October 26, 2018

Mayor Eddie Barber  
Town of Emerald Isle  
7500 Emerald Drive  
Emerald Isle, NC 28594

CERTIFIED MAIL RETURN RECEIPT REQUESTED and electronically: ebarber@emeraldisle-nc.org

Mr. Frank Rush  
Town Manager  
7500 Emerald Drive  
Emerald Isle, NC 28594

CERTIFIED MAIL RETURN RECEIPT REQUESTED and electronically: frush@emeraldisle-nc.org

Re: Amendment to the Town of Emerald Isle Comprehensive Land Use Plan

Dear Mayor Barber and Mr. Rush:

Please find enclosed the written Final Agency Decision granting the Town of Emerald Isle’s request for an amendment to its Comprehensive Land Use Plan. Let me know if you have any questions.

Very truly yours,

Braxton C. Davis, Director  
NC Division of Coastal Management

cc via email:  
M. Renee Cahoon, Chair  
Mary L. Lucasse, Commission Counsel  
Rachel Love-Adrick, Morehead City District Planner
FACTS

1. The Town of Emerald Isle is located on Bogue Banks in Carteret County. Emerald Isle is bounded Bogue Sound to the north; the Town of Indian Beach to the east; the Atlantic Ocean to the south, and Bogue Sound and Bogue Inlet to the west.

2. The 2017 Comprehensive Plan was certified by the Coastal Resources Commission (CRC) on January 24, 2018.

3. The Town of Emerald Isle is requesting certification of an amendment to the 2017 Comprehensive Plan. This is the first amendment to their plan. The Town is seeking certification of a future land use map amendment to categorize McLean-Spell Park (539418206342000) as Government from Mixed-Use Residential. The town recently acquired the 30-acre property for parks and recreation purposes, and to specifically prevent future residential development to the parcel.

4. The Town of Emerald Isle Board of Commissioners held a duly advertised public hearing to consider the proposed amendment to the Comprehensive Plan and voted unanimously, by resolution to approve the amendment on August 13, 2018. The public had the opportunity to provide written comments on the plan up to thirty (30) calendar days after local adoption. No comments were received.
CONCLUSIONS OF LAW

1. The Town of Emerald Isle's 2017 Comprehensive Plan has met the substantive requirements outlined within the Land Use Planning Requirements effective February 1, 2016.

2. There are no conflicts evident in The Town of Emerald Isle's 2017 Comprehensive Plan with either state or federal law or the State's Coastal Management Program.

3. The elected body of The Town of Emerald Isle made a final decision on the contents of the amended 2017 Comprehensive Plan and provided opportunity for the public to provide written comment following local adoption of the plan, as required by N.C.G.S. § 113A-110 and 15A NCAC 7B .0802 and .0803, and the Town of Emerald Isle's 2017 Comprehensive Plan was submitted to the NC Division of Coastal Management without written objection or comment from the public.

4. During its regularly scheduled meeting on November 7-8, 2017, the North Carolina Coastal Resources Commission delegated to the Director of the North Carolina Division of Coastal Management, Department of Environmental Quality, its authority to approve Land Use Plans pursuant to N.C.G.S. §113A-110(f). The conditions under which the delegation was made are included in the November 20, 2017 letter to Braxton Davis, Director from Commission Chair Renee Cahoon. Pursuant to that delegation, the undersigned makes the following decision.

DECISION

For the reasons stated herein, the Town of Emerald Isle's request for certification of the amendment to its Comprehensive Land Use Plan is GRANTED.

This the 25th day of October, 2018.

