

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

August 3, 2021

Gerald A. Jones, Jr., Mayor
Town of Morehead City
202 S. 8th St.
Morehead City, NC 28557

CERTIFIED MAIL RETURN RECEIPT REQUESTED
and electronically:
mayorjones@moreheadcitync.org

Ryan Eggleston, City Manager
Town of Morehead City
202 S. 8th St.
Morehead City, NC 28557

CERTIFIED MAIL RETURN RECEIPT
REQUESTED and electronically:
Ryan.Eggleston@moreheadcitync.org

Re: Certification of 3rd Amendment to the Town of Morehead City's Core LUP

Dear Mayor Jones and Mr. Eggleston:

Please find enclosed the written Final Agency Decision granting the Town of Morehead City's request for certification of the 3rd amendment to its Core Land Use Plan. Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Braxton C. Davis".

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
Sandi Watkins, Town of Morehead City, Senior Planner



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808

IN THE MATTER OF THE TOWN OF)
MOREHAED CITY'S REQUEST FOR)
CERTIFICATION OF THE THIRD)
AMENDMENT TO CORE LAND USE)
PLAN)

FINAL AGENCY DECISION

FACTS

1. The Town of Morehead City (hereinafter the "town") is located in Carteret County and is bounded by the Newport River to the north and east, Bogue Sound to the south, and the Town of Newport and unincorporated areas of Carteret County to the west.

2. The Core Land Use Plan was certified by the Coastal Resources Commission (CRC) on September 28, 2007. The plan has had two previous amendments certified, May 21, 2018 and July 18, 2019.

3. The town is requesting the certification of the third amendment to the Core Land Use Plan. The town is seeking certification of a map amendment in order to make a rezoning consistent with the Future Land Use Map (hereinafter the "FLUM"). The town rezoned the easternmost 11.7 acres of the parcel at 301 Highway 24 (Tax PIN #635615741744000) from R20 (Single-Family Residential District) to CH-CZ (Highway Commercial Conditional Zoning District), the amendment changes this portion of the parcel zoned from FLUM Classification Medium Density Residential to General Commercial.

4. The Town Council of the Town of Morehead City held a duly advertised public hearing to consider the proposed amendment to the Core Land Use Plan and by resolution approved the amendment on May 19, 2021. The public had the opportunity to provide written comments on the plan up to thirty (30) calendar days after local adoption. One public comment was received.

CONCLUSIONS OF LAW

1. The amendment to the Town's Core Land Use Plan has met the substantive requirements outlined within the 15A NCAC 7B Land Use Plan Guidelines.
2. There are no conflicts evident in the amendment to the Town's Core Land Use Plan with either state or federal law or the State's Coastal Management Program.
3. The elected body of the Town of Morehead City made a final decision on the contents of the Amended Core Land Use 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 .0801 and .0802, and the Town of Morehead City's Amended Core Land Use Plan was submitted to the NC Division of Coastal Management with written objection or comment from the public.

DECISION

For the reasons stated herein, the Town of Morehead City's request for certification of the amendment to its Core Land Use Plan is GRANTED.

This the 3rd day of AUGUST 2021.



Braxton C. Davis, 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** on the Town of Morehead City and the North Carolina Coastal Resources Commission by the means specified below:

Method of Service

Gerald A. Jones, Jr., Mayor
Town of Morehead City
202 S. 8th St.
Morehead City, NC 28557

CERTIFIED MAIL RETURN RECEIPT REQUESTED
and *electronically* mayorjones@moreheadcitync.org

Ryan Eggleston, City Manager
Town of Morehead City
202 S. 8th St.
Morehead City, NC 28557

CERTIFIED MAIL RETURN RECEIPT REQUESTED
and *electronically* Ryan.Eggleston@moreheadcitync.org

Sandi Watkins, Sr. Planner
Town of Morehead City
706 Arendell St.
Morehead City, NC 28557

U.S. Mail and electronically:
Sandi.Watkins@moreheadcitync.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 3rd day of Aug. 2021.


