

## **SUBCHAPTER 07B – STATE GUIDELINES FOR LAND USE PLANNING**

### **SECTION .0100 - INTRODUCTION TO LAND USE PLANNING**

#### **15A NCAC 07B .0101 PURPOSE**

*History Note:* Authority G.S. 113A-110; 113A-124;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1984; July 1, 1984; September 1, 1979;  
RRC Objection due to lack of necessity Eff. December 21, 1995;  
Amended Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0102 OBJECTIVES**

#### **15A NCAC 07B .0103 POLICIES**

#### **15A NCAC 07B .0104 STANDARDS**

*History Note:* Authority G.S. 113A-107(a);  
Eff. February 1, 1976;  
Amended Eff. April 1, 1979;  
Repealed Eff. September 1, 1979.

### **SECTION .0200 - LAND USE PLAN**

#### **15A NCAC 07B .0201 CONTENTS OF THE LAND USE PLAN**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1989; July 1, 1984; September 1, 1979;  
RRC Objection due to ambiguity Eff. December 21, 1995;  
Amended Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0202 EXECUTIVE SUMMARY**

#### **15A NCAC 07B .0203 INTRODUCTION**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. January 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0204 GOALS AND OBJECTIVES**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;  
Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0205 RELATIONSHIP OF POLICIES AND LAND CLASSIFICATION**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. September 1, 1979;  
Amended Eff. July 1, 1984;  
Repealed Eff. January 1, 1996.

#### **15A NCAC 07B .0206 DATA COLLECTION AND ANALYSIS**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1991; May 1, 1990; November 1, 1989; July 1, 1984;  
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;  
Recodified from 15A NCAC 7B .0202 Eff. January 1, 1996;  
Amended Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0207 PRESENT CONDITIONS**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;  
Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0208 CONTENTS OF LAND USE PLAN**

*History Note:* Authority G.S. 113A-110; 113A-124;  
Eff. November 1, 1984;  
Repealed Eff. January 1, 1996.

#### **15A NCAC 07B .0209 CONTENTS OF THE EXECUTIVE SUMMARY**

*History Note:* Authority G.S. 113A-110; 113A-124;  
Eff. November 1, 1984;  
Repealed Eff. January 1, 1996.

#### **15A NCAC 07B .0210 CONSTRAINTS**

#### **15A NCAC 07B .0211 ESTIMATED DEMANDS**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;  
Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0212 POLICY STATEMENTS**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1991; November 1, 1989; March 1, 1988; March 1, 1985;  
RRC Objection due to lack of statutory authority, ambiguity and lack of necessity Eff. December 15, 1995;  
Recodified from 15A NCAC 7B .0203 Eff. January 1, 1996;  
Amended Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.

#### **15A NCAC 07B .0213 LAND CLASSIFICATION**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1989; July 1, 1984; September 1, 1979;  
RRC Objection due to ambiguity and lack of necessity Eff. December 21, 1995;  
Recodified from 15A NCAC 7B .0204 Eff. January 1, 1996;  
Amended Eff. February 1, 1996;

*Repealed Eff. August 1, 2002.*

**15A NCAC 07B .0214 INTERGOVERNMENTAL COORDINATION AND IMPLEMENTATION**

*History Note: Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1984;  
Recodified from 15A NCAC 7B .0206 Eff. January 1, 1996;  
Amended Eff. January 1, 1996;  
Repealed Eff. August 1, 2002.*

**15A NCAC 07B .0215 PUBLIC PARTICIPATION**

*History Note: Authority G.S. 113A-107(a); 113A-124;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1989; July 1, 1984;  
RRC Objection due to lack of statutory authority, ambiguity and lack of necessity Eff. December 21, 1995;  
Recodified from 15A NCAC 7B .0207 Eff. January 1, 1996;  
Amended Eff. February 1, 1996;  
Repealed Eff. August 1, 2002.*