Braxton C. Davis, Executive Director
N.C. Division of Coastal Management
CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the attached Final Agency Decision to the Town of Emerald Isle and the North Carolina Coastal Resources Commission by the means specified below:

Method of Service

Mayor Eddie Barber
Town of Emerald Isle
7500 Emerald Drive
Emerald Isle, NC 28594

CERTIFIED MAIL RETURN RECEIPT
REQUESTED and electronically:

ebarber@emeraldisle-nc.org

Mr. Frank Rush
Town Manager
7500 Emerald Drive
Emerald Isle, NC 28594

CERTIFIED MAIL RETURN RECEIPT
REQUESTED and electronically:

frush@emeraldisle-nc.org

M. Renee Cahoon, Chair
Coastal Resources Commission

Electronically: Renee.Cahoon@ncdenr.gov

Mary L. Lucasse
Commission Counsel
NC Coastal Resources Commission
PO Box 629
Raleigh, NC 27602

Electronically: mlucasse@ncdoj.gov

Rachel Love-Adrick, District Planner
Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557-3421

Electronically: rachel.love-adrick@ncdenr.gov

This is the 25th day of October, 2018.

Angela Willis, Secretary to the Director
AFFIDAVIT OF PUBLICATION

Before the undersigned, a notary public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Judy F. Allred: __________________________________________ who being

first duly sworn, deposes and says that he (she) is Clerk

(Owner, partner, publisher or other officer or employee authorized to make this affidavit)

of THE CARTERET PUBLISHING CO., INC., engaged in the publication of a newspaper known as CARTERET COUNTY NEWS-TIMES, published, issued, and entered as second class mail in the Town of Morehead City, in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereeto, was published in CARTERET COUNTY NEWS-TIMES on the following
date: 07/13/2018, 07/27/2018, 08/03/2018 ___________________________

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 3rd day of August, 2018 __________________________

(Signature of person making affidavit)

Sworn and subscribed to before me, this:

Melodie B. Hall
Notary Public

My commission expires April 25, 2019 __________________________
RESOLUTION AMENDING CAMA / COMPREHENSIVE LAND USE PLAN

WHEREAS, the Town of Emerald Isle seeks to amend its 2017 CAMA / Comprehensive Land Use Plan, specifically the Future Land Use Map, in order to amend the future land use related to the property identified as McLean-Spell Park (PIN 539418206342000), and

WHEREAS, the Future Land Use Map currently projects this ~ 30 acre property for “Mixed Residential” development in the future, and

WHEREAS, the Town recently acquired this property for parks and recreation purposes, and to specifically prevent the future development of the property with multi-family residential units, and

WHEREAS, the Town now seeks to amend the Future Land Use Map to identify this property for “Government” use in order to reflect the Town’s future plans and also to insure consistency among all Town-owned properties, which are also identified for “Government” use on the Future Land Use Map, and

WHEREAS, on July 23, 2018 the Planning Board recommended approval of the proposed amendment, and

WHEREAS, the Board of Commissioners advertised and conducted a public hearing on the proposed amendment at its regular meeting on August 13, 2018, and,

WHEREAS, the Board of Commissioners believes the proposed amendment is consistent with the Town’s desired vision for the future, and

WHEREAS, as required by State law, the proposed amendment will be forwarded to the NC Division of Coastal Management and the NC Coastal Resources Commission for formal review and certification,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Emerald Isle that the CAMA / Comprehensive Land Use Plan, more specifically the Future Land Use Map located in Section 4, Future Demand / Projections, page 4-17, is hereby amended as follows:

Amend Future Land Use Map to change the future land use of the property now known as McLean-Spell Park (PIN 539418206342000) from “Mixed Residential” to “Government”, as indicated on the attached map.

BE IT FURTHER RESOLVED, that the Town Manager is hereby authorized to submit the adopted CAMA / Comprehensive Land Use Plan amendment to the NC Division of Coastal Management and NC Coastal Resources Commission for certification as described above.

Adopted this the ___ day of August, 2018, by a vote of

Commissioner(s) __________ voting for,
Commissioner(s) ______________________ voting
against, and Commissioner(s) absent.

ATTEST:

Rhonda Ferebee, Town Clerk

Eddie Barber, Mayor