Angela Willis Assistant to the Director



MEMORANDUM

TO: Tancred Miller, Policy & Planning Section Chief
Division of Coastal Management

FROM: Rachel Love-Adrick, Morehead City District Planner
Division of Coastal Management

DATE: August 3, 2021

SUBJECT: Certification of the third amendment to the Town of Morehead City's Core LUP

Overview

The town is requesting the certification of the third amendment to the Core Land Use Plan. The town is seeking certification of a map amendment in order to make a rezoning consistent with the Future Land Use Map (hereinafter the "FLUM"). The town rezoned the easternmost 11.7 acres of the parcel at 301 Highway 24 (Tax PIN #635615741744000) from R20 (Single-Family Residential District) to CH-CZ (Highway Commercial Conditional Zoning District), the amendment changes this portion of the parcel from FLUM Classification Medium Density Residential to General Commercial.

The Morehead City Town Council held a duly advertised public hearing to consider the proposed amendment to the Core Land Use Plan and by resolution approved the amendment on May 19, 2021. The public had the opportunity to provide written comments on the plan up to thirty (30) calendar days after local adoption. One written comment was submitted June 17, 2021 via email by Susan McGrath (Attached).

Written objections are limited to the criteria for certification found in the Coastal Resources Commission's Rule 15A NCAC 07B .0803(a)(3) [Attached]. The applicable objections per 07B .0803(a)(3) as outlined in Ms. McGrath's public comments relate to the public hearing notification requirements as outlined in G.S. 113A-110(e) (Attached), specifically that copies of the proposed amendment were not available for public inspection at a designated office in the county courthouse, and that the day of the week was incorrect in the duly published public hearing notice.

Regarding the availability of the proposed amendment. Per email correspondence (Attached) from Sandi Watkins, Morehead City Planning and Inspections Director it was confirmed that the proposed amendment was made available at two locations at the county courthouse and at the Town of Morehead City's Planning Department. Additionally, it was noted that Ms. McGrath was provided a copy of the packet via email on April 9, 2021.



Regarding the incorrect day of the week in the public hearing notice. While the incorrect day of the week was noted as Tuesday instead of Wednesday, the correct date and time were given as May 19, 2021 at 5:30pm. If the public had tried to attend on that Tuesday, or contacted the town, they would have been informed that the meeting was on Wednesday, therefore there was no lost opportunity to the public to provide comments at the public hearing or to submit written comments.

Recommendation

Certification of the Town of Morehead City's 2007 Core Land Use Plan amendment with the determination that the Town has met the substantive requirements outlined in the 15 NCAC 7B Land Use Plan Guidelines and that there are no conflicts with either state or federal law or the State's Coastal Management Program.

Attachments:

Public Comment - from Ms. Susan McGrath

Coastal Resources Commission's Rule 15A NCAC 07B .0803(a)(3)

Coastal Area Management Act General Statute 113A-110(e)

Email – from Sandi Watkins

Resolution

Affidavit of Publication

Amended Future Land Use Map



From: suemcgrath12@gmail.com
To: [Love-Adrick, Rachel A](#)
Subject: RE: [External] 301 Highway 24 Rezoning
Date: Thursday, June 17, 2021 8:09:13 AM
Attachments: [C57982F2499E4AD892BF562FA09F951C.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image007.png](#)

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi Ms. Love-Aldrick,

I have revised my letter and referenced the appropriate statute. Please let me know if email submission of my letter is insufficient. Thanks for your help.

June 17, 2021

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

Dear Ms. Love-Adrick,

I am writing to express concern about the way Morehead City notified the public about proposed amendments to its CAMA Core Land Use Plan (the Plan) and its Land Use Map (the Map) in connection with the recent change in zoning of 301 Highway 24. The Morehead City Town Council voted to rezone the parcel at its May 19, 2021 meeting, which resulted in a change to the Map; the proposed text amendments were rejected by the Council.

