefor.
- (b) The Partnership shall make an interim report its findings and 28 recommendations to the 1994 Regular Session of the 1993 General Assembly. 29 The Partnership shall make its final report, including legislative proposals to 30 enact and implement statewide comprehensive planning for quality growth, to 31 the 1995 General Assembly and to the Governor of North Carolina, by the first 32 day of the 1995 Session of the General Assembly.
- Sec. 3. (a) The Partnership shall consist of 30 members who shall 34 represent, insofar as practicable, the diverse interests and geographic regions of 35 the State. The membership shall include at least one representative from each 36 of the State's 12 congressional districts to be appointed as follows:
 - The President Pro Tempore of the Senate shall appoint eight (1)members of the Partnership: four members of the Senate. one member who is an advocate of agriculture, one member who is an advocate of rural economic development, one member who represents the utilities industry, and one member of the public at large. Of these eight members, four shall reside respectively in the first, fourth, seventh and tenth congressional districts;

Page 8 93-DRK-1.2

- The Speaker of the House of Representatives shall appoint (2) 1 eight members of the Partnership: four members of the 2 House of Representatives, one member who is an advocate of 3 environmental protection, one member who is an advocate of 4 affordable housing, one member who represents the North 5 Carolina Chapter of the American Planning Association, and 6 one member of the public at large. Of these eight members. 7 four shall-reside respectively in the second, fifth, eight and 8 eleventh congressional districts: and 9 The Governor shall appoint fourteen members of Partnership: 10
 - (3) one member who represents business and industry, one member who represents the North Carolina League of Municipalities, Inc., one member who represents the North Carolina Association of County Commissioners. Inc., one member who represents the North Carolina Association of Regional Council Directors. one member who represents the transportation industry, one member who represents financial institutions, one member who represents homebuilders or real estate developers and seven members of the public at large. Of these fourteen members, four shall reside respectively in the third, sixth, ninth and twelfth congressional districts.
- (b) Appointment of the members of the Partnership shall be completed by 23 the appointing authorities not later than 30 days after the ratification of this Vacancies occurring on the Partnership shall be filled by the original appointing authority using the same criteria as provided in this section.
 - Sec. 4. The Partnership members shall receive no compensation for serving on the Partnership. All members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1.
- Sec. 5. The President Pro Tempore of the Senate shall designate 30 one Senator as cochair of the Partnership and the Speaker of the House of 31 Representatives shall designate one Representative as cochair of the 32 partnership. The cochairs shall call the initial meeting of the Partnership not 33 more than thirty (30) days after the appointment of the last member of the 34 Partnership. The Partnership shall subsequently meet upon such notice and in such manner as may be determined by the Partnership. A majority of the members of the Partnership shall constitute a quorum.
- Sec. 6. (a) The Partnership shall establish Subcommittees to study. 37 evaluate and address the following issues: 38
 - Changing Population: (1)
 - Economic Development; (2)
 - Environmental Protection and Preservation: (3)
 - Infrastructure and Transportation; **(4)**
 - Housing and Quality of Life: (5)

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- Growth Partnerships among State. County. Municipal and (6) Regional Governments and the Private Sector: and.
 - Governance and Economies of Scale in Planning across (7)Political Boundaries.
- (b) The cochairs shall appoint members of the Partnership and other knowledgeable persons or experts to serve on the subcommittees. subcommittees shall meet and conduct themselves in such manner as shall be The Partnership may establish such other determined by the Partnership. subcommittees deemed necessary to assist in the performance of its duties.
- Sec. 7. The Partnership shall have the authority to appoint 11 Technical Advisory Boards as appropriate to assist the Partnership in the 12 performance of its duties. The Technical Advisory Boards shall advise on 13 matters within their technical expertise.
 - Sec. 8. The Partnership shall establish a process of citizen participation that assures the citizens of North Carolina of opportunity to be informed of and contribute to the work of the Partnership.
- Sec. 9. (a) The Partnership shall employ an Executive Director who 18 shall report to the Partnership and serve at its pleasure. The Executive 19 Director shall be nominated by the cochairs and appointed upon majority vote 20 of the Partnership; provided that, if an Executive Director is not appointed 21 upon the nomination of the cochairs within 30 days of the first meeting of the 22 Partnership, then the Governor shall appoint the Executive Director. 23 Executive Director shall be the chief administrative officer of the Partnership 24 and shall be supervised by the cochairs.
- (b) The Executive Director shall employ additional employees and contract 25 26 for services, subject to the approval of the Partnership, as appropriate to assist 27 the Partnership in the performance of its duties.
- Sec. 10. Subject to the approval of the Legislative Services 28 29 Commission, the professional and clerical staff of the Legislative Services 30 Office shall be available to the Partnership, and the Partnership may meet in 31 the State Legislative Building or Legislative Office Building.
- Sec. 11. The Partnership may call upon any department, agency. 32 33 institution, or officer of the State or of any political subdivision thereof for 34 such facilities, data and other assistance as may be available. Upon request of 35 the Partnership, all such departments. agencies. institutions and officers shall 36 cooperate with the Partnership to the fullest extent possible.
- Sec. 12. The Partnership may apply for receive and accept grants 37 38 of non-State funds, or receive and accept contributions from any source of 39 money, property, labor or any other thing of value as appropriate to assist the 40 Partnership in the performance of its duties. Any funds received shall be held 41 in a separate account and used solely in furtherance of the Partnership's work.

