PLANNING FOR SEA LEVEL RISE ALONG THE LOUISIANA COAST

A WORKBOOK
OF
IDEAS, MODEL ORDINANCES, RESIDENT AND PUBLIC OFFICIAL SURVEY FINDINGS, AND REFERENCES

A WORKSHOP FOR LOCAL AND STATE DECISIONMAKERS

June 2, 1992

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A WORKSHOP FOR LOCAL AND STATE DECISIONMAKERS

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Documents:

1) Planning for Sea Level Rise Along the Louisiana Coast: A Workbook of Ideas, Model Ordinances, Resident and Public Official Survey Findings and References.

2) Resident and Public Official Perceptions of the Effects of Coastal Erosion and Sea Level Rise on Coastal Louisiana: The Barataria Basin. 82 pgs.

3) A Bibliography of Coastal Erosion and Sea Level Rise: Social and Physical, General and Louisiana. 47 pgs.

4) Sociodemographic Characteristics of Barataria Basin Communities Threatened by Coastal Erosion and Sea Level Rise. 4 pgs.

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INTRODUCTION

Rod E. Emmer, Ph.D.

Louisiana represents a major component of the dynamic and vibrant lowlands along the margins of the Gulf of Mexico. South Louisiana, an area of virtually no elevation and little relief, achieves significance because it contains approximately 40% of the coastal wetlands of the continental United States, serves as habitat for much of the fish and shellfish caught in the Gulf, and is the home of over two million individuals. Natural process such as annual river floods, Gulf currents, regional subsidence, and sea level rise built and shaped the Mississippi River deltaic plain and the associated chenier plain of Cameron and Vermilion Parishes. Human intervention, for example the leveeing of the Mississippi River for flood control, the dredging of canals for navigation and mineral extraction, and the filling or draining of wetlands, modified the natural processes and accelerated the reshaping of the landscape. The evolution of wetlands to ponds and bays and the erosion of islands and shorelines now takes place in years rather than decades while the construction of new deltas is retarded.

Erosion and relative sea level rise are the two most serious problems facing the people of Louisiana and their continued occupancy of the coastal zone. Coastal erosion has always been a dominant process throughout the Louisiana coastal zone, but recent events and actions have more forcefully brought it to our attention. Degradation of wetlands, beaches, and shorelines results from natural processes of currents, waves, and sea level rise. Human actions, flood control projects that diminish sediment supplies, jetties and navigation canals that interrupt sand movement, increased tidal action due to canals, and higher rates of runoff, accelerate degradation of the coastal environments. For example, beach erosion rates range from almost 57 ft/yr in the

Fourchon region to 10 ft/yr along Grand Isle. Erosion is not, however, limited to beaches and marshes fronting the Gulf. Studies document that, annually, thousands of acres of interior wetlands are opening to water and canal banks are retreating. Lower Terrebonne and St. Bernard Parishes best illustrate both problems. The Houma Navigation Canal and the Mississippi River Gulf Outlet have high rates of bank erosion and have allowed for the introduction of salty Gulf waters into freshwater marshes and swamps, killing vegetation and degrading the overall system.

Relative sea level rise, the second issue, results from regional subsidence (the whole area is going down due to the geologic character of the sediments and underlying beds) at the same time the water surface is getting higher. By the year 2100 estimates place the oceans of the world including the Gulf of Mexico as much as 22 to 144 inches above where they now stand (Gornitz and Kanciruk 1989; Titus 1987). Such a significant rise in sea level when combined with the factors that contribute to subsidence will have a devastating effect on the low-lying coastal zones of the world. Several problems expected along the Louisiana coast include: abandonment of communities because of flooded roads, yards, and buildings; increased frequency and severity of storms and storm surge; shoreline erosion and inundation; accelerated loss of wetlands; modified coastal processes, such as hydrologic circulation; and abandonment of shoreline structures and changing land uses (Klarin and Hershman 1990). Certainly, actions anticipating these changes need to be taken by the parishes and communities along the coast.

With the passage of Act 6 of the 1989 Special Legislative session, Louisiana made a positive statement on the value of the coastal zone. Act 6 provides state money for engineering projects to reduce the degradation of the coastal wetlands. Diversions will move fresh water and sediment from the Mississippi River into the interior basins. Projects will help manage wetlands to reduce losses. Vegetative plantings will stabilize shorelines and barrier islands, while sands and spoil rebuild islands and beaches. But

these projects cannot act in isolation. Recognizing a national interest in addressing coastal wetlands loss Congress passed the Coastal Wetlands Planning, Protection and Restoration Act (PL 101-646). A task force created by PL 101-646 is developing a Comprehensive Restoration Plan for Louisiana.

Communities in the coastal zone must take steps to protect the valuable coastal resources and the people of the parish or municipality by addressing how we use and live in the areas threatened by rising water and erosion (Darlington 1989). A recent survey (Laska and Emmer 1992) indicates that local officials recognize that they must do something, but three-quarters of the respondents felt that local public officials do not have sufficient regulatory resources to deal with the problems. The purpose of the workshop and this workbook is to provide information and models that local planners and decisionmakers can use to confront the effects of sea level rise and coastal erosion. Each model presents the basic elements that should become part of any program. Before enactment by a parish or municipality an ordinance should consider local problems by proposing specific criteria for evaluation and implementation, and setting a format acceptable to the community and legal requirements.

The workshop begins with a discuss of the problems facing Louisiana and the people who live in the coastal zone and how the people feel about these concerns. Once we establish the setting, a process is suggested for systematically confronting the problems. The program then turns to models of ordinances local governments can enact to meet the challenges of sea level rise and coastal erosion. Concluding remarks focus on ways of implementing the suggestions make throughout the workshop.

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RESIDENT AND PUBLIC OFFICIAL PERCEPTIONS OF THE EFFECTS OF COASTAL EROSION AND SEA LEVEL RISE ON COASTAL LOUISIANA: THE BARATARIA BASIN

A SUMMARY

Shirley Laska, Ph.D.

The prospect of the disappearance of the land on which one lives, raises their family and earns their living is a frightening prospect, perhaps so frightening that it is difficult to consider. Such, however, is the reality which many coastal Louisiana residents have had to face over the years in which humans have inhabited the area. Names which are just a memory or now have a place only in a history book include the communities of Cheniere au Tigre, Cheniere Camanada, Frenier Beach and Manila Village to name some. Recently, human actions such as river channelization and canal dredging have combined with the natural processes such as land subsidence and compaction to pose the reality of land loss to more and more coastal residents.

The immediate response to such a horrifying prospect is to deny it. Governor Roemer took this position in a hearing conducted in 1990 by the National Organization of Governors: "We won't leave!" he declared. A wise statement indeed for a public official because abandonment almost assuredly would eliminate the constituency upon which their position is based. First, voters would be reluctant to support a public official who is quick to advocate

abandonment of their community; and when abandoned there would be no voters to vote for anyone.

Resisting coastal abandonment has another utility. A firm refusal to leave may put into motion actions which will prevent the necessity to do so. Examples of these range from Act 6 of the 1989 Special Legislative session (which provides state money for engineering projects to reduce the degradation of the coastal wetlands) to the stalwart determination of some local public officials who try to challenge all odds to maintain human presence in threatened coastal areas.

But can such a position of refusal to deal with the realities of coastal land loss also do harm? It is the contention of this project and its resulting workshop that considerable harm can be done by refusal to recognize the likely realities of coastal land loss and to put into place a plan and ordinances to deal with it. For example, monies might be spent on new infrastructure which will not be useful throughout its life-span because it will be inundated by coastal waters before it is obsolete. Roadways and sewage treatment plants are examples. Residents will be permitted to build homes which will have to be abandoned well before their age warrants because the owners will give up in frustration as each trip to and from their home requires boots and a vehicle with four-wheel drive.

The two responses--resistance to coastal changes and systematic response to them--are not incompatible. In fact, combining the two is probably the wisest. One tries to slow land loss or restore land once lost at the same time one anticipates what is likely to occur, what land will go, what areas will be increasingly threatened. The two responses, however, may not receive the same support from public officials and residents. No one wants to give up, to abandon one's home. Resistance to such a threat is almost an automatic

human response. Planning for "retreat" takes on an entirely different image. One doesn't retreat unless forced to, and only then with much reluctance. There is, however, another image of retreat. That is a recognition that it sometimes saves lives, reduces suffering and economic loss and provides for the human resources to pursue one's objectives another day. If planning is equated with this latter image of a constructive retreat from the threatened coastal areas, it may be seen as a much more constructive action.

So far we have been discussing how people usually respond when threatened by a serious challenge. But what about people in the Louisiana coastal zone? What is the reality of coastal land loss which they carry in their minds? Are they experiencing the effects of it? Do they feel that they can do anything about it? How seriously do they expect that land loss will threaten them in the future? What are they anticipating they will have to do in response to it? What responses are acceptable to them? To what will they give their political support?

Are coastal residents and public officials different in the answers they would give to these questions? What resources do public officials think they have with which to respond? What resources would they like?

The remaining part of this section of the workbook summarizes the results of two surveys which attempt to answer these questions. (See the full report available from the Louisiana Department of Natural Resources for details of the methodology used and the findings. An order form is included in the workbook.)