**15A NCAC 07B .0216 PLAN REVIEW AND APPROVAL**

*History Note: Authority G.S. 113A-110; 113A-124;  
Eff. November 1, 1984;  
Recodified from 15A NCAC 7B .0210 Eff. January 1, 1996;  
Amended Eff. January 1, 1996;  
Repealed Eff. August 1, 2002.*

**SECTION .0300 - GUIDELINES FOR PROPOSED AREAS OF ENVIRONMENTAL CONCERN**

- 15A NCAC 07B .0301 INTRODUCTION**
- 15A NCAC 07B .0302 COASTAL WETLANDS: GENERAL**
- 15A NCAC 07B .0303 COASTAL WETLANDS: LOW TIDAL MARSHLAND**
- 15A NCAC 07B .0304 COASTAL WETLANDS: OTHER COASTAL MARSHLAND**
- 15A NCAC 07B .0305 ESTUARINE WATERS**
- 15A NCAC 07B .0306 RENEWABLE RESOURCE AREAS: WATERSHEDS OR AQUIFERS:  
GENERAL**
- 15A NCAC 07B .0307 WATERSHEDS OR AQUIFERS: SMALL SURFACE WATER SUPPLIES**
- 15A NCAC 07B .0308 SPECIAL AQUIFER AREAS: OUTER BANKS AND BARRIER ISLANDS**
- 15A NCAC 07B .0309 FRAGILE: HISTORIC OR NATURAL RESOURCES AREAS: GENERAL**
- 15A NCAC 07B .0310 EXISTING NATIONAL OR STATE PARKS**
- 15A NCAC 07B .0311 COMPLEX NATURAL AREAS**
- 15A NCAC 07B .0312 AREAS THAT SUSTAIN REMNANT SPECIES**
- 15A NCAC 07B .0313 AREAS CONTAINING UNIQUE GEOLOGICAL FORMATIONS**
- 15A NCAC 07B .0314 HISTORIC PLACES**
- 15A NCAC 07B .0315 REGISTERED NATURAL LANDMARKS**
- 15A NCAC 07B .0316 AREAS SUBJECT TO PUBLIC RIGHTS: GENERAL**
- 15A NCAC 07B .0317 AREAS SUBJECT TO PUBLIC RIGHTS: CERTAIN PUBLIC TRUST AREAS**
- 15A NCAC 07B .0318 NATURAL HAZARD AREAS: GENERAL**
- 15A NCAC 07B .0319 SAND DUNES ALONG THE OUTER BANKS**
- 15A NCAC 07B .0320 OCEAN BEACHES AND SHORELINES (ON THE OUTER BANKS)**
- 15A NCAC 07B .0321 COASTAL FLOODPLAINS**
- 15A NCAC 07B .0322 EXCESSIVE EROSION AREAS: GENERAL**

**15A NCAC 07B .0323 EXCESSIVE EROSION AREAS: COASTAL INLET LANDS**  
**15A NCAC 07B .0324 EXCESSIVE EROSION AREAS: OCEAN ERODIBLE AREAS**  
**15A NCAC 07B .0325 EXCESSIVE EROSION AREAS: ESTUARINE AND RIVER ERODIBLE AREAS**  
**15A NCAC 07B .0326 DEVELOPMENT STANDARDS APPLICABLE TO ALL AECS**

*History Note:* Authority G.S. 113A-107(a);  
Eff. February 1, 1976;  
Amended Eff. April 23, 1979; April 1, 1979;  
Repealed Eff. September 1, 1979.

#### **SECTION .0400 - LAND USE PLAN AMENDMENT PROCESS**

**15A NCAC 07B .0401 LAND USE PLAN AMENDMENT**  
**15A NCAC 07B .0402 PUBLIC HEARING REQUIRED**  
**15A NCAC 07B .0403 NOTICE TO COASTAL RESOURCES COMMISSION**  
**15A NCAC 07B .0404 WAIVER OF FORMAL REVIEW BY THE CRC**  
**15A NCAC 07B .0405 CONSISTENCY AND ADOPTION**  
**15A NCAC 07B .0406 STANDARDS FOR WAIVER OF FORMAL REVIEW**

*History Note:* Authority G.S. 113A-110; 113A-124;  
Eff. May 10, 1978;  
Amended Eff. July 1, 1984;  
RRC Objection due to lack of statutory authority and necessity Eff. December 21, 1995;  
Amended Eff. February 1, 1996; January 1, 1996; November 1, 1989; September 1, 1988; July 1, 1984;  
Repealed Eff. August 1, 2002.

