



ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRAXTON DAVIS

Director

January 24, 2017

MEMORANDUM

CRC-17-02

TO: Coastal Resources Commission

FROM: Ken Richardson, *Shoreline Management Specialist*

SUBJECT: Fiscal Analysis Approval - 15A NCAC 7H .1300 Development Line Procedures
- Mean High Water, Easements and Other Lines

On December 1, 2016, the CRC voted in support of amending Development Line Procedure Rules (15A NCAC 7H .1300) in order to provide clarity that will help petitioners better understand how to delineate their development line, while also making the review process for both the CRC and DCM staff more efficient. The Department has approved the fiscal analysis associated with this rule amendment and it is currently under review at the Office of State Budget and Management (OSBM). It is unknown at this point if OSBM will be able to complete its review of the analysis prior to the upcoming CRC meeting.

DCM's analysis found that these amendments serve only to clarify existing rules and that there are no anticipated cost impacts on local governments, private property owners, NC DOT, or the Division of Coastal Management. As such, these changes are expected to be well below the threshold for being considered substantial which is defined as one million dollars or more in a 12-month period.

The commission has the option of approving the fiscal analysis at your upcoming meeting, subject to changes that may be requested by OSBM, which will allow the rules to proceed to public hearing. Alternatively, the commission can hold your approval until OSBM's approval is secured, and take action at your April meeting. At your upcoming meeting, staff will update the commission on the status with OSBM, and will be prepared to discuss these options with you.

Attachments:

- (A) Proposed Amendments 15A NCAC 07H .0306 General Use Standards for Ocean Hazard Areas
- (B) Proposed Amendments 15A NCAC 07J .1300 Development Line Procedures

ATTACHMENT (A):

Fiscal Analysis

General Use Standards for Ocean Hazard Areas
15A NCAC 07H .0306(a)(3)

Development Line Procedures
15A NCAC 07J .1301(e)(2)

Prepared by

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January 19, 2017

Basic Information

Agency	DEQ, Division of Coastal Management (DCM) Coastal Resources Commission (CRC)
Title	PROPOSED AMENDMENTS TO DEVELOPMENT LINE PROCEDURES AND THE GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS
Citation	15A NCAC 07H .0306 AND 15A NCAC 07J .1301
Description of the Proposed Rule	15A NCAC 07J .1300 are procedures for requesting, approving and managing oceanfront Development Lines, and specify information that is to be submitted to the Coastal Resources Commission by the Petitioner. General Use Standards for Ocean Hazard Areas 15A NCAC 07H .0306(a)(3) define the seaward limit where an oceanfront Development Line can be established. The proposed amendments are intended to both clarify how to determine the oceanward limit, and what information is to be submitted to the Coastal Resources Commission.
Agency Contact	Ken Richardson Shoreline Management Specialist Ken.Richardson@ncdenr.gov (252) 808-2808 ext. 225
Authority	G.S. 113A-107; 113A-113; 113A-124
Necessity	The Coastal Resources Commission proposes amendments to the Development Line Procedures and General Use Standards for Coastal Hazard Areas for the purpose of clarifying existing rules.
Impact Summary	State government: No Local government: Minimal Substantial impact: No Federal government: No

Summary

The North Carolina Coastal Resources Commission (CRC) requires that oceanfront development be set back from a defined reference line that is generally either the oceanward edge of natural vegetation, or a surveyed line for communities that have completed large beach nourishment projects.

A reference line called a Development Line allows a local government to delineate the most oceanward location for new development, and must be approved by the CRC. Development Line Procedures in 15A NCAC 07J .1300 establish the process for requesting, approving and managing oceanfront Development Lines. The CRC is proposing an amendment to 15A NCAC 07J .1301(e)(2) to clarify existing use standards for the Development Lines as to what information is to be submitted by the Petitioner.

Should a local government choose to adopt a Development Line for CRC approval, it is not anticipated that these proposed amendments will require any additional costs to the Petitioner as it is only clarification of existing rules

This proposal will have no impact on Department of Transportation projects or on DCM permit receipts.

The estimated effective date of these rules is September 1, 2017.

Description of Proposed Actions

Residential and commercial development built adjacent to the ocean shoreline may be vulnerable to erosion and storm surge. Under the NC Coastal Area Management Act (CAMA), hardened erosion protection structures are generally not allowed on the ocean shoreline; therefore, local governments use beach fill (nourishment) as a means to protect oceanfront property from storm damage and to address chronic erosion issues.

