

1 **15A NCAC 07B .0802 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

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3 **15A NCAC 07B .0802 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS**

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

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

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

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

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19 *History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;*  
20 *Eff. August 1, 2002;*  
21 *Amended Eff. January 1, 2007; February 1, 2006;*  
22 *Readopted Eff. February 1, 2016;*  
23 *Amended Eff. September 1, 2018.*

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1 **15A NCAC 07B .0803 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

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3 **15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN**

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

7 (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the  
8 Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either  
9 recommend certification or identify how the plan or amendment does not meet the procedures and  
10 conditions for certification as set forth in Subparagraph (a)(3) of this Rule.

11 (2) The public shall have an opportunity to submit written objections or comments on the locally  
12 adopted plan or amendment prior to ~~action by the CRC~~ certification pursuant to G.S. 113A-110(e).  
13 Written objections or comments shall be received by the Division no more than 30 calendar days  
14 after local adoption of the plan or amendment. Written objections shall be limited to the criteria for  
15 certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan  
16 elements that are opposed. Written objections or comments shall be sent by the Division to the local  
17 government submitting the plan or amendment. Written objections or comments shall be considered  
18 ~~by the CRC~~ in the certification of the local plan or amendment.

19 (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify  
20 plans and amendments following the procedures and conditions specified in this Rule. ~~The CRC~~  
21 ~~shall certify plans and amendments which:~~ Rule, and that:

22 (A) are consistent with the ~~current federally approved North Carolina Coastal Management~~  
23 ~~Program;~~ Coastal Area Management Act G.S. 113A-110;

24 (B) are consistent with the rules of the CRC;

25 (C) do not violate ~~state~~ State or federal law; and

26 (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this  
27 Subchapter.

28 (4) If the plan or amendment does not meet certification requirements, ~~the CRC shall~~ the applicant shall  
29 be informed by the Division of Coastal Management within 45 calendar days ~~inform the local~~  
30 ~~government regarding~~ how the plan or amendment does not meet the procedures and conditions for  
31 certification.

32 (b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government  
33 shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all  
34 copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.

35 (c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with  
36 G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing  
37 from the following:

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- 1           (1)    Local administration: The local government reviews the CAMA permits for consistency with the
- 2                            plan;
- 3           (2)    Joint administration: The local government identifies policies, including the future land use map
- 4                            and implementation actions that will be used by the Division for the CAMA permit consistency
- 5                            reviews or;
- 6           (3)    Division administration: The Division reviews the CAMA permits for consistency with the plan
- 7                            policies, including the future land use map and implementation actions.
- 8   (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan
- 9   updates and amendments.

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11   *History Note:    Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;*  
12                            *Eff. August 1, 2002;*  
13                            *Amended Eff. April 1, 2008; September 1, 2006;*  
14                            *Readopted Eff. February 1, 2016;*  
15                            *Amended Eff. September 1, 2018.*

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