

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1183

Short Title: State Agencies Comply with CAMA.

(Public)

Sponsors: Representative Wright.

Referred to: Environment and Natural Resources.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO COORDINATE STATE AGENCY ACTIONS WITH STATE
2 GUIDELINES AND LOCAL LAND-USE PLANS ADOPTED PURSUANT TO
3 THE COASTAL AREA MANAGEMENT ACT.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 113A-108 reads as rewritten:

7 "**§ 113A-108. Effect of State guidelines.**

8 (a) All local land-use plans adopted pursuant to this Article within the coastal area
9 shall be consistent with the State guidelines. No permit shall be issued under Part 4 of
10 this Article which is inconsistent with the State guidelines. Any State land policies
11 governing the acquisition, use and disposition of land by State departments and agencies
12 shall take account of and be consistent with the State guidelines adopted under this
13 Article, insofar as lands within the coastal area are concerned. Any State land
14 classification system which shall be promulgated shall take account of and be consistent
15 with the State guidelines adopted under this Article, insofar as it applies to lands within
16 the coastal area.

17 (b) Every State agency, as defined in G.S. 143A-3, shall, to the maximum extent
18 feasible, carry out its direct development, financial assistance, plans, programs, and rules
19 in a manner consistent with the State guidelines."

20 Section 2. G.S. 113A-111 reads as rewritten:

1 **"§ 113A-111. Effect of land-use plan.**

2 (a) For the purposes of this section, the following definitions apply:

3 (1) 'Agency' has the same meaning as in G.S. 143A-3.

4 (2) 'Growth-inducing facility' means new infrastructure on nonfederal land
5 that tends to induce development and urbanization of more than local
6 impact. The term includes a road, bridge, public or community
7 wastewater system, public water system, erosion control measure, urban
8 waterfront development, or port facility.

9 (2) 'Public or community wastewater system' has the same meaning as in
10 G.S. 130A-334(8).

11 (3) 'Public water system' has the same meaning as in G.S. 130A-313(10).

12 (4) 'Unit of local government' means a county, city, consolidated city-
13 county, sanitary district or other local political subdivision, authority or
14 agency of local government.

15 (b) No permit shall be issued under Part 4 of this Article for development which is
16 inconsistent with the approved land-use plan for the county in which it is proposed. No
17 local ordinance or other local regulation shall be adopted which, within an area of
18 environmental concern, is inconsistent with the land-use plan of the county or city in
19 which it is effective; any existing local ordinances and regulations within areas of
20 environmental concern shall be reviewed in light of the applicable local land-use plan and
21 modified as may be necessary to make them consistent therewith. All local ordinances
22 and other local regulations affecting a county within the coastal area, but not affecting an
23 area of environmental concern, shall be reviewed by the Commission for consistency
24 with the applicable county and city land-use plans and, if the Commission finds any such
25 ordinance or regulation to be inconsistent with the applicable land-use plan, it shall
26 transmit recommendations for modification to the adopting local government.

27 (c) Every State agency shall, to the maximum extent feasible, carry out its direct
28 development, financial assistance, plans, programs, and rules in a manner consistent with
29 locally adopted and Commission approved land-use plans. No State funds may be
30 expended for a growth-inducing facility in an area designated in a locally adopted and
31 Commission approved land-use plan as unsuitable for the type of development that would
32 require the facility.

33 (d) No State funds for a growth-inducing facility shall be made available to any
34 unit of local government in the coastal area that is not subject to a locally adopted and
35 Commission approved land-use plan."

36 Section 3. This act is effective when it becomes law.