While the first line of stable-natural vegetation (FLSNV) has been used as an oceanfront setback measurement line since 1979, the CRC determined that the vegetation on nourished beaches was not “stable and natural” and should not be used for measuring oceanfront setbacks. In 1995 the CRC codified a method of measuring setbacks on nourished beaches that utilizes the surveyed pre-project vegetation line, which became known as the “static line.” The CRC’s static line rule was based on three primary issues: 1) evidence that nourished beaches can have higher erosion rates than natural ones, 2) no assurance that funding for future nourishment projects would be available for maintenance work as the original project erodes away, and 3) structures could be more vulnerable to erosion damage since their siting was tied to an artificially-forced system. The intent of the static line provisions has been to recognize that beach nourishment is an erosion response

necessary to protect existing development but should not be a stimulus for new development on sites that are not otherwise suitable for building. Once a static line is established it does not expire.

Prior to 2009, a community that completed construction of a large-scale beach fill project was required to measure construction setbacks from the static line or the first line of stable-natural vegetation, whichever was more landward. Over time, the Commission found that some communities had demonstrated a long-term commitment to beach nourishment and maintenance of their nourished beaches. Due to this long-term commitment, the vegetation had become stable and migrated oceanward of the static line. In many cases, proposed development on lots within these communities could meet the required setback from the natural vegetation line, but could not be permitted since they did not meet the setback from the static vegetation line.

To recognize local government efforts to address erosion through long-term beach nourishment and offer relief from the Static Vegetation Line requirements, the CRC adopted Static Vegetation Line Exception Procedures in 2009. The procedures require local communities to petition the CRC for an exception to the static line that allows property owners within that community to measure construction setbacks from the first line of stable-natural vegetation instead of the static line, under specific conditions. To qualify for the exception, communities must demonstrate that they have a source of sand and a funding mechanism to continue beach nourishment for at least 30 years. The CRC also requires communities to update this information every five years in order to maintain the exception. Several local governments have applied for and received Static Line Exceptions, and have now had them in place for up to seven years.

In 2015, the CRC adopted oceanfront Development Line rules to serve as an alternative to the Static Vegetation Line Exception in response to local governments growing concerns with difficulties and costs associated with the Static Vegetation Line rules and its exception procedures. Development Line procedures went into effect on April 1, 2016.

Development Line procedures differ from those specified under the Static Vegetation Line Exception in that they require a local government to establish a construction limit (Development Line) that would prevent structures from being sited any farther seaward; include language in local ordinances to define and address the Development Line, and; submit maps and documentation to the CRC for their review and approval. Once a Development Line has been approved by the CRC, a local government can then measure construction setbacks from FLSNV instead of the static vegetation line.

Since April-2016, the CRC has approved two Development Lines submitted by local governments. During the process of reviewing information submitted by local governments, the CRC determined that additional clarification was needed in existing rules to make the review process more efficient while also reducing potential for denial or delay of approval only because insufficient information was submitted.

DEVELOPMENT LINE AMENDMENTS

The CRC proposing amendments to 15A NCAC 07H .0306(a)(3) and 15A NCAC 07J .1301(e)(2):

1. 15A NCAC 07H .0306(a)(3) under GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

Defines restrictions on placement of a Development Line. Development Lines shall not be established on publicly-owned lands. Depending on the community and scope of any prior beach nourishment project(s), the boundary separating public and private land ownership can vary. This amendment provides additional clarity.

2. 15A NCAC 07J .1301(e)(2) under Procedures for Requesting a Development Line

Specifies information needed for the Coastal Resources Commission's review and approval. 15A NCAC 07H .0306(a)(3) restricts the placement of a Development Line by stating that in no case shall a Development Line be oceanward of Mean High Water (MHW); however, 15A NCAC 07J .1301(e)(2) does not currently require the MHW line to be submitted, or shown on a map relative to a local government's proposed Development Line. Without the MHW line, the CRC cannot fully review and make a determination.

Anticipated Impacts

Local Governments:

These amendments are only intended to add clarity to existing rules, while potentially making the Coastal Resources Commission's review process more efficient, and reducing potential for delay in the CRC approving a local government's proposed Development Line. These proposed amendments will not change the CRC's approach to permitting.

Private Property Owners:

Privately owned structures cannot be built on publically owned lands; therefore, these amendments do not create additional restrictions on private property owners. There are no anticipated costs to private property owners as a result of these proposed amendments.