The first survey of approximately 50 questions was administered by telephone during September, 1991 to 451 residents (registered voters) of the Barataria Basin by the Survey Research Center at the University of New Orleans. Approximately 46% of those with valid phone numbers (did not answer or line

busy) completed the interviews. Ten percent of the respondents reported that they did not believe Louisiana was experiencing any land loss due to coastal erosion. No further questions were asked of these respondents after they answered no.

The second survey including the 50 questions plus an additional 10 relevant only to public officials was also administered by telephone to 40 public officials from the same area. The sample was comprised of both elected (state representatives, parish council, and town aldermen) and appointed officials (levee and port commissioners). Seventeen of the public officials were appointed, 23 were elected. Cooperation by the public officials called to complete the survey was very good.

FINDINGS

Both residents (79%) and public officials (95%) are very concerned about coastal erosion. Residents (42%) believed that the principal cause of the erosion is the natural processes while public officials believe that it is caused by human actions (38%) or by both natural and human (42%). The most serious current effect of the erosion is seen by the residents as wildlife habitat loss (42%). Public officials believe it is land loss (35%). Most residents believe they have not yet been personally affected by erosion (72%) but almost the same number (65%) believe they will be in the future. This future affect will be by the actual loss of land (42%).

Public officials believe that their communities are currently being affected (78%); residents are less likely to believe so (50%). Residents believe that the current aspects of erosion which are affecting the communities are land loss (35%) and flooding (31%). Public officials are more focused on land loss

(54%). Residents believe that they have no personal control over erosion (36%) while public officials are less likely to report no control at all (18%). These perceptions are related to whether the respondents have taken personal action toward erosion: only 41% of residents have while 72% of the public officials have. Residents are more optimistic that communities can have some control over erosion (25%); public officials are even more optimistic (47%).

Both residents (81%) and public officials (82%) perceive that their communities will have trouble surviving in light of coastal erosion. There was almost unanimous concurrence on the part of both residents and public officials that erosion increases vulnerability to hurricanes, affects the culture, and that the loss of barrier islands causes faster marsh loss.

Resident believe that scientists can prevent land loss (61%); public officials are even more optimistic (73%). There is less optimism by residents that scientists can restore land (47%); public officials are equally as optimistic about restoration than they are about prevention (75%). The difference may be due to the amount and means of exposure to information about coastal erosion. Residents receive their information mainly from the media (56%) and some from personal observation (32%). Public officials also personally observe it (38%) but receive information more often from other sources such as reports, presentations and experts. (43%).

Only about a third of the residents (38%) believe that the state has sufficient resources to address coastal erosion. Public officials are even less optimistic (30%). There is more optimism that government will take the action necessary to prevent erosion. About half of the residents (51%) and two thirds of the public officials (63%) are somewhat optimistic that this will occur. When asked whether one of the responses which the government should take is

preventing development in erosion-vulnerable areas, 59% of the residents and 49% of the public officials said yes.

Even more drastic responses to erosion were posed to the respondents. Half of the residents and 38% of the public officials indicated that they believed their communities would consider relocating. The numbers increased when respondents were asked if they thought that their communities would have to consider relocation. Some 65% of the residents and 70% of the public officials said yes. When asked if they would personally relocate, 65% of the residents said they would while less than half of the public officials said they would (48%). Neither residents (only 33%) nor public officials (22%) would consider encouraging their children to move away. When analysis is focused only on those closest to the Gulf, and thus more vulnerable to erosion and also most traditional culturally, respondents are themselves less willing to move but more willing to encourage their children to move. They expressed a belief that the younger generation was less interested in coastal occupations and activities and thus less able to adapt to coastal life--especially with the added threat of coastal erosion--than is the older generation.

The final topic discussed with the respondents was global warming and the related phenomenon of sea level rise. Only 18% of the residents and about a third of the public officials (31%) believe that global warming poses a very serious threat to coastal Louisiana. When asked whether global warming will affect erosion, 71% of the residents agreed and 100% of the public officials believed this to be the case. About half of the residents (58%) and three quarters of the public officials (75%) believe that parishes should prepare for global warming.

QUESTIONS ASKED OF PUBLIC OFFICIALS ONLY

Public officials were asked some questions not asked of the residents. The majority of the public officials were aware of the State Coastal Wetlands Conservation and Restoration Program. Almost all public officials believed that the program would benefit their community (96%); about a third also perceived that the program would cause their program problems (35%). Ways in which they perceived the state program would be beneficial included, in addition to responding to erosion, the provision of funds to the communities, enabling a joint program between the state and local communities and help to the fishing industry. Problems were also seen as linked with the program: the conflict between seeking preservation of the wetlands and barrier island beach restoration; restrictions to development which the program would have; and the fact that the program might permit extension of ongoing conflict between developers and environmentalists.

PLANNING FOR THE IMPACT OF COASTAL EROSION

Public officials were asked a series of questions about planning for the impact of coastal erosion. Sixty percent indicated that their communities had done some planning for the impact of coastal erosion on the community's infrastructure, 50% for impact on the development of residential, commercial or industrial sites and about one third for impact on property values.

Finally, the nature and adequacy of resources to plan for coastal erosion were explored with the public officials. Only 22% of the respondents felt that local public officials have sufficient regulatory resources to deal with coastal erosion; even fewer (5%) feel that they have the financial resources. When asked to list the existing ordinances which they might use to deal with erosion, the

following were described (the political unit to which it pertains is in parentheses):

-- beach protection ordinances for Grand Isle (local)

-- oil field dredging regulations (parish/local)

-- flood protection levee ordinances (local)

-- no wake zones (local)

-- no net loss wetlands policy (federal)

-- Coastal Zone Management requirements (state/federal)

-- National Flood Insurance Program requirements (federal)

-- Environmental Protection Agency regulations (federal).

In addition to indicating existing ordinances which can be used to address coastal erosion problems, public officials were asked to describe the ordinances that they would like to see enacted. The following were the answers they gave.

There was tension between where the public officials felt the authority to regulate should lie. Seven respondents argued in favor of giving more authority to local governments in giving development permits. Conversely, five respondents felt that the federal government should step in. Other answers which were given by one or two respondents each include:

-- put rip rap and concrete on all shorelines (local)

-- make companies fill in canals (parish/local)

-- use parish land for mitigation (parish)

-- have a comprehensive zoning ordinance (parish)

-- create drainage and levee districts (state)

-- legislate corporate responsibility (state)

-- place a moratorium on canal construction (state)

-- have state be more aggressive (state)

-- prohibit building near shorelines (federal)

-- break up strong federal regulations (federal)

-- cut down on Corps of Engineers red tape (federal)

-- make Coastal Zone Management stronger (federal)

-- have FEMA enact ordinances (federal)

-- do erosion control on private property (federal/state/local)

-- coordinate local, state and federal efforts

-- have standing permits to speed up process.

In line with some of the suggestions made by the public officials to this previous question, a final question was asked about whether they would support state restrictions on residential, commercial or industrial development to deal with coastal erosion. Three quarters of the public officials said yes.

DISCUSSION

What implications for responding to coastal erosion do these findings have? First, awareness of the threat of erosion is high both for residents and public officials. As with many environmental threats, perception is that more harm will come in the future rather than in the present. Such a perception reduces people's willingness to take action. The residents' recognition that communities might have to respond by relocating implies that the severity, albeit "down the road", is perceived. A greater willingness by residents than public officials to control development in threatened areas should give public officials more confidence that if ordinances were to be developed, there would be considerable community support. When, of course, it is someone else's property which is restricted rather than one's own, such a response is easier to give. Proposing a package of physical projects and nonstructural actions--ordinances and planning--is likely to be easier with such a high awareness by residents (and public officials) of the problem of erosion and the perceived severity of it.

Public officials are definitely concerned that their communities not be affected by erosion. While they perceive the problem as equally or more serious than the residents, they are more confident that things can be done to reduce the threat. What they do not currently have are adequate fiscal and regulatory resources to respond. It is hoped that the workshop and the model ordinances which have been prepared for the workshop will assist in responding pro-actively to coastal erosion and sea level rise.

PLANNING IN THE COASTAL ZONE

Rod E. Emmer, Ph.D.

With population growth after World War II development in the Louisiana coastal zone increased significantly. Subdivisions, commercial strips, and industrial facilities expanded along the higher natural levees and began to occupy the lower parts of these ridges, adjacent swamps and marshes, and areas subject to erosion, lands once consciously avoided. Runoff and discharges from development resulted in pollution of bays, bayous, and wetlands, threatening the public health, safety, and community well-being. Sea level rise and erosion now compound these problems threatening the existence of many communities. Planning can help reduce impacts of sea level rise and erosion.

Federal, state, and local governments address coastal problems in distinctly different manners. The federal government does not directly control land use, except on those tracts they own, such as wildlife management areas and military reservations. Federal programs and policies do, however, indirectly influence activities and planning by state and local governments and the private sector. The Corps of Engineers (the Corps) and the Environmental Protection Agency (EPA) potentially exert the most influence on the distribution of activities. The Corps administers Sections 9 and 10 of the River and Harbor Act of 1899 (33U.S.C.401-406) which protects navigable waters from obstructions and pollution. Section 404 of the Clean Water Act (33U.S.C.1251-1376) makes the Corps partners with the EPA in regulating the disposal of dredged or fill material in waters of the United States. Section 401 of the Clean Water Act requires that a project be certified in compliance with the state water quality standards or a federal permit will be denied. EPA through Section 404(c) of the Clean Water Act can prohibit or restrict the

placement of dredged or fill material in waters of the United States. Plus EPA requires a permit for a point source of discharge.