93-DRK-1.2 Page 10

Sec. 13. The Partnership shall terminate upon filing its final report

² to the General Assembly, unless extended by an act of the General Assembly.

Sec. 14. This act is effective upon ratification.

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1993

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Senate 93-DRK-4 THIS IS A DRAFT - 30-DEC-92

Short Title: Funds/Partnership for Quality Growth (Public) Senators Sherron and Blackmon Sponsors: Referred to:

A BILL TO BE ENTITLED 1

2 AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA PARTNERSHIP FOR QUALITY GROWTH FOR OPERATIONS AND 3 SUPPORT.

.5 The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the 7 Legislative Services Commission the sum of two hundred thousand dollars 8 (\$200,000) for fiscal year 1993-94 and the sum of fifty thousand dollars 9 (\$50,000) for fiscal year 1994-95 for operations and support of the North 10 Carolina Partnership for Quality Growth.

Unexpended funds appropriated to the North Carolina 11 12 Partnership for Quality Growth for fiscal year 1993-94 shall remain available 13 and may be expended to fund the continued work of the North Carolina 14 Partnership for Quality Growth.

Sec. 3. This act becomes effective July 1, 1993.

COMMITTEE PROCEEDINGS

The Statewide Comprehensive Planning Committee met six times during the 1991 - 1992 Biennium of the North Carolina General Assembly. A synopsis of each meeting follows below. The minutes of each meeting are available in the Committee notebook on file in the Legislative Library.

March 13, 1992

The Committee held its organization meeting in the State Legislative Building. As the sponsor of the legislation establishing the study. Representative Thomas C. Hardaway began the meeting with an overview of his views and vision of comprehensive planning and the pending work of the Committee.

Rep. Hardaway stated that "comprehensive planning is simply a strategy to be sure that people control growth. so that growth does not control people." Economic development, government efficiency and the protection of natural and cultural resources were among reasons proffered in support of comprehensive planning for North Carolina.

Rep. Hardaway suggested that the Committee look to the efforts of other states for guidance in the area of comprehensive planning. Also, he recommended that the Committee take steps to (1) evaluate the State's current role in planning; (2) identify critical growth related needs; and, (3) develop long-term goals and strategies.

Upon the completion of its organizational business, the Committee convened jointly with the Mountain Area Study Commission. Dr. David Godschalk, a member of the Statewide Comprehensive Planning Committee and Professor of City and Regional Planning at the University of North Carolina at Chapel Hill, gave an overview of the State's prior involvement in local and regional planning initiatives. Dr. Godschalk noted that North Carolina's Coastal Area Management Act (CAMA), enacted in 1974, is recognized nationally as one of the strongest coastal management acts in the country and that it might serve as a model for comprehensive planning in the State.

Dr. Godschalk. also, gave a review and update on comprehensive planning in other states across the country. He summarized the major planning components of the nine states (Florida, Georgia, Hawaii, Maine, New Jersey, Oregon, Rhode Island, Vermont, Washington) which have adopted growth management legislation. He further stated that a number of other states, including Virginia, are considering growth management strategies. He noted that statewide planning models from Georgia and Florida would be worthy of examination by the Committee.