#### **SECTION .0500 - LAND USE PLAN UPDATE PROCESS**

**15A NCAC 07B .0501 UPDATE REQUIRED**  
**15A NCAC 07B .0502 PURPOSE OF UPDATE**  
**15A NCAC 07B .0503 DATA COLLECTION AND ANALYSIS**  
**15A NCAC 07B .0504 AMENDMENTS TO MAPS**  
**15A NCAC 07B .0505 FORMAT OF PLAN UPDATE**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. September 1, 1979;  
RRC Objection due to lack of statutory authority and ambiguity Eff. December 21, 1995;  
Amended Eff. February 1, 1996; January 1, 1996; July 1, 1984;  
Repealed Eff. August 1, 2002.

**15A NCAC 07B .0506 REVIEW AND APPROVAL**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. January 1, 1996;  
Repealed Eff. August 1, 2002.

**15A NCAC 07B .0507 OFFICIAL COPY OF PLAN**

*History Note:* Authority G.S. 113A-107(a); 113A-124;  
Eff. September 1, 1979;  
Amended Eff. November 1, 1989;  
Recodified from 15A NCAC 7B .0506 Eff. January 1, 1996;  
Amended Eff. January 1, 1996;  
Repealed Eff. August 1, 2002.

## SECTION .0600 - INTRODUCTION

### 15A NCAC 07B .0601 AUTHORITY

This Subchapter establishes the rules that local governments shall follow in developing and adopting a land use plan or comprehensive plan, hereinafter referred to as "the plan", that meets the Coastal Resources Commission's (CRC) planning requirements.

*History Note:* Authority G.S. 113A-107(a); 113A-110; 113A-124;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;  
Amended Eff. February 1, 2016.

### 15A NCAC 07B .0602 EXAMPLES

*History Note:* Authority G.S. 113A-107(a); 113A-110; 113A-124;  
Eff. August 1, 2002;  
Expired Eff. September 1, 2015 pursuant to G.S. 150B-21.3A.

## SECTION .0700 – LAND USE PLANNING REQUIREMENTS

### 15A NCAC 07B .0701 PLANNING OPTIONS

(a) Each county within the coastal area may prepare and adopt a land use plan or comprehensive plan, hereinafter referred to as "the plan", that meets the planning requirements adopted by the Coastal Resources Commission (CRC). The CRC shall prepare and adopt a plan that meets the CRC's planning requirements as set forth in Rule .0702 of this Section for each county that chooses not to prepare and adopt a plan. Municipalities may develop individual plans that meet the CRC's requirements if:

- (1) the county delegates this authority to the municipality; or
- (2) the CRC grants this authority upon written request from a municipality that is enforcing its zoning ordinance, its subdivision regulations and the State Building Code within its jurisdiction.

(b) A county shall accept a municipality's locally adopted policies and implementation actions for inclusion in the county plan for the municipality's jurisdiction if requested to do so by any municipality not preparing its own plan. Inclusion of a municipality's adopted policies and implementation actions shall occur either at the time of county plan preparation or a subsequent county plan amendment. The municipality's policies and implementation actions are limited to its jurisdiction and may differ from the county's policies and implementation actions.

(c) Municipalities may seek certification as set forth in Rule .0803 of this Subchapter for these plans if all requirements found in this Subchapter and G.S. 113A-110 are met.

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

### 15A NCAC 07B .0702 LAND USE PLAN ELEMENTS

(a) Organization of the Plan. The land use plan or comprehensive plan, hereinafter referred to as "the plan", shall include a matrix that shows the location of the required elements as set forth in this Rule.