Other federal agencies influence coastal activities. Among these regulators are the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (42U.S.C.4001-4128). FEMA sets performance standards to reduce the potential damage from stormsurges and high water. The Coastal Barrier Resources Act (16U.S.C.3501-3510), administered by the U.S. Fish and Wildlife Service prohibits federal subsidies on specified barrier islands and beaches. Many federal programs apply to activities in the coastal zone (Emmer and Calvert 1992) and may modify the uses of an area, thereby reducing the adverse impacts of sea level rise and erosion.

States retain the power to control land use through the Tenth Amendment to the Constitution (Barrows 1982). States can plan for and regulate activities that affect the public health, safety, and welfare, but most do not normally practice comprehensive planning. An early attempt at state planning was tried in Louisiana (Emmer et al. In review). The 1936 Legislature created the State Planning Commission to develop and adopt a master plan for the physical development of the state. The effort was not favorably received because the Commission was never fully funded. In the 1940s the Louisiana Department of Public Works was formed and made responsible for the preparation of the state's master plan. Except for some public works projects, no master plan was ever developed. In 1968 the State Planning Office was created by Executive Order and authorized by the legislature. The office, assuming some planning responsibilities from the Department of Public Works, was charged with coordinating a comprehensive plan for the state. But a plan remained illusive here as well. Over the years, the State Planning Office shrunk in size, although its responsibilities remained the same. By 1986 the State Planning

Office was so reduced in status that the governor transferred the staff and its duties to the Division of Administration. The State Planning Office ceased to exist in 1989 when it became part of the Office of Planning and Budget and was fully integrated into the structure of the Division of Administration.

But state agencies are not completely inactive in having a say in what can take place. State government, like the federal agencies, indirectly influences what takes place in the coastal zone. The Coastal Management Division, Department of Natural Resources administers a permitting system that applies to activities in the state defined coastal zone. The Department of Wildlife and Fisheries reviews and comments on permit applications in order to protect the renewable resources within the state. They also administer a permit program for activities affecting state designated scenic streams. The Department of Environmental Quality addresses water quality through a permit system on discharges and the location and operation of some activities, such as landfills. The Department of Health and Hospitals monitors and regulates discharges of sewage and oversees the oyster and shell fishing industries with regard to human health. All of these programs are part of the state system, but there exists no comprehensive planning for what occurs in the coastal zone or anywhere else for that matter.

Regional planning, a potential since 1956, had to wait until 1973 for the establishment of the eight regional planning districts boundaries. Regional planning commissions (RPC) are mandated to prepare and, from time to time, revise, amend, extend or add to a regional development plan (LRS 33:135) recommending policies for the physical development of the planning area. The RPC does not regulate development, a power that stays with the municipalities. RPCs' functions do not supersede municipal or parish planning commissions when they exist within a regional planning area (LRS 33:137). In those cases

where a municipality or a parish has a functioning planning commission, the RPC may recommend measures for the coordination of plans or it may recommend plans for local adoption. Usually, the RPC serves as a consultant to the local planning commission.

Planning and control of land use resides with local government and has for about 75 years. In response a successful legal challenge to piecemeal zoning in New Orleans, the 1918 Legislature granted cities with populations over 50,000 the ability to enact zoning ordinances. In 1926, the Legislature gave municipalities (defined by the Lawrason Act (Act 136 of 1898) as having 5,000 or more inhabitants) the power to zone and provided that zoning be "in accordance with a comprehensive plan." The greatest impact on planning came in 1946 with the passage of Acts 300 and 319 which gave more specific guidance to planning within municipal and parish governments, respectively. Limits were set on planning commission sizes; adequately funded professional support staffs were authorized; and the planning commission shall make and adopt a master plan for the physical development of the parish or municipality. A surge of planning took place in Louisiana with the influx of Section 701 (Title 1 of the Housing Act of 1954) money. Numerous parishes and municipalities took advantage of the 701 program and had plans developed; unfortunately, many plans remain on shelves awaiting implementation and are now obsolete.

Local governments have the authority to implement plans within their jurisdiction through zoning, subdivision regulations, building codes, miscellaneous ordinances, and special programs that protect the public health, safety, and welfare (Kean 1974; Mumphrey et al. 1976). Zoning is the division of the community into zones and districts that can be used for selected and predetermined activities, thereby separating incompatible land uses.

Subdivision regulations control the division and size of lots, provide for infrastructure, direct the placement of buildings on the lots, and specify the amenities and services to be provided before the lots can be marketed and structures built. Building codes establish minimum standards for material and construction of the structure within a community.

Planning has not become an accepted component of local government (Emmer et al. In review) except in the more urban areas of the coastal zone. Attention of local decisionmakers focuses on short-term programs that have immediate and readily observable results by constituents. Because planning is long-term, does not provide instantaneous satisfaction, and is not a high profile office often seen by voters, planning has been demoted on the list of local priorities. Communities may select any one of several methods for showing displeasure with or no interest in planning. Planners are simply not hired. If a planning office exists, it is underfunded and/or inadequately staffed to do the job. Or the staff may have too many assignments that are only peripherally related to planning so minimal time remains for preparing plans and programs.

Other factors affect the role of planning in the community. Many coastal residents feel planning dictates what people can do with their land, a fact that is not acceptable especially outside incorporated boundaries. No one seems to have convinced the public that planning is directly related to health and safety issues and the well-being of the community. Everyone benefits when the community meets selected standards.

In general, some form of planning for twenty to thirty years into the future is considered important by local planners and some public officials (Emmer et al. In review). However, it is not considered to be practical at this time, in part due to economic conditions and political considerations. Police jurors and

council members are apparently not sufficiently impressed with what planning offers to fund greater efforts. Without their support, little can be done. Day to day issues are treated as they come, leaving little if any time and no sense of importance for completing, updating, or using comprehensive plans. The parishes and municipalities are practicing a type of reactionary planning where issues and problems are handled as they surface, and then the most serious first. It is evident that few communities practice comprehensive planning or are even updating the Section 701 plans. Many decisions rely on plans that are as much as 30 years old. It appears that only the larger cities and selected parishes are trying to keep their plans current.

Planning in coastal parishes and municipalities is in reality a reactionary process, rather than anticipatory. Planning owes its direction and achievements to federal and state guidelines promulgated for flood damage reduction, protection of the public health and safety, and conservation. Beyond these basic federal and state requirements little coordinated planning was actually accomplished and most communities still lack comprehensive plans and the ability to formulate them. Finally, communities do have the authority to implement plans.

Assistance in developing and implementing plans is available to communities. The Louisiana Urban Technical Assistance Committee (LUTAC) at the University of New Orleans councils communities throughout Louisiana. Annually, the University of New Orleans gives a seminar for new planning commissioners. The Louisiana Section, American Planning Association, periodically offers short courses on planning issues. Finally, federal and state grants sponsor workshops such as this one on sea level rise. More and more citizens and decisionmakers are becoming involved in planning.

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COMPREHENSIVE PLANNING PROCESS

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INTRODUCTION

Comprehensive planning is a form of deliberate intervention into the development process. In practice, the development process is best viewed as having two major components:

1. A chronological series of sequence of events with actions taking place at each step requiring completion prior to going further.

2. A series of decision points which emphasize the interaction of planning (governmental or administrative), financial, and legal (judicial and legislative) factors and constraints.

The sequence of events and decision points serve to draw the major actors in development together in order for the action to proceed. Goodchild and Munton (1986) have outlined a model of development and planning that emphasizes the traditional delineation of roles: most planning originates within the public sector while the source of development energy is the private sector. In this model, as in most models of development and planning, the private sector is seen to be constrained in its efforts by publicly imposed and enforced (or waived) legal restraints and planning controls. However, the Goodchild and Munton (_____) model goes a step further by explicitly recognizing that the public sector is not simply a regulatory actor; rather, the public sector

increasingly acts as a source of development capital, as a providor of infrastructure, and as a co-partner in winning citizen acceptance of a project. In fact, the public sector in many areas, under such rubrics as economic development, may be the primary catalyst for development to occur. This is most particularly true when the local economy is in a condition of stagnation and is not attracting outside capital.

Further, there are four decision nodes required in the planning process through which a development decision must proceed :

1. land allocation for a particular use (usually done in a land use plan or a zoning ordinance);

2. land sale to a developer (often done by option contingent on conditions of planning approval and financing);

3. awarding of preliminary planning permission to develop under agreed upon conditions said to be mutually binding; and

4. granting of permits to begin construction.

At each of these decision points, each of the key actors; planners, developers, or landowners; has to decide whether to proceed or to revise the project to meet the objections of the others or, possibly, to abandon (or oppose) the project.

While each of the major actors has considerable flexibility in determining their behavior at each step in the process, the public sector is under an increasingly likely to be enforced legal obligation to have explicitly stated well before development has been contemplated just what constraints on the use of land must be enforced in the public interest and must further be prepared, if challenged, to justify these constraints as a proper use of the police power. If expropriation of land is envisioned, for example, the requirement for the statement of a public purpose underlying this action is well understood as is the payment of adequate monetary compensation. If the police power is used, the

question of a regulatory taking may have to be dealt with; under some circumstances, it too may lead to the awarding of compensation to property owners. Of recent vintage, courts have been willing to award damages if a regulatory taking can be documented to have occurred.