The Coastal Area Management Act requires the following public notice procedures when amending a CAMA Land Use Plan:

§ 113A-110. Land-use plans.

(e) Prior to adoption or subsequent amendment of any land-use plan, the body charged with its preparation and adoption (whether the county or the Commission or a unit delegated such responsibility) shall hold a public hearing at which public and private parties shall have the opportunity to present comments and recommendations. Notice of the hearing shall be given not less than 30 days before the date of the hearing and shall state the date, time, and place of the hearing; the subject of the hearing; the action which is proposed; and that copies of the proposed plan or amendment are available for public inspection at a designated office in the county courthouse during designated hours. Any such notice shall be published at least once in a newspaper of general circulation in the county.

The proposed changes to the Plan and the Map were advertised in the Carteret News-Times on April 18, 2021:

Notice is hereby given that the Morehead City Town Council will conduct a public hearing on Tuesday, May 19, 2021, at 5:30 p.m. in the Crystal Coast Civic

Center, 3505 Arendell Street, to consider a submitted development plan that, if approved, may or would require an amendment to the text of the Morehead City Core Land Use Plan (the "Plan") and the Plan's Future Land Use map, including but not limited to, changing all or a portion of that property located at 301 Highway 24, located in the "Neighborhood 9" of the Plan, from the current Medium Density Residential designation to General Commercial and/or High Density Multifamily Residential.

The timing of the meeting in the public announcement above was incorrect – the meeting was to take place on Wednesday, May 19th, rather than on Tuesday of that week. Subsequent notices in the News-Times about the May 19th meeting only covered the proposed rezoning, and did not mention the potential changes to the Plan and Map, leaving interested parties to assume that they were removed from the agenda. In addition, these changes were characterized as amendments that, if approved, "may or would require" changes to the Plan and Map. This was a mischaracterization, as a change in the zoning of the parcel would clearly require or result in a change to the Map, but the text amendments were gratuitous and not needed regardless of whether the rezoning request was approved.

The proposed amendments were not available to the public for review, as required under § 113A-110 the Coastal Area Management Act. I tried to obtain copies of the proposed amendments on numerous occasions proceeding the May 19th meeting; the City Clerk and staff at Planning and Inspections did not have them, they were not on file at a designated office for public inspection, and they were not posted with the other meeting materials on the Town's website.

- The proposed amendments were not included in the materials for the Planning Board Meeting where the rezoning was approved.
- The proposed amendments were included without explanation in the materials posted to the Council website the day before the April 13th meeting; when discussion of the rezoning was cancelled, they were quickly removed.
- The proposed amendments were not included in the materials provided for the Council's workshop on May 4th.
- The proposed text amendments only reappeared on the town website the day before the May 19th meeting - at 11:40 am, buried in an attachment that was 102 pages long.
- As late as the Monday before the Wednesday meeting, I was told that I would have to wait for the agenda materials to appear on the Council's website to find out if the text amendments were still on the table. When the agenda materials were finally posted on May 18th, I waded through the 102-page attachment to find the proposed text amendments in a new place – within the Consistency Statements – and not attached to the proposed amendments to the Map where they had appeared before. In fact, the draft documents and resolutions posted on the 18th didn't even say definitively whether the text amendments were to be approved in the event that the Council approved the rezoning. These documents and resolutions contained potential inserts like the following:

A change to the text of this policy may be required to read: "The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) into such areas."