Bob Chandler. Director of the Community Assistance Division of the Department of Economic and Community Development. gave an update on the current status of local and regional planning in the State. He stated that eighty-nine of the State's one hundred counties "claim to have some type of plan". Many of these plans were compiled in the 1960's and 1970's and many have not been formally adopted according to Mr. Chandler. He noted that while many counties have enacted zoning and subdivision regulations, that is no reason to think that planning in a comprehensive sense is going on across the state.

Members of the public were given an opportunity to address the members of the Committee. Comments were made by the following persons: Randy Schenck - Sierra Club; Bill Holman - Lobbyist. Sierra Club; John Crew - Division of Coastal Management; Mike Carpenter - North Carolina Home Builders Association; Brad Barker - Triangle J Council of Governments.

After discussion concerning how the Committee should proceed, it was decided that a joint meeting with the Mountain Area Study Commission would be scheduled in Western North Carolina to review Georgia's comprehensive planning initiatives.

August 25, 1992

The Committee met jointly with the Mountain Area Study Commission on the campus of Western Carolina University in Cullowhee. North Carolina. Following introductory remarks. there was a review of the enactment of the 1989 Georgia comprehensive planning initiatives.

John Sibley, who served as the staff director of the Georgia Growth Strategy Commission and later as the Executive Director of the Governor's Development Council, discussed the politics of the Georgia initiative. He stated that their former Governor Joe Frank Harris decided to make growth strategies the cornerstone project of his second term. At the time, Georgia was the fifth fastest growing state in the nation, yet one-fourth of its counties was losing population. There were pressures related to both the intensity of development and the lack thereof. Thus, the thirty-five member Growth Strategies Commission was established.

Mr. Sibley noted four points that he felt contributed to the political success of their Commission: (1) the Commission brought various constituencies to the table...environmentalists. business leaders. developers. local and state government representatives; (2) the Commission used facilitation/mediation techniques to find the common ground and interests of those at the table; (3) the Commission took one step at the time...concentrating first on the vision, then identifying the common ground and areas of disagreement, and finally formulating solutions; and. (4) the Commission kept the process completely open by utilizing task forces, study groups, surveys, and newsletters.

Because of the strong support that the legislation enjoyed from the administration and various political constituencies, there was virtually no organized opposition to its enactment according to Mr. Sibley. In his opinion, the measure remains strong today due to those factors.

Mike Gleaton of the Georgia Department of Community Affairs gave an overview of how the legislation has been implemented. He. too. credited the success of their program to "good executive leadership from the Governor's Office."

His department had the pivotal role for implementing the legislation. They were directed to develop a minimum set of planning standards for local governments. In establishing these standards, the department utilized the same open processes that the Growth Strategies Commission had used.

He noted that the legislation provides for a three-tiered planning process. Local government plans evolve into plans emanating from the Regional Development Centers

which are reviewed by the Department of Community Affairs and approved subsequently by the Governor's Development Council. This bottom-up approach recognizes local autonomy as Georgia is a home-rule state.

There were five dates over a five year period by which the local governments were given the option of completing the planning process. County governments and the city governments within the county must agree on the date of submission which encourages joint planning and consolidation of overlapping services. If the planning process is not done, the legislation provides for a process by which local governments become decertified and lose access to certain state funding. Approximately 225 governments are currently certified. Approximately 60 have been decertified, but he estimates that 40 of those governments will regain certification upon correction of their plans.

The local governments are asked to develop a long-range plan addressing the following basic elements: population, economic development, natural and historic resources, housing, community facilities, and land use. Regarding those basic elements, the local governments are asked to do an inventory and assessment, identify needs and goals, and develop an implementation strategy. There are five environmental concerns that must be addressed: wetlands, water supply watersheds, recharge areas, river corridor protection of major rivers and streams, and mountain ridge protection.

The State does not provide funding to the cities and counties to complete the planning process. The State, however, provides customized packets of data, facts, figures, maps and other information needed to complete the planning process. The data book represents a time savings of 30% - 40% of the whole planning effort.

A notebook containing copies of information relevant to the Georgia initiative is filed with the Committee notebook in the Legislative Library.

Following the Georgia presentation. Harvey Haynes. Executive Director of Western North Carolina Tomorrow, showed a video produced by their organization. According to Mr. Haynes, the video presented all sides of the issues relating to planning in Western North Carolina.