(b) Community Concerns and Aspirations. The purpose of this element is to provide an understanding of the underlying planning needs and desires of the community to support the land use and development policies included in the plan. This element shall include:

- (1) Significant existing and emerging conditions: The plan shall describe the dominant growth-related conditions that influence land use, development, water quality, and other environmental concerns in the planning area.
- (2) Key issues: The plan shall describe the land use and development topics most important to the future of the planning area. This description shall include public access, land use compatibility,

infrastructure carrying capacity, natural hazard areas, water quality, and may also include local areas of concern as described in Subparagraph (d)(2) (Land Use Plan Management Topics) of this Rule.

- (3) A community vision: The vision shall describe the general physical appearance and form that represents the local government's plan for the future. It shall include objectives to be achieved by the plan and identify changes that may be needed to achieve the planning vision as determined by the local government.

(c) Existing and Emerging Conditions. The purpose of this element is to provide a sound factual basis necessary to support the land use and development policies included in the plan. It shall describe the following:

- (1) Population, Housing, and Economy. The plan shall include discussion of the following data and trends:

(A) Population:

- (i) Permanent population growth trends using data from the two most recent decennial Censuses;
- (ii) Current permanent and seasonal population estimates;
- (iii) Key population characteristics, including age and income, and
- (iv) Thirty year projections of permanent and seasonal population in five-year increments.

(B) Housing stock: The plan shall include an estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multifamily, and manufactured).

(C) Local economy: The plan shall describe employment by major sectors and community economic activity.

- (2) Natural systems. The plan shall describe the natural features and discuss the environmental conditions of the planning jurisdiction to include:

(A) Natural features as follows.

- (i) Areas of Environmental Concern (AECs) as set forth in 15A NCAC 07H;
- (ii) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;
- (iii) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations located at <http://portal.ncdenr.org/web/q/ps/csu/classifications> and provided at no fee; and Division of Marine Fisheries (DMF) shellfish growing areas and water quality conditions located at <http://portal.ncdenr.org/web/mf/shellfish-sanitation-and-recreational-water-quality> and provided at no fee;
- (iv) Flood and other natural hazard areas;
- (v) Storm surge areas;
- (vi) Non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes;
- (vii) Water supply watersheds or wellhead protection areas;
- (viii) Primary nursery areas;
- (ix) Environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or maritime forests; and
- (x) Additional natural features or conditions identified by the local government.

(B) Environmental conditions. The plan shall provide an assessment of the following environmental conditions and features:

(i) Water quality:

- (I) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Resources Basin Planning Branch Reports, Clean Water Act 303(d) List, and other comparable data;
- (II) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation and Recreational Water Quality Section of the N.C. Division of Marine Fisheries;
- (III) Areas experiencing chronic wastewater treatment system malfunctions; and