I don't see how this process invites public consideration and engagement on far-reaching changes to the Town's development intentions. While the text amendments to the Plan were ultimately rejected by the Town Council, I do not believe that the public was adequately informed about the inconsistency of the rezoning of the 301 Highway 24 parcel with the Town's Land Use Plan – a document that is supposed to reflect the future intentions of the Town with respect to development, in part, so that buyers can have confidence in the zoning of areas in which they invest. These far-reaching consequences were described at the meeting, by one of the Council members who voted to oppose the rezoning – Bill Taylor. Mr. Taylor noted that the approval of the rezoning of 301 parcel would make it difficult for the Council to reject any future request to rezone other parcels in the

surrounding area from residential to commercial use, which affects all homeowners on the southern side of Highway 24 in the adjacent areas who purchased under the assumption that their side of the highway would continue to be zoned single-family residential.

The ambiguous public notice of the potential changes to the Plan and Map and the absence of documents explaining these changes in the materials included on the Council's website resulted in inadequate public awareness of changes to the Map that would have significant knock-on effects to the Town's future development – violations of the CAMA requirements in § 113A-110. I urge you to reject the proposed change in the Land Use Map, as the public was not adequately informed of this important issue.

Sincerely,

Susan McGrath
165 Lands End Road, Morehead City

Sent from [Mail](#) for Windows 10

From: [Love-Adrick, Rachel A](#)
Sent: Wednesday, June 16, 2021 9:38 AM
To: suemcgrath12@gmail.com
Cc: [Miller, Tancred](#)
Subject: RE: [External] 301 Highway 24 Rezoning

Good Morning Ms. McGrath –

Thank you for providing comments regarding the certification of a locally adopted amendment to the Town of Morehead City's Core Land Use Plan. Please note that written objections are limited to the criteria for certification found in the Coastal Resource Commission's Rule [15A NCAC 07B .0803](#), included below.

Written comments limited to the criteria for certification will be considered in the certification. Additionally, the comments will be shared with the town. If you wish to provide additional comments please provide them to me by 11:59 pm on June 18, 2021; the end of the 30-day public comment period.

A.

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

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

- (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.
- (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:
 - (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate State or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.

Thank you,
Rachel



Rachel Love-Adrick
District Planner, Division of Coastal Management
North Carolina Department of Environmental Quality
252.808.2808 (Office)
Rachel.Love-Adrick@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: suemcgrath12@gmail.com [mailto:suemcgrath12@gmail.com]
Sent: Tuesday, June 15, 2021 11:35 AM
To: Love-Adrick, Rachel A <rachel.love-adrick@ncdenr.gov>
Subject: [External] 301 Highway 24 Rezoning

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dear Ms. Love-Adrick,

I mailed a copy of the following letter to you today regarding the proposed changes to the Morehead City Land Use Plan and Map resulting from the rezoning of parcel 301 Highway 24. Please consider these comments in deciding whether to approve these changes. Thanks.

Susan McGrath

June 15, 2021

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

Dear Ms. Love-Adrick,

I am writing to express concern about the way Morehead City notified the public about proposed amendments to its CAMA Core Land Use Plan (the Plan) and its Land Use Map (the Map) in connection with the recent change in zoning of 301 Highway 24. The Morehead City Town Council voted to rezone the parcel at its May 19, 2021 meeting, which resulted in a change to the Map; the proposed text amendments were rejected by the Council.

The proposed changes to the Plan and the Map were advertised in the Carteret News-Times on April 18, 2021. These changes were characterized as amendments that, if approved, “may or would require” changes to the Plan and Map. This was a mischaracterization, as a change in the zoning of the parcel would clearly require or result in a change to the Map, but the text amendments were gratuitous and not needed regardless of whether the rezoning request was approved.

Notice is hereby given that the Morehead City Town Council will conduct a public hearing on Tuesday, May 19, 2021, at 5:30 p.m. in the Crystal Coast Civic Center, 3505 Arendell Street, to consider a submitted development plan that, if approved, may or would require an amendment to the text of the Morehead City Core Land Use Plan (the “Plan”) and the Plan’s Future Land Use map, including but not limited to, changing all or a portion of that property located at 301 Highway 24, located in the “Neighborhood 9” of the Plan, from the current Medium Density Residential designation to General Commercial and/or High Density Multifamily Residential.

