



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

CRC 18-10

MEMORANDUM

TO: Coastal Resources Commission

FROM: Rachel Love-Adrick, District Planner
Division of Coastal Management

SUBJECT: Proposed Amendments to 15A NCAC 7B .0802

DATE: January 12, 2018

Attached is a proposed amendment to 15A NCAC 7B .0802 "Public Hearing and Local Adoption Requirements." This additional proposed amendment to the 7B Land Use Planning Guidelines is required due to the passage of House Bill 56 and subsequent session law (S.L. 2017-209). You will recall that the law added a new subdivision to the Coastal Area Management Act Section 113A-124(c) giving the Commission authority "To delegate the power to approve land-use plans in accordance with G.S. 113A-110(f) to any qualified employee of the Department." The Division is proposing to amend the rule language to strike the now unnecessary requirement that the locally adopted plan or plan amendment be sent to the Division 45 calendar days prior to the CRC meeting on which it is being considered for certification. Staff recommends approval of the amendment for public hearing.

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

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

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

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

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

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