Following the Western North Carolina Tomorrow video. a panel of local leaders discussed the status of planning in Western North Carolina. Appearing on the panel were: Bill Stamey. Town Manager of Canton: Tom Massie. Jackson County Planner: Linda Cable. Swain County Administrator: Steve Eller. Southwestern North Carolina Planning and Economic Development Commission: Paul Jordan. Clay County Manager and Commissioner: Ms. Jerry Stewart. Macon County Commissioner. Ginny Faust. Haywood County Planner: and Alan Lang. Division of Community Assistance - Asheville. Dave Owens of the Institute of Government served as moderator.

Common issues discussed by the panel included: (1) the need for local governments to be involved in formulating any comprehensive planning process; (2) the need to balance private property rights and regulatory interests in a manner that is beneficial to all parties; and, (3) the need to educate people about planning to dispel the notion that planning equates to zoning.

Following a lunch break. a public hearing was held. Appearing at the hearing were: Dr. Susan Smith - Western North Carolina Tomorrow; Bob Shepard - Land-of-Sky Regional Council of Governments; Elinor Metzger - Macon County League of Women Voters; William Green - Chairman. Haywood County Planning Board; Mr. Alna Hyatt - Resident of Haywood County; Junior Rathbone - Concerned Citizens of Haywood County; Mr. A. J. Plemmons - Concerned Citizens of Haywood County; Cliff Stamper - Resident of Burke County: Mary Helen Duke - North Carolina Planning Association; Kim Montgomery - Planner. Land-of-Sky Regional Council.

At the conclusion of the hearing, the Committee discussed holding its next meeting in Wilmington.

September 17, 1992

The Committee met on the campus of the University of North Carolina at Wilmington. Following introductory remarks. the meeting began with a discussion of the North Carolina Coastal Area Management Act (CAMA).

John Crew. Senior Land Use Planner with the Division of Coastal Management - Washington Office, gave an overview of CAMA. Enacted in 1974. CAMA requires the

twenty coastal county governments to develop and adopt comprehensive land use plans. Municipalities within the region may opt to develop plans and approximately seventy municipalities have developed plans. Approximately fifteen or so municipalities in the region have chosen not to do plans.

CAMA sets forth four goals for managing the coastal region: (1) to preserve and manage the estuarine, barrier dune and beach systems: (2) to insure that development is consistent with land and water ecological capability for development, use or preservation; (3) to insure the orderly and balanced use of coastal resources; and (4) to establish policies, guidelines and standards for protecting, preserving and conserving natural resources; economic development; recreation, tourism and parklands; transportation; historic, cultural and scientific aspects of the region; public access to coastal waters; and, any other purposes deemed necessary to carry out the act.

Overall policy decisions are made by the fifteen member Coastal Resources Commission (CRC) which is appointed by the Governor. A forty-seven member Coastal Resources Advisory Council advises the CRC on issues of concern to the coastal communities.

Each of the twenty counties must prepare a land use plan that is submitted to the CRC for approval. These plans must be updated every five years. The CRC must review its rules for land use planning every five years, also. The land use plans are directly linked to CAMA's environmental permitting process. Grants area available from the Department of Environment, Health and Natural Resources to assist local governments in the development of their plans.

The land use plans must consists of the following four basic elements: (1) a summary of data collection and analysis; (2) an existing land use map; (3) policy statements; and, (4) a land classification map.

Mr. Crew noted that prior to CAMA. local governments were unaware of the benefits of comprehensive land use planning and that intensive land use planning would not have occurred without the State mandate. In his opinion built-in incentives and sufficient financial support is crucial for successful comprehensive planning. He. also.

feels that character of the plan and the planning process must be linked to the character of the communities undertaking the planning and that public involvement is essential.

Following the discussion of CAMA. a panel discussed the work and final report of the Interstate 40 Economic Impact Study Steering Committee. Appearing on the panel were: James Doughtery. Division of Community Assistance: Kay Blackburn, Southern Bell; Mr. H. S. West. Mayor of Newton Grove; Paula Chewning Bass. Pender County Commissioner; Nancy Roy. Division of Community Assistance; Jeff Carver, First Citizens Bank and Tim Barth. Burgaw Town Administrator.

The I-40 study was a regional strategic planning project involving thirty-eight communities located along the eight county interstate corridor between Raleigh and Wilmington. The objectives were to: (1) determine the economic impact of the new highway; and, (2) develop strategies for the affected communities in order to maximize high quality growth.