NC Department of Transportation (DOT):

Pursuant to G.S. 150B-21.4, no impacts to NCDOT permitting are anticipated from the proposed amendments to 15A NCAC 07H .0306 and 15A NCAC 07J .1200. The amended rules do not create any new procedures or restrictions that would affect NCDOT permits. Development such as roads,

parking lots, and other public infrastructure such as utilities continue to have a minimum setback factor of sixty feet (60) or thirty (30) times the shoreline erosion rate (whichever is greater) as defined by 07H.0306(a)(2)(I). In the event NCDOT needs to build or maintain a road located within an Ocean Hazard AEC, the proposed amendments will not change the CRC's approach to permitting that activity.

Division of Coastal Management:

The Division of Coastal Management's permit review process will not be changed by these amendments and DCM does not anticipate changes in permitting receipts due to the proposed action. Review of Development Line proposals require approximately four hours of staff's time for each community. There would be no increased cost for staff's time as a direct result of the proposed amendments.

Cost/Benefit Summary

Because amendments to 15A NCAC 07H .0306 and 15A NCAC 07J .1300 only serve to clarify existing rules, there are no anticipated cost impacts on local governments, private property owners, NC DOT, or the Division of Coastal Management.

Appendix A

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

- (1) The ocean hazard setback for development is measured in a landward direction from the vegetation line, the static vegetation line, or the measurement line, whichever is applicable.
- (2) In areas with a development line, the ocean hazard setback line shall be set at a distance in accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development be sited seaward of the development line.
- (3) In no case shall a development line be created or established **on state owned lands, or oceanward of the mean high water line or perpetual property easement line, whichever is more restrictive, below the mean high water line.**
- (4) The setback distance shall be determined by both the size of development and the shoreline long-term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:
 - (A) The total square footage of heated or air-conditioned living space;
 - (B) The total square footage of parking elevated above ground level; and
 - (C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.

Decks, roof-covered porches, and walkways are not included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.

- (5) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:
 - (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (B) A building or other structure greater than or equal to 5,000 square feet but less than 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (C) A building or other structure greater than or equal to 10,000 square feet but less than 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion rate, whichever is greater;
 - (D) A building or other structure greater than or equal to 20,000 square feet but less than 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion rate, whichever is greater;
 - (E) A building or other structure greater than or equal to 40,000 square feet but less than 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion rate, whichever is greater;
 - (F) A building or other structure greater than or equal to 60,000 square feet but less than 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion rate, whichever is greater;
 - (G) A building or other structure greater than or equal to 80,000 square feet but less than 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline erosion rate, whichever is greater;
 - (H) A building or other structure greater than or equal to 100,000 square feet requires a minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;
 - (I) Infrastructure that is linear in nature such as roads, bridges, pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water,

- telephone, cable television, data, storm water, and sewer requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
- (J) Parking lots greater than or equal to 5,000 square feet require a setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (K) Notwithstanding any other setback requirement of this Subparagraph, a building or other structure greater than or equal to 5,000 square feet in a community with a static line exception in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever is greater. The setback shall be measured landward from either the static vegetation line, the vegetation line, or measurement line, whichever is farthest landward; and
 - (L) Notwithstanding any other setback requirement of this Subparagraph, replacement of single-family or duplex residential structures with a total floor area greater than 5,000 square feet shall be allowed provided that the structure meets the following criteria:
 - (i) the structure was originally constructed prior to August 11, 2009;
 - (ii) the structure as replaced does not exceed the original footprint or square footage;
 - (iii) it is not possible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under Subparagraph (a)(5) of this Rule;
 - (iv) the structure as replaced meets the minimum setback required under Part (a)(5)(A) of this Rule; and
 - (v) the structure is rebuilt as far landward on the lot as feasible.
- (6) If a primary dune exists in the AEC on or landward of the lot where the development is proposed, the development shall be landward of the crest of the primary dune, the ocean hazard setback, or development line, whichever is farthest from vegetation line, static vegetation line, or measurement line, whichever is applicable. For existing lots, however, where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback but shall not be located on or oceanward of a frontal dune or the development line. The words "existing lots" in this Rule shall mean a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership.
- (7) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot where the development is proposed, the development shall be set landward of the frontal dune, ocean hazard setback, or development line, whichever is farthest from the vegetation line, static vegetation line, or measurement line, whichever is applicable.
- (8) If neither a primary nor frontal dune exists in the AEC on or landward of the lot where development is proposed, the structure shall be landward of the ocean hazard setback or development line, whichever is more restrictive.
- (9) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements.
- (10) Established common law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.
- (11) Beach fill as defined in Rule .0305(a)(7) of this Section, represents a temporary response to coastal erosion, and compatible beach fill as defined in 15A NCAC 07H .0312 can be expected to erode at least as fast as, if not faster than, the pre-project beach. Furthermore, there is no assurance of future funding or beach-compatible sediment for continued beach fill projects and project maintenance. A vegetation line that becomes established oceanward of the pre-project vegetation line in an area that has received beach fill may be more vulnerable to natural hazards along the oceanfront if the beach fill project is not maintained. A development setback measured from the vegetation line may provide less protection from ocean hazards. Therefore, development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the static vegetation line as defined in this Section, unless a development line has been approved by the Coastal Resources Commission in accordance with 15A NCAC 07J .1300.