- (IV) Areas with water quality or public health problems related to non-point source pollution.
    - (ii) Natural hazards:
      - (I) Areas subject to recurrent flooding, storm surges and high winds; and
      - (II) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities.
    - (iii) Natural resources:
      - (I) Environmentally fragile areas (as defined in Sub-Part (c)(2)(A)(ix) of this Rule) or areas where resource functions are impacted as a result of development; and
      - (II) Natural resource areas that are being impacted or lost as a result of incompatible development. These may include, but are not limited to the following: coastal wetlands, protected open space, and agricultural land.
  - (3) Existing Land Use and Development. The plan shall include a map and descriptions of the following:
    - (A) Existing land use patterns, which may include the following categories: Residential, commercial, industrial, institutional, public, dedicated open space, vacant, agriculture, and forestry. Land use descriptions shall include estimates of the land area allocated to each land use and characteristics of each land use category.
    - (B) Historic, cultural, and scenic areas designated by a state or federal agency or by local government.
  - (4) Community Facilities. The plan shall evaluate existing and planned capacity, location, and adequacy of community facilities that serve the community's existing and planned population and economic base; as well as those that protect important environmental factors such as water quality; and that guide land development in the coastal area. The evaluation shall include:
    - (A) Public and private water supply and wastewater systems. The plan shall describe existing public and private systems, including existing condition and capacity. It shall describe any documented overflows, bypasses, or other problems that may degrade water quality or constitute a threat to public health as documented by the Division of Water Resources (DWR). It shall indicate future needs based on population projections. The plan shall include a map of existing and planned service areas.
    - (B) Transportation systems. The plan shall include a map of the existing and planned multimodal systems and port and airport facilities. It shall describe any highway segments deemed by the North Carolina Department of Transportation (NCDOT) as having unacceptable service as documented in the most recent NCDOT Transportation and/or Thoroughfare Plan. It shall describe highway facilities on the current thoroughfare plan or facilities on the current transportation improvement plan. It shall describe the impact of existing facilities on land use patterns.
    - (C) Stormwater systems. The plan shall describe the existing public stormwater management system. It shall identify existing drainage problems and water quality issues related to point-source discharges of stormwater runoff.
- (d) Future Land Use. This element of the plan is intended to guide the development and use of land in a manner that achieves the goals of the Coastal Area Management Act through local government land use and development policies, including a future land use map. This element shall include:
- (1) Policies.
    - (A) Community Concerns and Aspirations and Existing and Emerging Conditions shall be considered in the development of local government plan policies as required in Rule .0702(b) and (c) of this Section.
    - (B) Policies shall be consistent with the goals of the CAMA, shall address the Land Use Plan Management Topics set forth in Subparagraph (d)(2) of this Rule, and comply with all state and federal rules.
    - (C) Policies that exceed use standards and permitting requirements found in Subchapter 7H, State Guidelines for Areas of Environmental Concern, shall be identified in the plan.
  - (2) Land Use Plan Management Topics. The purposes of the CRC management topics are to ensure that plans support the goals of the CAMA, define the CRC's expectations for land use policies, and provide a basis for plan review and certification by the CRC. In addition to the management topics outlined

below, plans may also include policies to address local areas of concern. Each management topic includes two components: a management goal and planning objectives.

- (A) Public Access:
    - (i) Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.
    - (ii) Planning Objectives: The plan shall include policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. Oceanfront communities shall establish access policies for beach areas targeted for nourishment.
  - (B) Land Use Compatibility:
    - (i) Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with economic development, avoids risks to public health, safety, and welfare.
    - (ii) Planning Objectives: The plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.
  - (C) Infrastructure Carrying Capacity:
    - (i) Management Goal: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected or restored.
    - (ii) Planning Objectives: The plan shall include policies that establish service criteria and ensure improvements minimize impacts to AECs and other fragile areas.
  - (D) Natural Hazard Areas:
    - (i) Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.
    - (ii) Planning Objectives: The plan shall include policies that establish mitigation and adaptation concepts and criteria for development and redevelopment, including public facilities, and that minimize threats to life, property, and natural resources resulting from erosion, high winds, storm surge, flooding, or other natural hazards.
  - (E) Water Quality:
    - (i) Management Goal: Maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries.
    - (ii) Planning Objectives: The plan shall include policies that establish strategies and practices to prevent or control nonpoint source pollution and maintain or improve water quality.
- (3) Future land use map. The plan shall include a map that depicts the policies for growth and development, and the desired future patterns of land use and land development with consideration given to natural system constraints and infrastructure. The plan shall include map designations with descriptions of land uses and development.

(e) Tools for Managing Development. The purpose of this element is to describe the management tools and actions the local government will use to implement the plan. This element shall include:

- (1) Guide for land use decision-making. The plan shall describe the role of the plan policies, including the future land use map, in local decisions regarding land use and development.
- (2) Development program. The plan shall describe the community's development management program, including local ordinances, codes, other plans and policies.
- (3) Action plan and implementation schedule. The plan shall describe the actions that will be taken by the local government to implement policies that meet the CRC's management topic goals and objectives. It shall specify the fiscal year(s) in which each action is anticipated to start and finish. It shall describe the specific steps the local government plans to take to implement the policies, including the adoption and amendment of local ordinances, other plans, and special projects. The action plan shall be used to prepare the implementation status report for the plan.