A forty-five member Steering Committee appointed by the participating local governments directed the project. The steering committee was composed of members from the public and private sector, government and business leaders. As a part of the process, six task forces were appointed to study six critical issues: (1) Education; (2) Economics; (3) Tourism; (4) Land Use and Environment; (5) Infrastructure; and, (6) Community Services and Quality of Life.

Four public forums were held along the corridor. Those forums revealed citizens along the corridor were concerned about protecting the quality of life, education, employment, the lack of planning, the lack of infrastructure, and unchannelled growth and development pressures.

The group concluded that while I-40 would bring its share of problems, it would also bring opportunities not heretofore present. Over 100 recommendations that the Steering Committee viewed as practical and essential for progress are set forth in the final report. A copy of the final report is filed with the Committee notebook in the Legislative Library.

Following a lunch break, the Committee held a public hearing. Appearing at the hearing were: Ms. Lynn Phillips, Community Planning Specialist, Cherry Point AFB; Dick Hails, Assistant Director, Durham City/County Planning and N.C. Chapter, American Planning Association; Georgia Smallman, New Hanover County, League of Women Voters.

Following the hearing. the Committee discussed the enormity of the issues involved with the study and the possibility of recommending the creation of blue ribbon commission to continue the study. The Committee decided to meet in Elizabeth City in October and in Charlotte in November.

October 22, 1992

The Committee met on the campus of Elizabeth City State University. Following introductory remarks, there was a panel discussion concerning the status of planning and development in Northeastern North Carolina. Appearing on the panel were: Philip McMullan. Regional Economist. Elizabeth City State University: Dick George. Albermarle Commission; Roger Nicholson. Eastern North Carolina, Poverty Commission; Sid Oman. Former Mayor. Elizabeth City and Chesapeake: Meg Scully. Albermarle-Pamlico Estuarine Division; and Tom Richter. Division of Community Assistance - Washington.

Philip McMullan gave an overview of past and current planning related initiatives in the region. As a part of his presentation. Mr. McMullan discussed the Albermarle Area Development Association's work during the 1960's and the work of the Coastal Plains Regional Commission in the 1970's. He noted that the Albermarle Commission and the Center for Rural and Coastal Living have ongoing activities involving planning in the region.

Dick George discussed the role of the Albermarle Commission within their ten county jurisdiction. He expressed concern about whether comprehensive planning should be mandated. Mr. George expressed concern that the autonomy and sovereignty of the communities be protected if comprehensive planning legislation were to be enacted.

Roger Nicholson discussed poverty and economic development in Eastern North Carolina. He recommended the establishment of a statewide database or informational network that links everyone involved in economic development issues and allows greater access to information.

Sid Oman discussed the relationship between Northeastern North Carolina and Southeastern Virginia. He stressed the need to discuss planning across state lines when appropriate since there are adjacent interstate localities which often have more in common than they have with other regions within their state boundaries.

Meg Scully gave an overview of the Albermarle-Pamlico Estuarine Study (APES). She noted that as the population continues to increase in the region, there is a greater demand placed on the public trust areas. Therefore, mandatory land and water use plans will be recommended by those involved with the APES study.

Tom Richter concluded this portion of the meeting by noting that comprehensive local planning based upon guidelines proscribed by the legislature makes sense. In his opinion, such local planning does not only assist local governments. The legislative and executive branches will benefit. also, from local planning because it will make it easier to assess community needs, design programs to meet those needs and appropriate funds accordingly.

Following a lunch break, the Committee held a public hearing. Appearing at the hearing were: Tim Thornton, Pasquotank County Commissioner: Ray Sturza. Planning Director, Dare County; Jack Simoneau, Planning Director, Currituck County; Randy Keaton, Pasquotank County Manager; Jerry Allen, Camden County Manager.

November 19, 1992

The Committee met at the University of North Carolina at Charlotte. Following introductory remarks, a panel of local leaders and scholars discussed their perspectives of comprehensive planning and regional issues affecting the Charlotte/Mecklenburg area and the ring cities within its twenty mile radius.

Appearing on the panel were: Martin Cramton. Charlotte-Mecklenburg Planning Commission; Jack Kiser. Gastonia Planning Department: Bill Duston. Centralina Council of Governments: DeWitt Blackwell. Western Piedmont Council of Governments; Ms. Lynn Wheeler. Charlotte City Council; Sonny Timmerman. Carolinas Transportation Compact; Dr. Al Stuart. UNC-C: and Michael Gallis. UNC-C. Dr. Bill McCoy of the Urban Institute served as moderator.