Note that the timing of the meeting was incorrect – the meeting was to take place on Wednesday, May 19th, rather than on Tuesday of that week. Subsequent notices in the News-Times about the May 19th meeting only covered the proposed rezoning, and did not mention the potential changes to the Plan and Map, leaving interested parties to assume that they were removed from the agenda.

The public was not adequately informed of these proposed text amendments to the Plan and the inconsistency of the rezoning with the Map, due to the ambiguous language used in the public meeting notice above, and the Council’s silence regarding these issues in subsequent meeting notices and materials posted to the Planning Board and City Council websites.

- The proposed amendments were not included in the materials for the Planning Board Meeting where the rezoning was approved.
- The proposed amendments were included without explanation in the materials posted to the Council website the day before the April 13th meeting; when discussion of the rezoning was cancelled, they were quickly removed.
- The proposed amendments were not included in the materials provided for the Council’s workshop on May 4th.
- The proposed text amendments only reappeared on the town website the day before the May 19th meeting - at 11:40 am, buried in an attachment that was 102 pages long.

I took an interest in this topic early on – when I noticed the proposed text amendments included in the agenda materials for the April 13th meeting that were up on the website for just a day or so. Over the subsequent 5 weeks, I was unable get anyone to tell me why they were being proposed, and even to get a definitive answer as to whether they were still being proposed.

- I contacted several members of the town staff on multiple occasions to find out if these text amendments were still being considered or if they were dropped from the proposal, particularly after the amendments were not included in the materials provided to the Town Council’s workshop meeting preceding the May 19th meeting. I received responses like the following:

From: Cathy Campbell
Sent: Thursday, May 6, 2021 8:15 AM
To: suemcrath12@gmail.com
Subject: RE: Land Use Plan text amendments

Ms. McGrath,

I am confident that the May 19th meeting packet will include all required documents, but at this time I do not know if that will include specific text amendment wording or not. At this time, we are working on the May 11th meeting packet. If there is a specific document you are wanting, please feel free to complete and submit the attached public records request form.

Cathy

Cathy Campbell, CMC, NCCMC
City Clerk
Town of Morehead City
252.726.6848 ext. 139
www.moreheadcitync.org



This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at https://www.asc.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by US Mail to U.S. Dept. of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410, by fax (202) 696-7442 or email to usdacomplaint@usda.gov.

DISCLAIMER: Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time.

From: suemcrath12@gmail.com <suemcrath12@gmail.com>
Sent: Wednesday, May 5, 2021 3:43 PM
To: Cathy Campbell <Cathy.Campbell@moreheadcitync.org>
Subject: Land Use Plan text amendments

Cathy,

Did you have any luck on my question as to whether text amendments to the Land Use Plan are still on the agenda for the 5.19.21 meeting? The following proposed text amendments had been in the materials I was provided:

4.2.7 Areas of Local Concern, General
Policy 5: The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) non-residential uses into such areas.

Policy 7: In-fill development in existing residential areas will be encouraged only if it is compatible in density and scale to that in the surrounding area.

4.2.8 Neighborhood-Specific Policies, Neighborhood 9
Policy 3: The current use, density, and building height requirements of the residential zoning classifications and for the commercial development that may be allowed in this neighborhood will be maintained to ensure the existing character of the area.

Thanks for your help on this.

Susan

Sent from Mail for Windows 10

- I even reached out to one of the Council members for information and to express my views. I never got a definitive answer from anybody.
- As late as the Monday before the Wednesday meeting, I was told that I would have to wait for the agenda materials to appear on the Council's website to find out if the text amendments were still on the table. When the agenda materials were finally posted on May 18th, I waded through the 102-page attachment to find the proposed text amendments in a new place – within the Consistency Statements – and not attached to the proposed amendments to the Map where they had appeared before. In fact, the draft documents and resolutions posted on the 18th didn't even say definitively whether the text amendments were to be approved in the event that the Council approved the rezoning. These documents and resolutions contained potential inserts like the following:

A change to the text of this policy may be required to read: "The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) into such areas."