- (12) In order to allow for development landward of the large-scale beach fill project that cannot meet the setback requirements from the static vegetation line, but can or has the potential to meet the setback requirements from the vegetation line set forth in Subparagraphs (a)(1) and (a)(5) of this Rule, a local government, group of local governments involved in a regional beach fill project, or qualified owner's association defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association, and has jurisdiction over at least one mile of ocean shoreline, may petition the Coastal Resources Commission for a "static line exception" in accordance with 15A NCAC 07J .1200. The static line exception applies to development of property that lies both within the jurisdictional boundary of the petitioner and the boundaries of the large-scale beach fill project. This static line exception shall also allow development greater than 5,000 square feet to use the setback provisions defined in Part (a)(5)(K) of this Rule in areas that lie within the jurisdictional boundary of the petitioner, as well as the boundaries of the large-scale beach fill project. The procedures for a static line exception request are defined in 15A NCAC 07J .1200. If the request is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the static vegetation line under the following conditions:
- (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(5) of this Rule;
 - (B) Development setbacks are calculated from the shoreline erosion rate in place at the time of permit issuance;
 - (C) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent building or structure. When the configuration of a lot precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Division of Coastal Management on a case-by-case basis in order to determine an ocean hazard setback that is landward of the vegetation line, a distance no less than 30 times the shoreline erosion rate or 60 feet, whichever is greater;
 - (D) With the exception of swimming pools, the development defined in Rule .0309(a) of this Section is allowed oceanward of the static vegetation line; and
 - (E) Development is not eligible for the exception defined in Rule .0309(b) of this Section.
- (b) In order to avoid weakening the protective nature of ocean beaches and primary and frontal dunes, no development shall be permitted that involves the removal or relocation of primary or frontal dune sand or vegetation thereon that would adversely affect the integrity of the dune. Other dunes within the ocean hazard area shall not be disturbed unless the development of the property is otherwise impracticable. Any disturbance of these other dunes is allowed only to the extent permitted by 15A NCAC 07H .0308(b).
- (c) Development shall not cause irreversible damage to historic architectural or archaeological resources as documented by the local historic commission, the North Carolina Department of Natural and Cultural Resources, or the National Historical Registry.
- (d) Development shall comply with minimum lot size and set back requirements established by local regulations.
- (e) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks existing as of June 1, 1979.
- (f) Development shall comply with the general management objective for ocean hazard areas set forth in 15A NCAC 07H .0303.
- (g) Development shall not interfere with legal access to, or use of, public resources, nor shall such development increase the risk of damage to public trust areas.
- (h) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:
- (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
 - (2) restore the affected environment; or
 - (3) compensate for the adverse impacts by replacing or providing substitute resources.
- (i) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.

(j) All relocation of structures requires permit approval. Structures relocated with public funds shall comply with the applicable setback line as well as other applicable AEC rules. Structures including septic tanks and other essential accessories relocated entirely with non-public funds shall be relocated the maximum feasible distance landward of the present location. Septic tanks may not be located oceanward of the primary structure. All relocation of structures shall meet all other applicable local and state rules.

(k) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure shall be relocated or dismantled within two years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within two years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This permit condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under 15A NCAC 07H .0308(a)(2).

*History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. September 9, 1977;
Amended Eff. December 1, 1991; March 1, 1988; September 1, 1986; December 1, 1985;
RRC Objection due to ambiguity Eff. January 24, 1992;
Amended Eff. March 1, 1992;
RRC Objection due to ambiguity Eff. May 21, 1992;
Amended Eff. February 1, 1993; October 1, 1992; June 19, 1992;
RRC Objection due to ambiguity Eff. May 18, 1995;
Amended Eff. August 11, 2009; April 1, 2007; November 1, 2004; June 27, 1995;
Temporary Amendment Eff. January 3, 2013;
Amended Eff. April 1, 2016; September 1, 2013.*

SECTION .1300 – DEVELOPMENT LINE PROCEDURES

15A NCAC 07J .1301 REQUESTING THE DEVELOPMENT LINE

(a) Any local government, group of local governments involved in a regional beach fill project, or qualified owner's association with territorial jurisdiction over an area that is subject to ocean hazard area setbacks pursuant to 15A NCAC 07H .0305, may petition the Coastal Resources Commission for a development line for the purposes of siting oceanfront development in accordance with the provisions of this Section. A "qualified owner's association" is an owner's association defined in G.S. 47F-1-103(3) that has authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline.