Martin Cramton spoke to the Committee as an advocate of the statewide planning initiative. He stated that "we need to come up with a comprehensive strategy that addresses the diversity among our rural emerging suburban areas and urban centers." In his opinion, states that set some vision for where they want to be in ten or fifteen years are going to be the most competitive in the next century. Therefore, "now is the time to create a new order--a new vision for the 21st century" so that North Carolina and its communities are competitive in a global context.

Mr. Cramton, also, discussed components of the growth management legislation in Oregon, Georgia, Washington and New Jersey. He advised the Committee to consider Georgia's approach, because he thought that it was more adaptable to North Carolina's needs.

Jack Kiser, also, favors the State adopting a statewide comprehensive planning policy. He encouraged the Committee to continue studying comprehensive planning in a manner that is inclusive of all affected parties. Regarding any future comprehensive planning legislation, Mr. Kiser thinks the existing regional organizational structure is a good starting point for the coordination of broadly stated planning goals. He stressed the importance of "bottoms-up" planning approaches to comprehensive planning.

Bill Duston suggested that there is need to further explore comprehensive planning in this State. He said that he agrees that it is needed, but that the State must determine exactly "what we want for this State." He feels that comprehensive planning should be coordinated at the local and regional levels and utilize the existing Lead Regional Organizations.

DeWitt Blackwell echoed support for a statewide planning process. He advised that a number of things are going on within his area related to transportation, land-use

planning, economic planning, environmental planning and utility extension. A statewide planning process would only encourage, bolster and help these ongoing projects in his opinion. He thinks such a process will assist the smaller, less equipped and less financed local governments keep up with the pack.

Dr. Al Stuart discussed the economic impacts of planning. He stated that many aspects of our life are driven by the nature of economic activity. He continued on to say that "if we don't keep up with those changes, we will have outdated perceptions of the realities of the world." In his opinion, the future of North Carolina's economy is anchored to the successes of the two larger metropolitan areas (Charlotte and Raleigh/Durham). "The question is how to hitch up all the wagons to those horses so that the whole State can benefit in the economic growth that is going to focus on those areas."

Dr. Stuart stressed that we need to work more on the interdependence of the regions rather than seeing a rural versus urban issue. The issue is one of priorities. For instance. Dr. Stuart does not think there is much need for four-lane highways in some parts of the State. He said we need to learn that a highway does not necessarily bring economic development, sometimes it takes it out. Thus, improving transportation in urban areas which make them more accessible to people in suburban areas may be more advisable. He advised that roads "don't give the edge in development they once did. There has to be other things in place like people, infrastructure and so forth.

Mike Gallis told the Committee that "the reality of world competition is something that is going to drive all of us." There are thoughts that a regional strategy will be a marketable commodity and will be an advantage in competitive situations. Gallis, however, cautioned the Committee not to just add another level of bureaucracy that does not provide a mechanism to work cooperatively. He said the key and critical issue in statewide planning is how it will be formatted.

Mr. Gallis commented that the statewide planning legislation enacted in other states thus far does not address the issue of global competitiveness. He expressed hope that this State will be the first to do so. He said that North Carolina has an opportunity to "create a new model for America." Gallis noted that countries in Europe and Asia have already have effective integrated regional level planning

strategies that foster global competitiveness. For instance, Japan has divided the country into seventeen regions based on public and private sector integrated planning to make it "a giant economic battleship."

Gallis said that statewide planning should be more than an "issue of arranging land-use colors on a map." It should in fact address our competitiveness in the new world market.

Ms. Lynn Wheeler discussed the history and activities of the Carolinas Urban Coalition. The Coalition is composed of the cities of Charlotte. Gastonia. Mooresville. Concord. Kannapolis. Monroe and Rock Hill. S.C. The Coalition was formed upon recognizing that the member cities are not entities unto themselves anymore. The Coalition members discuss cooperative solutions to mutual problems and share information with each other.

Following lunch. the Committee continued its meeting with a presentation from Sonny Timmerman. Timmerman discussed the composition, goals and purposes of the Carolinas Transportation Compact. The Compact has been in existence since 1989. It works with and assist local governments in their transportation needs. Timmerman thinks that transportation is one facet that must be dealt with in considering comprehensive planning.