I don't see how this process invites public consideration and engagement on far-reaching changes to the Town's development intentions. While the text amendments to the Plan were ultimately rejected by the Town Council, I do not believe that the public was adequately informed about the inconsistency of the rezoning of the 301 Highway 24 parcel with the Town's Land Use Plan – a document that is supposed to reflect the future intentions of the Town with respect to development, in part, so that buyers can have confidence in the zoning of areas in which they invest. These far-reaching consequences were described at the meeting, by one of the Council members who voted to oppose the rezoning – Bill Taylor. Mr. Taylor noted that the approval of the rezoning of 301 parcel would make it difficult for the Council to reject any future request to rezone other parcels in the surrounding area from residential to commercial use, which affects all homeowners on the southern side of Highway 24 in the adjacent areas who purchased under the assumption that their side of the highway would continue to be zoned single-family residential.

The ambiguous public notice of the potential changes to the Plan and Map and the absence of documents explaining these changes in the materials included on the Council's website resulted in inadequate public awareness of changes to the Map that would have significant knock-on effects to the Town's future development. I urge you to reject the proposed change in the Land Use Map, as the public was not adequately informed of this important issue.

Sincerely,

Susan McGrath
165 Lands End Road, Morehead City

Sent from [Mail](#) for Windows 10

ATTACHMENTS:

Coastal Resources Commission's Rule 15A NCAC 07B .0803(a)(3)

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

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

- (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.
- (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:
 - (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate State or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.

Coastal Area Management Act General Statute 113A-110(e):

(e) Prior to adoption or subsequent amendment of any land-use plan, the body charged with its preparation and adoption (whether the county or the Commission or a unit delegated such responsibility) shall hold a public hearing at which public and private parties shall have the opportunity to present comments and recommendations. Notice of the hearing shall be given not less than 30 days before the date of the hearing and shall state the date, time, and place of the hearing; the subject of the hearing; the action which is proposed; and that copies of the proposed plan or amendment are available for public inspection at a designated office in the county courthouse during designated hours. Any such notice shall be published at least once in a newspaper of general circulation in the county.



From: [Miller, Tancred](#)
To: [Sandi Watkins](#)
Cc: [Love-Adrick, Rachel A](#)
Subject: RE: [External] RE: Public comment on 301 Highway 24 Rezoning
Date: Thursday, July 1, 2021 9:53:05 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image013.png](#)
[image014.png](#)
[image016.png](#)

Thank you, Ms. Watkins, that's very helpful.

Best wishes,
Tancred

Tancred Miller
Policy & Planning Section Chief
Department of Environmental Quality
Division of Coastal Management
400 Commerce Ave
Morehead City, NC 28557
(252) 808-2808 ext. 224
Tancred.Miller@ncdenr.gov

**Subscribe to the Division of Coastal Management's
Interested Parties List**



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*



From: Sandi Watkins [mailto:Sandi.Watkins@moreheadcitync.org]
Sent: Wednesday, June 30, 2021 4:51 PM
To: Miller, Tancred <tancred.miller@ncdenr.gov>
Cc: Love-Adrick, Rachel A <rachel.love-adrick@ncdenr.gov>
Subject: [External] RE: Public comment on 301 Highway 24 Rezoning

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good Afternoon, Mr. Miller:

The May 19, 2021 public hearing during which the land use plan amendment was heard was advertised in the April 18, 2021 edition of the Carteret County News-Times. A copy of the affidavit of publication is attached.

A copy of the draft land use plan amendment was made available in two locations at the courthouse complex on April 16, 2021 and was also available with the Planning Board Secretary and myself. The packet included the draft land use plan amendments (map and text), as well as the legal advertisement, a packet of all land use plan policies, and DRAFT resolutions for Council consideration. A copy of the packet is attached.