Barrett and Whitting (1983), in their "development pipeline" model, using the same set of major actors in the development process, go further. They agree that the development process is really a series of functions or activities that bring together resources and control agents in a carefully arranged framework. In this framework the planner acts more like a regulator. In fact, as the agent of a regulatory body, he has a responsibility to develop and maintain a consistent, fair, and equitable set of development controls in advance of any developer-planner interactions. In the ensuring interactions, there is a mutual interdependence characterized by a "resource exhange" whereby one type of resource (power) is exchanged for another (land).

Thus, the development process is a structured series of interactions and transactions amongst the involved major actors. The nature of the interactions vary because there are differences between the actors. For example, the planners are involved almost exclusively with the planning process but are not usually taking an economic risk in the transactions in which they participate. In fact, it is possibly illegal for them to do so. A developer ostensibly has more freedom since he can, given the mobility of capital, look to alternate investment possibilities if the risks look less elsewhere or the potential rewards greater in an alternate site. The degree to which a developer becomes or remains interested in development correlates very positively with the perception he holds as to the chances for a successful project.

The planner-developer interactions are structured both by legislation and administrative regulations emanating therefrom. To describe the planner

structure in the development process we turn first to the statement of planning power generally given to local governments in Louisiana:

"Every parish and every municipality may make, adopt, amend, extend, add to, or carry out official plans as provided in this subpart, and may create by ordinance, a planning commission with the powers and duties herein set forth and may appropriate funds for the commission". La. R.S. 33:102

Article 6, Section 7 of the Louisiana Constitution authorizes local government subdivisions to :

1. adopt regulations for land use, zoning,and historic preservation, which authority is declared to be a public purpose.
2. create commissions and districts to implement those restrictions.
3. create commissions and districts to implement those restrictions.
4. review decisions of any such commissions.

(La. Constitution, 1974, Article 6, Section 7)

Planner-developer interactions are, therefore, supposed to be largely carried out through the vehicle of planning commissions. A General Statement as to the Duties of a Planning Commission:

1. A parish planning commission shall make and adopt a master plan for the physical development of the unincorporated territory of a parish.
2. A municipal planning commission shall make and adopt a master plan for the physical development of the municipality. (La. R.S. 33:106)

Thus, both the Louisiana statutes and the state constitution not only authorize planning by local subdivisions, they declare this authority in the constitution to be a public purpose. Many subsequent court decisions have established the propriety of local government planning as an exercise of the police power. However, planners in Louisiana work under enabling legislation (La. R.S. 33: et

seq.) that dates to the late 1920's and is based largely on a model of planning...master or "end state" planning...that has been largely abandoned in favor of more interactive planning involving developer-planner negotiations prior to a public hearing as a prelude to receiving permission to develop. In turn, this has led to planning professionals taking a more direct role in the planner-developer negotiations than was the case in the era in which the planning enabling legislation was written. Such activity on the part of the planner, unless he has actively involved his or her planning commission and unless this planning commission has been properly appointed and operated as required may result in a challenge to the role of the planner alleging that the public interest has been compromised by the preliminary planner-developer review discussions held without the presence of the public. This, in turn, may lead to a plan being declared procedurally flawed by a court or to a planner even being found to have acted beyond the scope of his or her authority.

This does not mean that no preliminary planner-developer discussions should take place. However, the planner should insure that certain prerequisite planning actions have been taken prior to any discussions and those actions have been ratified by a properly appointed planning commission, because those actions laid out as zoning ordinances or subdivision regulations serve as the planning parameters in which the negotiations will take place. The planner is acting as the employee or agent of the planning commission which body is legally delegated the planning responsibility including the authority to place limits on the use of private property in the public interest.

The planner cannot simply fail to plan. The position of the planning authority is pivotal to the development process, although failure to act may undermine this authority. There is also an affirmative duty to plan as attested by the use of the word "shall" in Section 106 above. See also Christopher Estates, Inc. v. East Baton Rouge Parish, 413 So. 2d 1336 (1982).

Thus, in our model, the planning actor is in a strong position to make and enact regulations enforcing the use of land in a community. His/her discretion in these matters is certainly not absolute. Higher levels of government will intervene as "superior sovereigns" and will preempt the local right to oversee land use regulation, in full or in part, in many areas, both geographic and functional, when a higher governmental interest justifies such action. To illustrate, the definition of what constitutes "wetlands" has been largely pre-empted by the federal government while the permitting of drilling platforms or group homes are issues that have been taken over either entirely by the state or are allowed to be controlled locally only so far as state law permits.

It is also incumbent on local general purpose units of government and planning authorities organized under them to plan for the general welfare of their populace. The law clearly sets forth this responsibility and the public has a right to expect a certain level of safety from natural hazard to person or property when a taxpaying resident of a community. Planning is supposed to have taken place and regulations enacted on the basis of information therein derived which will serve to protect the public from the risk of loss of life or property to the maximum extent possible.

A leading case on point here is Eschette v. City of New Orleans (245 So. 2d 183 (1981)) wherein the City of New Orleans was found liable for damages for having granted subdivision approval to new homes in an area which was known to be a flood hazard due to inadequate drainage. The Louisiana Supreme Court noted:

"The city had the power to grant or withhold subdivision permits. Knowing that the granting of new permits would result in flooding, it nonetheless granted them." (245 So.2d 183)

"the city, through its agents and employees had known for many years of dangerous drainage situation in an area where plaintiff's home was built and that the city had deliberately and therefore maliciously authorized new subdivisions causing flooding during any ordinary heavy rainfall." (245 So.2d 183)

Another case on point involved Shreveport which city elevated the level of water in Cross Lake in order to insure sufficient water supply for the city waterworks. When flooding insued to private homes, the city claimed governmental immunity under the state's sovereign immunity protection asserting that the city had been "operating a lake recreation area in like manner as a state agency". The La. Supreme Court held that the city had caused the damages in its capacity as a municipality and was not acting as a state agency and was, therefore, not immune for damages caused to camps, cottages, and private homes surrounding the lake. (Hamilton v. Shreveport, 174 So. 2d 529 (1965))

Finally, Article 2315 of the Louisiana Civil Code provides:
"..every act whatever of man that causes damage to another, obliges him by whose fault it happened to repair it."

The elements of a cause of action are: fault, causation, and damage. A governmental subdivision which has the legal and exclusive responsibility to plan as do local governments in Louisiana, but does not do so and thereby allows damages to be incurred by the public who relied on planning and subsequent regulation to minimize the danger of hazards may be held to be at fault if damage later occurs. A governmental subdivision that exercises its planning responsibility but does so incompletely or in such a way as to fail to take constructive notice of a dangerous condition and thus allow construction to take place in areas where that dangerous condition later causes damage to

persons or property may also have contributed to the cause of the damage. And, under a stricter standard of governmental liability that has been forthcoming over the past ten years, monetary damages may now be assessed against governmental subdivisions generally and, in certain conditions, even against governmental officials in their private capacities if those officials who possess the power to act can be shown to have failed to act affirmatively to carry out the governmental responsibilities assigned to them. Most elected officials will not be held to this standard of liability, but such protection does not extend to non-elected officials who are not granted an equivalent wide degree of sovereign immunity. The only defense is to be able to demonstrate that a good faith effort has been made both to identify potential hazards to the public and then to implement controls, sanctions, or regulations that will serve to minimize the danger to person and property within their area of jurisdiction.

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MODEL SEA LEVEL RISE ORDINANCE

Ordinance No._____

_____ PARISH

SECTION 1. GENERAL PROVISIONS

1. Title.

It is often desirable to establish a name by which the ordinance may be commonly known or referred. This admittedly simple step can make the ordinance more accessible to the public and reduce the possibility of the ordinance being confused with other legislative initiatives.

EXAMPLE: This ordinance may be referred to as the _____ Parish Sea Level Rise Ordinance.

2. Purpose.

This should be a brief statement of the ordinance's principal purpose to provide a context for understanding what the ordinance is actually intended to do and how any regulatory programs covered by the ordinance are to be administered. The purpose clause often contains a brief statement of facts to establish the need for the ordinance. To the extent possible, the purpose clause should also indicate the source of the enacting body's authority to adopt the ordinance.

EXAMPLE: It is recognized that projected increases in sea levels will have significant adverse effects on the coastal resources and communities of _____ Parish unless adequate measures are taken to plan for rising sea levels. The principal purpose of this ordinance is to provide the necessary authority and procedures to prescribe appropriate land use and control measures to anticipate and accommodate changes to the Parish's coastal areas resulting from rising seas. This ordinance is based upon the authority, guidelines, and policies set forth in Louisiana Revised Statutes 33:101 et seq. and 33:4721 et seq., the Final Environmental Impact Statement of the Louisiana Coastal Resources Program and the _____ Parish Coastal Zone Management Plan.

SECTION 2. DEFINITIONS

The definition section should contain concise definitions of all significant terms used in the ordinance. This is especially important in the cases of technical terms and words or phrases that will be used as shorthand references. Whenever possible definitions should be standardized those found in other generally applicable laws, such as the Federal Clean Water Act or the Coastal Zone Management Act, in order to avoid confusion and to make it easier to understand how those various laws fit together.