John Wray appeared before the Committee to discuss the development of the State's water plan. The Department of Environment. Health and Natural Resources has been directed by the legislature to formulate a State water supply plan. The objective of the plan is to insure the availability of an adequate water supply system. The Department is currently developing guidelines for doing local water supply plans, because a State plan cannot be formulated until the locals do their plans. The Department plans to begin identifying key geographic problem areas and key issues that will be helpful to a consideration of comprehensive planning.

Three members of the public appeared before the Committee to comment on the concept of comprehensive planning: A. R. Sharp, Jr.. Lincoln County Manager; Margaret Markey. Charlotte/Mecklenburg League of Women Voters: and James Cox. Monroe Planning Director.

Following the public hearing. the Committee discussed its report and recommendations to the 1993 General Assembly. The members present agreed that there is sufficient interest in comprehensive planning, but that there was not sufficient time to complete a thorough study of the issues and recommend substantive legislation. The members present agreed that the issue needs further study by an independent blue ribbon task force.

The Committee instructed staff to draft a report to recommend the formation of an independent task force of 24 members. The Committee recommended that 12 of the members represent each of the congressional districts to ensure geographic diversity. Further, Staff was instructed to prepare proposed legislation such that the task force would (1) have a membership more representative of affected groups to be appointed by the Senate, House and Governor; (2) provide for adequate funding and staffing requirements; and, (3) provide some structural guidelines for the work of the task force.

The Committee decided to hold its next meeting in Raleigh to discuss and approve its report and proposed legislation.

December 15, 1992

The Committee held its final meeting in Raleigh. The draft of the report to the 1993 General Assembly and proposed legislation had been mailed to the members in accordance with the rules of the Legislative Research Commission.

The Committee began with a review of the report and proposed legislation to establish a Comprehensive Planning Task Force prepared by Staff. Dr. David Godschalk offered an alternative legislative proposal to establish a Partnership for Quality Growth. The Committee discussed both legislative proposals in detail and decided to merge provisions of both proposals together. The Committee also, considered and adopted Sen. Sherron's recommendation to increase the membership from 24 members to 30 members. Several other amendments were considered and adopted.

After a review of the desired amendments, the Committee adopted the report and proposed legislation for submission to the Legislative Research Commission. The Cochairs thanked the Committee members and staff for their participation and assistance in the Committee's work and received comments from the public prior to adjournment.

APPENDIX A

CHAPTER 754 SENATE BILL 917

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION. TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS. TO MAKE APPROPRIATIONS THEREFOR. TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES. AND TO MAKE OTHER AMENDMENTS TO THE LAW.

PART I .----TITLE

Section 1. This act shall be known as "The Studies Act of 1991."

PART II.----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1991 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

(38) Statewide Comprehensive Planning (H.J.R. 1157 - Hardaway).

Sec. 2.7. Committee Membership. For each Legislative Research Commission Committee created during the 1991-93 biennium. the cochairs of the

Commission shall appoint the Committee membership.

Sec. 2.8. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1). the Commission may report its findings. together with any recommended legislation, to the 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or both.

Sec. 2.9. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.10. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the

Legislative Research Commission.

PART XXI.----EFFECTIVE DATE

Sec. 21.1. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE JOINT RESOLUTION 1157

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Representative Hardaway. Sponsors: Referred to: Rules, Appointments and Calendar. May 3, 1991 1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY AND DEVELOP A STATE-MANDATED COMPREHENSIVE PLANNING PROGRAM. Whereas, comprehensive planning is the identification of future 5 goals and actions in a number of areas including land use, economic 6 development, resource management and preservation, transportation, and 7 infrastructure: Whereas, comprehensive planning on the local, regional, and State 9 level will be beneficial to the State and its citizens: Whereas, a number of programs, studies, and proposals have been 11 established relating to one or more aspects of comprehensive planning in the 12 State: Whereas, no coordinated program has been established to

13 14 implement statewide comprehensive planning in this State;

15 Now, therefore, be it resolved by the House of Representatives, the Senate 16 concurring:

The Legislative Research Commission may study and 17 Section 1. 18 develop a State-mandated comprehensive planning program in which 19 comprehensive plans are developed by local governments and coordinated at a 20 regional and State level.

