

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0601

DEADLINE FOR RECEIPT: June 16, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Why is the text of this rule underlined?

On line 7, consider "to meet" in place of "that meets".

As written, this rule reads like an unnecessary scope rule. However, I think you can tie it to a specific statutory requirement that would avoid that potential problem. Consider adding at the end of line 8 "pursuant to G.S. 113A-110(f)."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0601 is readopted as published in 40:14 NCR 1205 as follows:

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3
4

SECTION .0600 - INTRODUCTION

5 **15A NCAC 07B .0601 AUTHORITY**

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

9

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

11 Eff. August 1, 2002;

12 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,

13 2015;

14 Amended Eff. February 1, 2016;

15 Readopted Eff. July 1, 2026.

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In reviewing this Rule, the staff recommends the following changes be made:

Why is the entire text of this rule underlined?

On line 6, "coastal area" has the defined meaning from G.S. 113A-103(2), correct?

On line 7, are there any "planning requirements" that are not in the rules?

*On line 13, add a comma: "subdivision ~~regulations~~ **regulations**, and the".*

For paragraph (b), lines 14-18, are there standards that the county is applying to a municipalities plan? As written, they would incorporate any plan submitted by a municipality and presumably the CRC would act if that element did not meet the standards. Is that your intent?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0701 is readopted as published in 40:14 NCR 1206 as follows:

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3 **SECTION .0700 – LAND USE PLANNING REQUIREMENTS**
4

5 **15A NCAC 07B .0701 PLANNING OPTIONS**

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

11 (1) the county delegates this authority to the municipality; or

12 (2) the CRC grants this authority upon written request from a municipality that is enforcing its zoning
13 ordinance, its subdivision regulations and the State Building Code within its jurisdiction.

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

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

21
22 History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;

23 Eff. August 1, 2002;

24 Readopted Eff. July 1, 2026; February 1, 2016.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0801

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Seth Ascher
Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0801 is readopted as published in 40:14 NCR 1211 as follows:
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3 **SECTION .0800 –LAND USE PLAN AND AMENDMENT REVIEW AND CERTIFICATION**
4

5 **15A NCAC 07B .0801 STATE REVIEW AND COMMENT ON DRAFT PLAN**

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

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14 History Note: Authority G.S. 113A-106; 113A-107;

15 Eff. February 1, 2016;

16 Readopted Eff. July 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0802

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In reviewing this Rule, the staff recommends the following changes be made:

Why is the entire text of this rule underlined?

On lines 4 and 8 you refer to the "Secretary" but on line 11-12 you refer to the "Executive Secretary of the CRC". Are these the same? Clarify on line 4 (either by referring to Executive Secretary of the CRC or some indication of which other Secretary.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0802 is readopted as published in 40:14 NCR 1211 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.

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

16

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

18 Eff. August 1, 2002;

19 Amended Eff. January 1, 2007; February 1, 2006;

20 Readopted Eff. February 1, 2016;

21 Amended Eff. February 1, 2019;

22 Readopted Eff. July 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0803

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Seth Ascher
Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0803 is readopted as published in 40:14 NCR 1211-1212 as follows:

2
3 **15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN**

4 (a) Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally
5 adopted land use plans or comprehensive plans, hereinafter referred to as "the plan," or plan amendments. The
6 procedures 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 certification pursuant to G.S. 113A-110(e). Written objections
13 or comments shall be received by the Division no more than 30 calendar days after local adoption
14 of the plan or amendment. Written objections shall be limited to the criteria for certification as
15 defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are
16 opposed. Written objections or comments shall be sent by the Division to the local government
17 submitting the plan or amendment. Written objections or comments shall be considered in the
18 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, and that the
21 plans and amendments meet the following conditions:

22 (A) are consistent with the Coastal Area Management Act G.S. 113A-110;

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

24 (C) do not violate State or federal law; and

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

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

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

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

36 (1) Local administration: The local government reviews the CAMA permits for consistency with the
37 plan;

1 (2) Joint administration: The local government identifies policies, including the future land use map
2 and implementation actions that will be used by the Division for the CAMA permit consistency
3 reviews or;

4 (3) Division administration: The Division reviews the CAMA permits for consistency with the plan
5 policies, including the future land use map and implementation actions.

6 (d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan
7 updates and amendments.

8
9 History Note: Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;

10 Eff. August 1, 2002;

11 Amended Eff. April 1, 2008; September 1, 2006;

12 Readopted Eff. February 1, 2016;

13 Amended Eff. February 1, 2019;

14 Readopted Eff. July 1, 2026.

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AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07B .0804

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Commission Counsel
Date submitted to agency: June 5, 2026

1 15A NCAC 07B .0804 is readopted as published in 40:14 NCR 1212 as follows:

2

3 **15A NCAC 07B .0804 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS**

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

8 (1) All local, state, federal, and joint actions that have been undertaken successfully to implement its
9 certified land use plan;

10 (2) Any actions that have been delayed and the reasons for the delays;

11 (3) Any unforeseen land use issues that have arisen since certification of the land use plan; and

12 (4) Consistency of existing land use and development ordinances with current land use plan policies.

13

14 History Note: Authority G.S. 113A-106; 113A-107;

15 Eff. February 1, 2016;

16 Readopted July 1, 2026.