EXAMPLE: When used in this ordinance, the following terms shall have the indicated meanings unless the context clearly indicates otherwise:

(1) Administrator: This shall mean the Administrator of the Coastal Management Section of the Louisiana Department of Natural Resources.

(2) Coastal zone: This shall mean the coastal waters and adjacentshorelands within the boundaries of the coastal zone established in Section 213.4 of Act 361 of the 1978 Louisiana Legislature (LA. R.S. 49:213.1-213.21).

(3) Department: This shall mean the _____ Parish Department of Public Safety.

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 Sea Level Rise Area.

In this section the boundaries of the area subject to the ordinance are described. If the boundaries are not known, or are subject to change, the procedure for establishing those boundaries should be set forth. Care should be taken to make sure the boundaries are drawn based upon sufficient objective criteria to be defensible.

3.2 Administrating Agency.

In this section the agency responsible for administering the rising sea level program is identified and the scope of its powers are set forth.

EXAMPLE: The _____ Parish Department of Public Safety shall have the responsibility and authority to implement and administer the programs created or authorized by this ordinance.

3.3 Sea Level Permit Requirement.

This section should set forth the types of activities that are subject to the permitting provisions of the ordinance.

EXAMPLE: The following shall be considered to be uses or activities requiring a sea level rise permit if such use or activity takes place in the sea level rise area.

(1) Dredging, filling, or discharging of dredged or fill material.

(2) Levee siting, construction, operation, and maintenance.

(3) The siting, construction, operation, and maintenance of hurricane and flood protection facilities.

(4) The siting, construction, and operation of urban, energy, recreational, or industrial developments, including residential, commercial, industrial, governmental, and transportation structures and facilities.

(5) Any other activities or projects that would require a permit, or other form of consent or authorization from the United States Army Corps of Engineers, the United States Environmental Protection Agency, the Louisiana Department of Natural Resources, or the Louisiana Department of Environmental Quality.

3.4 Activities Not Requiring a Sea Level Rise Permit.

In this section those activities exempt from the permitting provisions of the ordinance are listed.

EXAMPLE: The following activities shall not require a sea level rise permit.

(1) Structures in existence or actually under construction on the date this ordinance becomes effective.

(2) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.

(3) Construction, modification, and maintenance of navigational aids.

(4) Normal maintenance and routine repairs of existing structures or structures actually under construction on the date this ordinance becomes effective.

(5) Activities which the Department determines by rule to be so minor or transitory as to not impair the purposes of this ordinance.

3.5 Permit Applications.

This section would contain the basic procedures for submitting an application for a sea level rise permit.

EXAMPLE: Any person seeking to obtain a sea level rise permit shall be required to file a completed permit application, including the payment the required fees, with the Department. The Department shall develop application forms and instructions which shall be made available to any interested persons. The application form shall contain the same information required by the United States Army Corps of Engineers for permits issued under Section 404 of the Clean Water Act plus any additional information that the Department determines to be reasonably necessary for proper evaluation of the activity and the application.

Separate applications must be made for unrelated projects and projects involving noncontiguous parcels of land.

3.6 Fee Schedule.

In this section would be a description of the fees required for the submission of a permit application.

3.7 Processing the Permit Application.

This section would set forth the process to be used in reviewing and processing permit applications.

EXAMPLE: (1) When a completed application is received, the Department shall promptly acknowledge receipt thereof, assign the application an identification number, and inform the applicant of that identification number.

(2) Within ___ days following receipt of the completed application, the Department shall publish a public notice in the official journal of the Parish indicating that the application has been filed, the identity of the applicant, and the location and nature of the activity covered by the application. The public notice shall also indicate that copies of the application may be obtained from the Department and that the public has the right to submit comments about the application to the Department for a period of 30 days from the date the notice is published.

(3) The Department shall evaluate the application and any comments received from the public during the comment period, including any extensions of the comment period as the Department may in its discretion grant, in order to ascertain its compliance with the ordinance.

(4) If following that review, the Department concludes that public hearings are appropriate or that additional information is necessary to assess the application adequately, it may set such hearings or request such additional information from the applicant. In the event additional information is requested from the applicant, the applicant shall have a period of ___ days to supply that information to the Department. If the applicant fails to fully comply with the request within that period of time, the application shall be deemed withdrawn and the applicant shall be so notified.

(5) The Department's final decision on an application shall be based on its evaluation of all of the information presented. If the Department concludes that the activity for which the permit is sought is consistent with the purposes of this ordinance, it shall issue the permit, subject to any conditions the Department reasonably deems appropriate. In all other circumstances the Department shall deny the permit. The Department shall promptly notify the applicant in writing of its decision. Notice of all permit decisions shall also be published in the official journal of the Parish within ___ days following the decision on the permit. The Department shall also prepare a written record summarizing the evidence and analysis supporting its decision. That report shall be made available to the applicant and the public.

3.8 Public Hearings.

This section would set forth the circumstances and procedures under which public hearings may be held.

EXAMPLE: The Department may hold public hearings on any permit application, or application for a permit renewal or modification, if it determines in its discretion that such hearings would be beneficial. Public hearings are generally appropriate when there is significant public opposition to the

application, when other governmental entities request a hearing, or in controversial cases involving significant economic, social, or environmental issues. If the Department decides to hold a public hearing the Department shall publish a notice at least ___ days in advance in the official journal of the Parish.

3.9 Term of Permits.

This section would set forth the maximum period for which a permit will be valid.

3.10 Permit Conditions.

This section would set forth the general conditions that are applicable to all permits as well. It can also authorize the permit granting agency to impose additional conditions that it feels are appropriate.

EXAMPLE: By accepting a permit, the applicant agrees to:

(1) Carry out or perform the use in accordance with the plans and specifications approved by the Department.

(2) Comply with any permit conditions that the Department in its discretion deems appropriate.

(3) Adjust, alter, or remove, at the applicant's expense, any structure or other physical evidence of the permitted use if the Department, in its reasonable judgment, determines it to be beyond the scope of the approved use or if the structure or other physical evidence of the use is abandoned.

(4) Certify to the Department that the any permitted construction was done in accordance with the permit.

(5) Allow the Department and its agents reasonable opportunity to inspect the premises, any structures constructed under color of the permit, and any associated records to ascertain compliance with the permit.

(6) Indemnify and hold the Parish, the Department, and their officers, employees, and agents, harmless from any liability, expense or damage that might result from injuries to persons or property caused by the activities or structures authorized by the permit.

3.11 Appeals.

In this section the procedures for appealing a decision of the Department would be set forth.

EXAMPLE: Within ___ days following the publication of the Department's decision on the application or on any modification, renewal, suspension or revocation, of the permit, the applicant and any other person adversely affected by the decision may file a written petition for reconsideration with the Department. The petition shall set forth the reasons the petitioner believes reconsideration is warranted. The Department shall rule on any petitions for reconsideration within ___ days following the close of the appeal period and notify all interested parties of that decision in writing. As final recourse, an aggrieved person may file a petition with the district court of the Parish to review the Department's action. At the request of any party to that suit, the court shall review the matter de novo.

3.12 Modifications of Permits.

In this section the circumstances and procedures that govern modifications of permits would be set forth.

EXAMPLE: The terms and conditions of a permit may be modified to allow for minor changes in the permitted use or activity, the plans and specifications for that use or activity, or in the method of implementing the use or activity. No permit shall be modified except upon the agreement of the

permittee and the Department. All other proposed changes shall be processed as new permit applications and not as modifications.

3.13 Suspensions and Revocations.

This section would set forth the circumstances in which a permit may be suspended or revoked.

EXAMPLE: The Department may suspend a permit upon finding, in writing, that:

(1) The permittee has failed or refused to comply with the terms of the permit;

(2) The permittee has submitted false or incomplete information to the Department in the permit application or otherwise; or

(3) The permittee has failed or refused to comply with any lawful order or request of the Department.

Upon deciding to suspend a permit, the Department shall notify the permittee in writing of the suspension, the reasons for it, and to immediately cease all previously authorized activities and uses. The notification shall also state that the permittee shall have the right to respond to the Department's action for a period of ___ days following receipt of the notice. After considering the permittee's response, if any, the Department shall take action to reinstate, further condition, or revoke the permit. Notice of the Department's final action shall be sent to the permittee and published in the official journal of the Parish.

3.14 Enforcement.

EXAMPLE: If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the Department shall seek appropriate civil and criminal relief. Additionally, any member of the public who has been or would be affected by a permittee's activities in the sea level rise area may bring an action against the Department to compel it to carry out its duties under this ordinance or against the permittee to secure compliance with the terms of the permit.

3.15 Penalties.

This section would set forth the penalties for failing to comply the provisions of the ordinance or of any permit issued pursuant to the ordinance.

SECTION 4. GENERAL PERMITS

4.1 Authority.

This section would describe the authority of the permitting agency to issue general permits.

EXAMPLE: The Department may issue general permits, subject to such conditions as the Department deems appropriate, for certain clearly described types of uses and activities which the Department has determined are similar in nature, that will, individually and cumulatively, have adverse impacts, and that will not otherwise impair the fulfillment of the sea level rise management program. No general permit shall be issued or modified without first publishing notice in the official journal of the Parish and the expiration of a 30 day comment period, commencing on the date of first publication.