The Commission's study shall address the following issues. 21 (a) 22 along with others deemed necessary by the Commission to develop a statewide 23 comprehensive planning program:

> Program goals; (1)

GENERAL ASSEMBLY OF NORTH CAROLINA

1	(2)	Coverage of comprehensive planning in terms of jurisdictions						
2		and activities to be included:						
3	(3)							
4	(4)	Oversight responsibility for the program:						
5	(5)	Program financing:						
6	(6)	Coordination and roles of existing programs and agencies						
⁻ 7		dealing with related subjects;						
8	(7)	Coordination of the local, regional, and State agencies						
9	,	involved in the proposed planning process;						
10	(8) Time frame for planning process and completion: and							
11	(9)	Legislative changes necessary to implement program.						
12	(b)	In evaluating the issues set forth in subsection (a) of this						
13	3 section, the Commission shall consider the programs and experiences of other							
14	states relating	to statewide or state-mandated comprehensive planning, and						
15	shall use as a	model the 1989 legislation adopted by the State of Georgia						
16	6 which established a state-mandated comprehensive planning program.							
17	Sec.	2. The Legislative Research Commission shall report its						
18	8 findings and recommendations to the 1993 General Assembly, and may make							
19	9 an interim report to the 1991 General Assembly, 1992 Regular Session.							
20	Sec.	3. This act is effective upon ratification.						
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APPENDIX B

ACKNOWLEDGEMENTS

The Legislative Research Commission's Committee on Statewide Comprehensive Planning would like to thank all of those individuals who appeared before the Committee to present information and/or comment on comprehensive planning.

The Committee, also, would like to thank the Chancellors and their staffs at the following universities for the hospitality and assistance that made our regional meetings possible: Western Carolina University. University of North Carolina at Wilmington, Elizabeth City State University and University of North Carolina at Charlotte.

Finally, the Committee would like to thank the staff of the Division of Community Assistance who provided assistance to the Committee's Staff in setting agendas for the regional meetings in Cullowhee, Wilmington and Elizabeth City.

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"APPENDIX C

Due to the volume and in some instances size of the publications, reports and other information received by the Committee, those items are not attached to this report. The selected information listed below may be found in the Committee's notebook on file in the Legislative Library.

March 13, 1992 - Raleigh

Bob Chandler, Division of Community Assistance
"Planning in North Carolina"
"Selected Examples of State Mandated Laws Affecting Land Use"

August 25, 1992 - Cullowhee

Governor's Growth Strategies Commission's Final Report. 1988
"Quality Growth Partnership: The Bridge to Georgia's Future"

Mike Gleaton, Georgia Department of Community Affairs "Georgia Resource Manual"

Steve Eller, Region A Council of Governments. Position Statement

Land-of-Sky Regional Council
"Regional Vision '95: A Vision To Shape and Influence the Future"

Elinor Metzger, Macon Co. League of Women Voters, Position Statement

N.C. Chapter of the American Planning Association, Position Statement

September 17, 1992 - Wilmington

John Crew, Division of Coastal Management
"Coastal Area Management Act"
"Inventory of Local Land Planning and Management Controls: Study
Area - North Carolina's 20 Coastal Counties"

David Owens. Institute of Government
"The Coastal Management Program in North Carolina"

I-40 Steering Committee's Final Report
"Interstate 40 Economic Impact Study"

Marine Corps Air Station - Cherry Point. Position Statement

October 22, 1992 - Elizabeth City

Albermarle Area Development Association. Report. 1967
"A Region in Transition: The General Development Plan for the Albermarle Area"

Eastern North Carolina Poverty Committee
"Survey of Small Businesses - Summary of Major Results"
"Poverty: Gripping Eastern North Carolina"

Albermarle-Pamlico Estuarine Study
"Comprehensive Conservation Management Plan"

Tim Thornton, Pasquotank County Commissioner. Position Statement

November 19, 1992 - Charlotte

Charlotte-Mecklenburg Planning Commission
"Annual Report for Fiscal year 1991"
"FY93 Work Program"

City of Gastonia

"City Vision 2010: Gastonia's Comprehensive Plan"

Jack Kiser, Gastonia Planning Department, Position Statement

Carolinas Transportation Compact

"Goals and Purposes Statement"

"Moving Together: A Regional Transportation Vision for the Next Century"

John Wray, Water Resources Division
"Overview of the State Water Supply Plan Statute"

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