*History Note: Authority G.S. 113A-102; 113A-107(a); 113A-110; 113A-111; 113A-124;*

*Eff. August 1, 2002;*  
*Amended Eff. April 1, 2003;*  
*Readopted Eff. February 1, 2016.*

## **SECTION .0800 –LAND USE PLAN AND AMENDMENT REVIEW AND CERTIFICATION**

### **15A NCAC 07B .0801 STATE REVIEW AND COMMENT ON DRAFT PLAN**

The Division of Coastal Management shall review all draft land use plans or comprehensive plans, hereinafter referred to as plans, for consistency with the CRC's requirements for plans prior to local adoption, as set forth in Rule .0702 of this Subchapter. The Division shall provide written notice to the CRC, other State and Federal Agencies, and adjacent jurisdictions (including non-CAMA areas and if applicable, out of state areas) that the plan is available for review and comment. The review period shall be 30 calendar days and shall begin upon receipt of a plan accepted as complete by the Division, as set forth in Rule .0702 of this Subchapter. The Division shall provide written comments to the local government within 45 calendar days after the end of the review period.

*History Note: Authority G.S. 113A-106; 113A-107;*  
*Eff. February 1, 2016.*

### **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.

(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;*  
*Amended Eff. February 1, 2019.*

### **15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN**

(a) Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or comprehensive plans, hereinafter referred to as "the plan," or plan amendments. The procedures shall be as follows:

- (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.

- (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:
    - (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
    - (B) are consistent with the rules of the CRC;
    - (C) do not violate State or federal law; and
    - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.
  - (4) If the plan or amendment does not meet certification requirements, the applicant shall be informed by the Division of Coastal Management within 45 calendar days regarding how the plan or amendment does not meet the procedures and conditions for certification.
- (b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.
- (c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing from the following:
- (1) Local administration: The local government reviews the CAMA permits for consistency with the plan;
  - (2) Joint administration: The local government identifies policies, including the future land use map and implementation actions that will be used by the Division for the CAMA permit consistency reviews or;
  - (3) Division administration: The Division reviews the CAMA permits for consistency with the plan policies, including the future land use map and implementation actions.
- (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan updates and amendments.

*History Note:* Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;  
 Eff. August 1, 2002;  
 Amended Eff. April 1, 2008; September 1, 2006;  
 Readopted Eff. February 1, 2016;  
 Amended Eff. February 1, 2019.

#### **15A NCAC 07B .0804 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS**

Jurisdictions with a locally adopted and certified land use plan shall submit an Implementation Status Report to the Division of Coastal Management every two years from the date of initial certification by the CRC. This report shall be based on implementation actions that meet the CRC's Management Topic goals and objectives, as indicated in the action plan pursuant to Rule .0702(e)(3) of this Subchapter. The Implementation Status Report shall also identify:

- (1) All local, state, federal, and joint actions that have been undertaken successfully to implement its certified land use plan;
- (2) Any actions that have been delayed and the reasons for the delays;
- (3) Any unforeseen land use issues that have arisen since certification of the land use plan; and
- (4) Consistency of existing land use and development ordinances with current land use plan policies.

*History Note:* Authority G.S. 113A-106; 113A-107;  
 Eff. February 1, 2016.

### **SECTION .0900 – CAMA LAND USE PLAN AMENDMENTS**

#### **15A NCAC 07B .0901 CAMA LAND USE PLAN AMENDMENTS**

*History Note:* Authority G.S. 113A-107(a); 113A-110; 113A-124;  
 Eff. August 1, 2002;  
 Amended Eff. November 1, 2009; February 1, 2006;  
 Expired Eff. September 1, 2015 pursuant to G.S. 150B-21.3A.