4.2 Reporting.

This section would contain any requirements that persons undertaking any activity pursuant to a general permit notify the permitting agency of that fact.

EXAMPLE: Each person desiring to undertake any use or activity subject to a general permit must file a written notice with the Department at least ___ days prior to commencing the use or activity. The notice shall include the name of the applicant and such descriptive materials as the Department may require for that general permit. In its sole discretion the Department may within the notice period determine that the general permit is unavailable and require that the applicant seek an individual permit. The Department shall keep records of all uses and activities undertaken under general permits and those records shall be available to the public.

5. SCOPE OF COVERAGE

This section sets forth the scope of the ordinance with respect to other laws and regulations.

EXAMPLE: The provisions of this ordinance represent minimum standards and supersede all existing ordinances and local regulations with less restrictive or conflicting standards or purposes.

6. SEVERABILITY

This section makes the various provisions of the ordinance severable, to the extent that is possible. The purpose of this clause is to salvage the balance of the ordinance if some portion or application of the ordinance is found to be improper or illegal.

EXAMPLE: If any portion or application of this ordinance is found to be invalid for any reason such finding shall not affect any other provisions or applications of the ordinance that can be given effect without the invalidated provision or application. To that end, the provisions of this ordinance are declared severable.

MODEL FOR
AMENDMENT TO SUBDIVISION REGULATION ORDINANCE
FOR
THE MITIGATION OF RISK IN
DESIGNATED SEALEVEL RISE or WETLANDS CONSERVATION
or
SHORELINE EROSION ZONES

Ordinance No._____

_____PARISH

SECTION 1. GENERAL PROVISIONS

1.1 Short Title

a. This ordinance shall be know and may be cited as.....

1.2 Authority and Purpose

a. This ordinance is adopted pursuant to the authority delegated to (city or other jurisdiction) under (cite relevant enabling statute) to review and approve proposed subdivisions and to promote good planning practice.

b. The purpose of this ordinance is to protect the public health, safety, and general welfare.

c. The provisions in this ordinance shall be administered in such a way as to supplement and facilitate the provisions in the master or comprehensive plan, zoning ordinance, official map, the capital budget and the existing subdivision regulations, to which this ordinance shall be an amendment.

1.3 Jurisdiction

a. The provisions in this ordinance shall be applicable in (cite area. This will be the Sealevel Rise Hazard Zone or Wetlands Conservation Zone or Shoreline Erosion Zone or such title as is decided upon by local planning authorities pursuant to the passage of the ordinance elsewhere presented.)

b. This ordinance shall be effective on (date).

c. When necessary to further its purposes, this ordinance may be amended (specify amending agency and procedure).

1.4 Fees

a. Reasonable fees sufficient to recover incurred charges may be charged.

1.5 Enforcement and Penalties

a. It shall be the duty of the (specify agency or individual) to enforce the provisions of this ordinance and to bring to the attention of (specify agency or individual) any violations or lack of compliance.

b. Violations of the provision of this ordinance shall be deemed a misdemeanor punishable as provided by law. The (specify agency or individual) shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations.

1.6 Separability and Conflict

a. The provisions of this ordinance are separable. If a section, clause, sentence or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this ordinance.

b. Where conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed

by any other provisions of this ordinance or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and which impose higher standards or requirements shall govern.

SECTION 2. DEFINITIONS

2.1 Words and Terms Defined

Within the existing subdivision regulations there exists a list of definitions. This ordinance may add additional terms to this list. For example:

a. Sea Level Rise

b. Sea Level Rise Hazard

It will be necessary to review the existing list of definitions in the subdivision regulations and the zoning ordinance to determine if new coverage is needed or if redefinition of any existing terms must be considered.

SECTION 3. ADMINISTRATION

3.1 Designation and Powers of Department Administering Program

a. The designated department or agency may be the one already administering the subdivision regulations within the jurisdiction or it may be that a new agency will be named. The agency to administer this part of the ordinance and to whom queries should be addressed should be specified in this part.

3.2 Subdivision Approval Process in Sealevel Rise Hazard Areas

1. Purpose

a. The purpose of this section is to establish the procedure for planning board review and action on applications for subdivisions and/or site plans which fall within designated sealevel rise hazard areas.

(Prior to the beginning date of this ordinance, a survey
will be done to establish the actual boundaries of the Sea Level Rise Hazard Zone. This boundary will be published along with the criteria for its selection and put out for public comment and review. A public hearing will culminate the process. After all the review and comments have been received, the administering agency will designate the formal Sea Level Rise Hazard Zone in which area the regulations in this amendment to the subdivision regulations will apply.)

2. Pre-Application Conference

a. At the request of the applicant, the planning body shall authorize a pre-application conference. Applicants requesting such a conference should be given a deadline for the submission of materials to be reviewed of 10 days prior to the meeting to facilitate planning staff review.

b. If requested and paid for by the applicant, a brief written summary of the pre-application conference shall be provided within ten working days of the final meeting.

c. The applicant shall not be bound by the determination of the pre-application conference, nor shall the planning body or subdivision and site review committee be bound by any such review.

3. Concept Plan

a. In like manner as a pre-application conference, at the request of the applicant, the planning body or staff may grant an informal review of a concept plan for a development for which the applicant intends to prepare and submit a plan for development.

b. While the concept plan is a more formal document than might be provided at a pre-application conference, the purpose of the concept plan is also to provide planning board input in the the formative stages of subdivision and site plan design, with the express purpose of insuring that the applicant is aware of the dangers of development in a Sealevel Rise Hazard Zone and the

restrictions which the planning body has placed upon development in such areas.

c. Concept plan materials shall be submitted to the planning body in the form specified at least 10 days prior to the scheduled concept plan meeting.

d. If requested by and paid for by the applicant, a written summary of the concept plan review shall be furnished within 10 working days of the meeting.

e. The applicant may be charged reasonable fees for concept plan review.

f. The applicant shall not be bound by any concept plan for which review is requested, nor shall the governing board or subdivision and site plan committee be bound by any such review.

3.5 Application

a. An application for a Sealevel Rise (or Wetlands Conseration or Shoreline Erosion permit) will be made under provisions of the Sealevel Rise Permit ordinance. In general, the permit will be applied for at the same time as subdivision approval is considered. The subdivision regulations require certain materials in specified numbers of copies and formats. It may be that the Sealevel Rise permit application will have additional requirements. Any such additional requirements should be spelled out here with specimen forms provided for applicant guidance.

3.4 Public Hearings on Subdivision or Site Plan Applications

a. Herein should be a determination as to how the required public hearing called for in the existing subdivision or site plan regulations can be coordinated with any additional application requirements to be set forth in this ordinance.

3.5 Criteria for Approval of Subdivision Application in Designated Sealevel Rise Hazard Zone

a. The designated Planning agency shall determine, using the best and most recent information available, what specific geographic areas comprise the sealevel rise hazard zone. This determination shall be made by the planning body with input from the public.

b. The boundaries of the designated sealevel rise hazard zone shall be posted on a master map to be kept in the office of the local planning body. Copies of the designated hazard zones will be published and made available to the public. Applicants for subdivision approval shall be given copies of this material as it relates to the area in which they are planning to develop.

c. Applicants should be asked to acknowledge receipt of Sealevel Rise permit material at the time they receive the initial application for subdivision approval or site plan review.

d. Specific subdivision and site design criteria that will be used to evaluate subdivision and development applications shall be developed by the local planning body in consultation with appropriate state and federal officials. Restraints on the use of private land will only be as strict as necessary to insure that potential damage to persons and property from projected sealevel rise is minimized. Sea level rise mitigation regulations will only be put into place in formally designated sealevel rise hazard zones.

3.6 Conditions of Subdivision Approval

a. Some subdivision requests may be approved without any conditions other than those currently enforced in the existing subdivision regulations of the subject governmental body. Other applicants may have to apply for conditional permission of their subdivision or site plan request subject to certain stipulations. A list of contingent conditions and the conditions under which they

shall be imposed should be developed by the local planning body and made know to the applicant prior to his formal application.

b. Nothing in this section should bind a planning agency to use of just these enumerated contingent conditions and no others if, in the judgement of the planning body, the use of other conditions may be necessary to carry out the purposes of this ordinance.

c. An appeal procedure similar to that called for in the subdivision regulations generally is required. Details as to how this procedure will work should be specified. Attention should be given to minimizing the additional burden on the applicant.

3.7 Monitoring

a. The Model Sealevel Rise Ordinance (Sect. 3.2 et seq) delineates who must have a Sealevel Rise (Wetlands Conservation or Shoreline Erosion) permit based on criteria to be set forth in Section 3.6 of that ordinance.)

b. After the issuance of a Sealevel Rise permit, either with or without contingent conditions, to the applicant as part of his/her subdivision approval, a monitoring procedure will then be enforced, the purpose of which is to determine if all of the conditions placed on the permit are being complied with or if any difficulties, unforeseen or otherwise, have arisen in the course of construction which might impede the ability of the permit recepient to comply with any of the conditions of the Sealevel Rise Permit.

c. Consideration might be given to requiring that the applicant, as is normally done in the subdivision review process, be required to post a surety bond in favor of the local general purpose unit of government which would guarantee that the public benefit would not be lessened if, for any reason, a developer was not able to fully comply with the conditions of the permit. The bond would be required to be posted before plat approval and the subsequent issuance of the Sealevel Rise permit. No certificate of occupancy would be

issued prior to the completion of the public improvements agreed to in the approved subdivision application , and full compliance with the conditions of the Sealevel Rise permit.