(b) A development line request applies to the entire large-scale project area as defined in 15A NCAC 07H .0305(a)(7), and at the petitioner's request may be extended to include the entire oceanfront jurisdiction or legal boundary of the petitioner.

(c) The petitioner shall utilize an adjacent neighbor sight-line approach, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the petitioner may determine an average line of construction on a case-by-case basis. In no case shall a development line be established seaward of the most seaward structure within the petitioner's oceanfront jurisdiction.

(d) An existing structure that is oceanward of an approved development line may remain in place until damaged greater than 50 percent in accordance with Rule .0210 of this Subchapter. At that time it may only be replaced landward of the development line, and shall meet the applicable ocean hazard setback requirements as defined in 15A NCAC 07H .0306(a).

(e) A request for a development line or amendment shall be made in writing by the petitioner and submitted to the CRC by sending the written request to the Director of the Division of Coastal Management. A complete request shall include the following:

- (1) A detailed survey of the development line using on-ground observation and survey, or aerial imagery along the oceanfront jurisdiction or legal boundary; any local regulations associated with the development line; a record of local adoption of the development line by the petitioner; and documentation of incorporation of development line into local ordinances or rules and regulations of an owner's association.
- (2) The survey shall include the development line, static vegetation line, mean high water line, and any other information the Coastal Resources Commission deems necessary for a review of the petitioner's proposed development line.
- (3) Surveyed development line spatial data in a geographic information systems (GIS) format referencing North Carolina State Plane North American Datum 83 US Survey Foot, to include Federal Geographic Data Committee (FGDC) compliant metadata.

(f) Once a development line is approved by the Coastal Resources Commission, only the petitioner may request a change or reestablishment of the position of the development line.

(g) A development line request shall be submitted to the Director of the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557. Written acknowledgement of the receipt of a completed development line request, including notification of the date of the meeting at which the request will be considered by the Coastal Resources Commission, shall be provided to the petitioner by the Division of Coastal Management.

(h) The Coastal Resources Commission shall consider a development line request no later than the second scheduled meeting following the date of receipt of a complete request by the Division of Coastal Management, except when the petitioner and the Division of Coastal Management agree upon a later date.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. April 1, 2016.

15A NCAC 07J .1302 PROCEDURES FOR APPROVING THE DEVELOPMENT LINE

(a) At the meeting that the development line request is considered by the Coastal Resources Commission, the following shall occur:

- (1) A representative for the petitioner shall orally present the request described in Rule .1301 of this Section. The Chairman of the Coastal Resources Commission may limit the time allowed for oral presentations based upon the number of speakers wishing to present.

- (2) Additional persons may provide written or oral comments relevant to the development line request. The Chairman of the Coastal Resources Commission may limit the time allowed for oral comments based upon the number of speakers wishing to speak.
- (b) The Coastal Resources Commission shall approve a development line request if the request contains the information required and meets the standards set forth in Rule .1301 of this Section.
- (c) The final decision of the Coastal Resources Commission shall be made at the meeting at which the matter is heard or in no case later than the next scheduled meeting. The final decision shall be transmitted to the petitioner by registered mail within 10 business days following the meeting at which the decision is reached.
- (d) The decision to authorize or deny a development line is a final agency decision and is subject to judicial review in accordance with G.S. 113A-123.

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-123; 113A-124;
Eff. April 1, 2016.

15A NCAC 07J .1303 LOCAL GOVERNMENTS AND COMMUNITIES WITH DEVELOPMENT LINES

A list of development lines in place for petitioners and any conditions under which the development lines exist in accordance with 15A NCAC 07J .1300, including the date(s) the development lines were approved, shall be maintained by the Division of Coastal Management. The list of development lines shall be available for inspection at the Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, during business hours or on the Division's website nccoastalmanagement.net.

History Note: Authority G.S. 113A-107; 113A-113(b)(6), 113A-124;
Eff. April 1, 2016.