3.8 Suspension of Application

a. Suspension practices should, if possible, be in same general format and intent as those that are contained in the existing subdivision regulations to minimize coordination problems.

3.9 Revocation of Subdivision Approval

a. Generally, see 3.8.1 above.

3.10 Enforcement and Penalties

a. Generally, see 3.8.1 above

SECTION 4. VARIANCE FROM PROVISIONS OF SUBDIVISION ORDINANCE

a. Traditionally, in zoning, it has been the practice to establish a Zoning Board of Appeals which body is empowered to vary the strict applications of the zoning code on those persons who would otherwise encounter unique and special hardship by strict application of the terms of the zoning ordinance. Consideration should be given to designating an appellate body to hear such appeals from the planning body relative to the issuance or refusal of issuance of a Sealevel Rise permit. This process should parallel and not replace the subdivision appellate procedure.

b. Such body should not be composed just of laymen as is the norm with Boards of Zoning Adjustment but should reflect a range of technical skills comensurate with the issues likely to be encountered in a sealevel rise permit discussion.

OUTLINE OF MODEL FOR:

SEA LEVEL RISE ORDINANCE

or

WETLANDS CONSERVATION ORDINANCE

or

SHORELINE EROSION ORDINANCE

Ordinance No. _____

SEA LEVEL RISE REGULATIONS

or

WETLANDS CONSERVATION REGULATIONS

or

SHORELINE EROSION REGULATIONS

_____ PARISH

SECTION 1. GENERAL PROVISIONS

1.1 Title

1.2 Purpose

SECTION 2. DEFINITIONS

2.1 Usage

2.2 Words and Terms Defined

2.3 Boundaries of Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Area

2.4 Activities Not Requiring a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 Designation and Powers of Department Administering the Program

3.2 Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit Requirement

3.3 Activities Not Requiring a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

3.4 Permit Application Procedure - Application, Fees, Reports on Decisions

3.5 Permit Procedure - Administrative Action

3.6 Public Hearings on Permit Applications

3.7 Criteria for Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

3.8 Term of Permits

3.9 Conditions of Permit

3.10 Appeals

3.11 Modifications

3.12 Monitoring

3.13 Emergency Permits

3.14 Suspensions

3.15 Revocation

3.16 Enforcement

3.17 Penalties

SECTION 4. PERMIT FOR NON-CONFORMING USES AND MAINTENANCE

4.1 Definition of Classification

4.2 General Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permits

SECTION 5. SCOPE OF COVERAGE

SECTION 6. VARIANCE

SECTION 7. SEPARABILITY CLAUSE

COMMENTARY

MODEL FOR:

SEA LEVEL RISE ORDINANCE*

or

WETLANDS CONSERVATION ORDINANCE*

or

SHORELINE EROSION ORDINANCE*

Ordinance No. _____

SEA LEVEL RISE REGULATIONS

or

WETLANDS CONSERVATION REGULATIONS

or

SHORELINE EROSION REGULATIONS

_____ PARISH

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SECTION 1. GENERAL PROVISIONS

1.1 Title

Gives the name of the ordinance, i.e., how it shall be known, cited, and hereinafter referred to.

1.2 Purpose

Presents the rationale for the ordinance; identifies the authorities for the ordinance; and introduces the procedures that shall be followed.

Rationale for Sea Level Rise Ordinance

The purposes of the Sealevel Rise Ordinance are to maintain safe and healthful conditions; to assist developers and individuals in taking advantage of the state-of-the-art construction techniques that are compatible with the natural environment; to protect structures from flooding and accelerated erosion due to sealevel rise; and to anticipate impacts of sealevel rise on uses throughout the coastal zone.

Rationale for Wetlands Conservation Ordinance

The purposes of the Wetlands Conservation Ordinance are to require planning that minimizes and/or avoids modification to tidal (nontidal) wetlands; to protect and enhance surface and groundwater quality; to protect commercial and recreational fishing and maritime industries by allowing nonwater dependent uses only on nonwetland sites; to protect fish spawning grounds, aquatic life, and other habitat and the process that render these habitats viable; to protect freshwater and coastal wetlands; to assist developers and individuals in taking advantage of the

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state-of-the-art construction techniques that are compatible with the natural environment; to create a strategy for offsetting wetland losses; and to provide coordination of ordinances that can contribute to protection of wetlands, such as zoning laws, subdivision regulations; building codes, stormwater management regulations, and floodplain zoning.

Rationale for Shoreline Erosion Ordinance

The purposes of the Shoreline Erosion Ordinance are to protect life and property on or adjacent to natural or human-caused shorelines from accelerated erosion caused by storm waves; from chronic erosion resulting from along shore currents and normal wave regimes not associated with extreme climatic events; from erosion due to natural or human-related subsidence; and from erosion caused by waves or other water movement by boats or ships.

SECTION 2. DEFINITIONS

2.1 Usage

Explains how words shall be construed, interpreted, and defined as they apply to the ordinance and the implementing regulations. For example, the word "shall" is always mandatory, while the word "will" indicates a possible option.

2.2 Words and Terms Defined

An alphabetical listing of words and terms followed by a statement of the meaning of the word or term. In some cases, the explanations may include a reference to sections of the ordinance, laws, or regulations. This section establishes how the words and terms shall apply to the ordinance. Possible

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sources for commonly used terms include the Code of Federal Regulations, the U. S. Code, glossaries published by professional organizations, and documents issued by federal agencies.

2.3 Boundaries of Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Area

Defines and identifies the limits of the jurisdiction to which the ordinance applies. The subsection may include both a map and written description of the limits of the area. In addition, this section may include a discussion of the procedures used for setting the boundaries, such as a reference to the accepted federal definition of wetlands, the area impacted by sea level rise, or eroding shorelines. Erosion zones may anticipate federal requirements, such as 30 and 60 year setbacks, thereby satisfying more than one program.

2.4 Activities Not Requiring a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

Lists those projects and programs occurring within the areas affected by Sea Level Rise (Wetlands Conservation or Shoreline Erosion) that are exempt from a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit. For example, some projects and programs may be "grandfathered" for a reasonable period of time (sometimes called an amortization period) because they were in place before the effective date of the ordinance; or, the project or program may be of such a size as to have minimal or no adverse impact on these areas.

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SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 Designation and Powers of Program Administrator

Specifies who appoints (probably the police jury or city council) the Program Administrator; where the Program Administrator (PA) is domiciled in the local government; and the enumerated powers and duties of the PA. The subsection may include provisions for an advisory committee to assist the PA and specify how the advisory committee shall function.

3.2 Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit Requirement

Specifies who must obtain a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit. This is usually any seeking to commence any use not exempted in Subsection 2.4.

3.3 Activities Requiring a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

Lists those projects and programs occurring within the areas affected by Sea Level Rise (Wetlands Conservation or Shoreline Erosion Area) that shall acquire a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit before they can be implemented. Provisions are made for adding projects or programs which do not appear in the list, but that would have a detrimental affect if allowed to take place without modification.

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3.4 Permit Application Procedure - Application, Fees, Reports on Decisions

Identifies the forms that shall be used when making an application for a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit. Specifies where and to whom applications shall be submitted and sets the supportive information that must accompany the form.

The range of fees and controlling factors are specified.

Requires that the PA prepare written reports on all decisions and make these available to the public during normal business hours at an appropriate public location within the community. Annual summaries may be prepared by the PA.

3.5 Permit Procedure - Administrative Action

Presents the path or methodology for processing a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit application. The process begins with receipt of the application and review for completeness. Times are set for internal processing and issuing decisions. Provisions are made for public notices of all applications, notifying adjacent landowners, and anyone requesting a copy of the application. Costs may be assessed for all reasonable fees to cover publication in the official community journal, or copying, handling, and mailing of single copies.

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Procedures for making decisions and notifying everyone of the decisions are described.

3.6 Public Hearings on Permit Applications

Provides when public hearings shall be held and when public hearings are optional. Presents ways an individual or group may request a public hearing. Establishes the public notice schedule and location for the hearing; who conducts the hearing; the rules and procedures for the hearing; the receipt of information and comments, both written and oral; and the length of the comment period for inclusion of material into the official record. Finally, the subsection sets a limit for the PA to make a decision after the public hearing and the method for notifying the public and applicant of the decision.

3.7 Criteria for Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permit

Sets the standards that shall be used to judge whether a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit should be issued.

3.8 Term of Permits

Sets the time when a project or program must begin after the issuance of a permit and when the project or program must be complete. Makes provisions for extensions of the times, usually when a delay is beyond the control of the applicant or if the project is substantially complete or in progress.

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3.9 Conditions of Permit

Sets standard conditions that apply to all Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permits. Provides that special conditions can be attached to any permit, such as a performance bond or onsite mitigation. These special conditions may allow for the project or program implementation even though the proposed action does not completely meet a particular standard.

3.10 Appeals

Indicates who may appeal a decision by the PA; to whom they may appeal; the form of the appeal (usually in writing); the time frame for the appeal; the hearing process and schedule; the decisionmaking body; and the rendering of the decision and publication of the decision in the official journal and a notice to the one who appealed.

3.11 Modifications

Indicates that permit conditions may be modified within certain limits, but that any significant increase in impacts shall result in a new permit application. Sets the reasons why a permit may be modified.

3.12 Monitoring

Directs the PA to monitor the progress of all permitted uses for compliance with standard and special permit conditions. The PA may undertake onsite inspections and shall prepare a report on each permit.

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3.13 Emergency Permits

Sets the criteria for issuing emergency permits, such as where public safety is endangered or in situations requiring immediate action to protect the general welfare of the community. Specifies who the PA shall consult before issuing a emergency permit.

3.14 Suspensions

List the reasons the PA may suspend a permit. Sets the notification procedures the permittee and a schedule for the permittee to respond to the suspension order. Limits the PA decision time on a permit suspension to a specified number of days.

3.15 Revocation

Sets the revocation process.

3.16 Enforcement

PA may seek appropriate civil and/or criminal relief if necessary to implement the provisions of the Sea Level Rise (Wetlands Conservation or Shoreline Erosion) program.

3.17 Penalties

Sets the fine and penalties for violations or failure to comply with the provisions of the ordinance or the terms or conditions of the permit.

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SECTION 4. NON-CONFORMING USES AND MAINTENANCE

4.1 Definition of Classification

Establishes the date for "grandfathered" projects or programs that do not require a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit.

List the criteria the PA shall use to determine what is normal repair, rehabilitation, replacement, or maintenance of existing uses that do not require a Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permit.

4.2 General Sea Level Rise (Wetlands Conservation or Shoreline Erosion) Permits

Provides for General Sea Level Rise (Wetlands Conservation or Shoreline Erosion) permits. Sets the procedure for General permits; the procedure for obtaining such as permit; conditions that apply to general permits; and the reporting process.

SECTION 5. SCOPE OF COVERAGE

Describes the relationship of the local ordinance to federal and state regulations, guidelines, and standards.

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SECTION 6. VARIANCE

Sets the criteria for any variances from the ordinance. Provides for a public notice and a decision process.

SECTION 7. SEPARABILITY CLAUSE

Standard clause on separability.

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GUIDELINES FOR IMPLEMENTATION
OF
MODEL SEALEVEL RISE or WETLANDS CONSERVATION
or
ERODING SHORELINE ORDINANCE

Ralph E. Thayer, Ph.D.

1.0 STATEMENT OF PURPOSE

The model ordinance might be enacted as an amendment to the existing zoning ordinance and subdivision regulations. The statement of purpose of the proposed ordinance is, in effect, a statement of public policy on the part of the governmental jurisdiction justifying the placement of restrictions on the use of private and public property. As such, this statement of purpose should also be formulated as an amendment to the land use map and policies comprising the comprehensive plan. The statement of policy and purposes is extremely important since it serves as a yardstick for the developer and the reviewing agency. Without these general guidelines and more precise standards to be formulated and promulgated in the complete ordinance, any governmental jurisdiction implementing the ordinance will likely be challenged as acting arbitrarily in denying approval of a plat which may have been developed at substantial cost to the proposed subdivider.

No substate governmental jurisdiction, municipality or parish, can, through contract with the subdivider, exercise powers greater than those granted them by the state. The Louisiana statute authorizing the control of subdivisions (La. R.S. 33:111-117) does not clearly enunciate the purpose of subdivision control,

so it is doubly necessary to delineate this purposes in the model ordinance in order to apprise the court that the purposes of the Model Sealevel Rise amendments are in accordance with the statutory objective of regulation.

2.0 METHOD OF ADOPTION

2.1 La. R.S. 33:113 provides:

"A planning commission may, from time to time, recommend to the local legislative body, amendments to the zoning ordinance or map or additions thereto to conform to such commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions."

2.2 For a legally constituted planning commission operating under this statute, therefore, the adoption process of the Model Sealevel Rise Ordinance is straightforward. It is handled as an amendment to the existing zoning ordinance and map. The procedural elements of the zoning ordinance would apply such as the provision of due notice and the requirement for a public hearing(s). Following those provisions, the proposed amendment to the zoning code will be forwarded to the local legislative body for its consideration and possible enactment. This statement would apply to any units of substate government (municipalities, parishes) in which planning is carried out by a duly appointed planning body and which body, also under purview of state law, administers a zoning code and map.

2.3 For parishes, specifically for parishes who have a planning commission duly constituted but which body does not administer a zoning ordinance, La. R.S 33:113 provides:

"In the case of a parish planning commission, such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and

with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as part of a zoning ordinance or map."

2.4 Further, La. R.S. 33:112 E provides:

"Regulations governing the subdivision of land may be amended from time to time, subject to the requirements governing original adoption with respect to notice, hearing, and filing with local authorities."

2.5 Therefore, even if zoning is not practiced by the parish planning commission as is the case in some of the coastal parishes, virtually all parishes do exercise control over subdivisions through a planning body. In the absence of a zoning ordinance, it is possible to implement the Model Sealevel Rise Ordinance as an amendment to the existing subdivision regulations citing the provisions above.

COMMENTARY

There is still a good deal of controversy as to the existence and the extent as well as the timing of the probable sealevel rise brought on by global warming. However, even under current and projected conditions, the coastal erosion and wetlands loss in Louisiana coastal parishes is already of sufficient gravity as to justify consideration of intervention under the police power to protect the public health, safety, and general welfare. If the decision is made to proceed, a careful and complete statement of purpose and a statement of policies to be followed will be the first requirement.

Second, studies delineating exactly where the proposed sealevel rise or coastal erosion or wetlands loss zone is to be demarcated should take place. Third, an enumeration of the proposed requirements to be added to the zoning ordinance or the subdivision regulations or both must be undertaken. No regulation can go further than is necessary to achieve its stated purpose. Therefore, the

enumeration of any restrictions to be placed on the use of private property must be accompanied by sufficient documentation as to their necessity. Due diligence should be exercised to avoid the possibility of leaving an owner with no use of his/her land unless the public body implementing any such regulation is prepared to consider payment for expropriation and formally move to implement that procedure as may be provided under state law.

No regulation can long stand alone no matter how well documented. Particular emphasis should be placed on establishing that the requirements of the model ordinance will tie into the existing zoning code and map as well as the subdivision regulations. Linkages should be explicitly established, preferably in the form of a comprehensive planning process resulting in a continuously updated master or comprehensive plan, to the capital budget, to the capital improvements program, building codes, and any other regulatory mechanisms to which a relationship can be documented and whose existence is seen as furthering the purposes of the ordinance. The public hearing, required under the zoning code, might well be expanded to a series of public hearings. The purpose of these hearings is to inform or educate the public as to the dangers of the sealevel rise or the coastal erosion or the wetlands loss or a combination of all three. Polling data indicates that the public, more than public officials, is willing to consider additional well considered restrictions of the use of land that is particularly susceptible to being inundated.

At the beginning of the model ordinance consideration process, a body of technically qualified persons might be appointed to assist with the presentation and interpretation of provisons of the ordinance. This body might later be empanelled to serve as a Board of Adjustments and Appeals empowered to hear and make recommendations on requests for waivers from the provisions of the Sealevel Rise or Coastal Erosion or Wetlands Loss ordinance. Said body,

who should be formally appointed under provisions of state law to maximize sovereign immunity so much as is possible, might also act, reporting to the planning body, to make recommendations on the issuance of sealevel rise zone permits with or without contingent conditions discussed in the model ordinance.

Finally, state law and general practice provides that subdivisions of five lots or less are exempt from the provisions of many subdivision ordinances even though they are required to meet some planning standards and then to be formally registered. Consideration should be given to either adopting a less stringent standard to be met by subdividors of five lots or less or, perhaps, exempting subdivisions of that size from coverage under the act. Local considerations may well dictate the wisest course of action.

AGENDA
PLANNING FOR SEA LEVEL RISE ALONG THE LOUISIANA COAST
JUNE 1992

University of New Orleans Student Union
Room 211.

8:30 - 9:00	Continental Breakfast	
9:15 - 9:30	Welcome	F. Wagner, Dean College of Urban and Public Affairs
9:30 - 9:45	Introduction	R.Emmer, Adj. Prof. CUPA
9:45 - 10:15	Sea Level Rise, the Coastal Zone, and People	S. Laska, Director ESSRI
10:15 - 10:30	Planning in the Coastal Zone	R. Emmer
10:30 - 10:45	BREAK	
10:45 - 11:05	Comprehensive Planning Process	R. Thayer, Prof. CUPA
11:05 - 11:25	Zoning Ordinances	M. Davis
11:25 - 11:45	Subdivision Regulations	R. Thayer
11:45 - 12:00	Discussion and Questions	R. Emmer
12:00 - 1:15	LUNCH	P. Coulter, Dean College of Liberal Arts
1:15 - 1:45	Building Codes	D. Hawkins Floodplain Mgt. Sec. DOTD
1:45 - 2:15	Sea Level Rise/ Wetland Conservation	R. Emmer
2:15 - 2:45	Implementation	R. Thayer
2:45 - 3:00	Discussion and Questions	R. Thayer

CUPA = College of Urban and Public Affairs
ESSRI = Environmental and Social Science Research Institute

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June 2, 1992

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