The Council reviewed the amendments and ultimately opted to only amend a portion of the site to the General Commercial future land use designation and made no other adjustments to the Land Use Plan. A copy of the map which includes that amendment is attached as

well as a copy of the resolution of adoption.

I'm not aware of anyone who reached out to this office who was unable to obtain a copy of the draft land use plan amendments. Ms. McGrath was provided a copy of the packet via email on April 19, 2021.

Please let me know if you require any additional information.

Thank you,

Sandi Watkins, CZO, CFM

Planning and Inspections Director

Town of Morehead City

252.726.6848 ext. 140

www.moreheadcitync.org



"Morehead City is dedicated to the well-being and safety of our community through exceptional service with a warm coastal smile."

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by US Mail to U.S. Dept. of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410, by fax (202) 690-7442 or email to program.intake@usda.gov

DISCLAIMER: Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time.

From: Miller, Tancred <tancred.miller@ncdenr.gov>
Sent: Wednesday, June 30, 2021 1:48 PM
To: Sandi Watkins <Sandi.Watkins@moreheadcitync.org>
Cc: Love-Adrick, Rachel A <rachel.love-adrick@ncdenr.gov>
Subject: Public comment on 301 Highway 24 Rezoning

Good afternoon Ms. Watkins,

Please find below the only public comment (original and revised) that we received on the 301 Highway 24 Rezoning, along with Rachel's response to the original submission.

Please feel free to follow up with Rachel when she is back in the office next week, and in the meantime, is there any way the Town can verify where and when the documents were made available for public review?

Thanks and best regards,
Tancred

Tancred Miller

Policy & Planning Section Chief
Department of Environmental Quality
Division of Coastal Management
400 Commerce Ave
Morehead City, NC 28557
(252) 808-2808 ext. 224
Tancred.Miller@ncdenr.gov

Subscribe to the Division of Coastal Management's Interested Parties List



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.



From: Love-Adrick, Rachel A
Sent: Monday, June 21, 2021 4:42 PM
To: Miller, Tancred <tancred.miller@ncdenr.gov>
Cc: Davis, Braxton C <Braxton.Davis@NCDENR.Gov>; Goebel, Christine A <Christine.Goebel@NCDENR.GOV>; Lopazanski, Mike <mike.lopezanski@ncdenr.gov>
Subject: Fwd: [External] 301 Highway 24 Rezoning

From: suemcgrath12@gmail.com <suemcgrath12@gmail.com>
Sent: Thursday, June 17, 2021 8:09 AM
To: Love-Adrick, Rachel A
Subject: RE: [External] 301 Highway 24 Rezoning

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi Ms. Love-Aldrick,

I have revised my letter and referenced the appropriate statute. Please let me know if email submission of my letter is insufficient. Thanks for your help.

June 17, 2021

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

Dear Ms. Love-Adrick,

I am writing to express concern about the way Morehead City notified the public about proposed amendments to its CAMA Core Land Use Plan (the Plan) and its Land Use Map (the Map) in connection with the recent change in zoning of 301 Highway 24. The Morehead City Town Council voted to rezone the parcel at its May 19, 2021 meeting, which resulted in a change to the Map; the proposed text amendments were rejected by the Council.

The Coastal Area Management Act requires the following public notice procedures when amending a CAMA Land Use Plan:

§ 113A-110. Land-use plans.

(e) Prior to adoption or subsequent amendment of any land-use plan, the body charged with its preparation and adoption (whether the county or the Commission or a unit delegated such responsibility) shall hold a public hearing at which public and private parties shall have the opportunity to present comments and recommendations. Notice of the hearing shall be given not less than 30 days before the date of the hearing and shall state the date, time, and place of the hearing; the subject of the hearing; the action which is proposed; and

that copies of the proposed plan or amendment are available for public inspection at a designated office in the county courthouse during designated hours. Any such notice shall be published at least once in a newspaper of general circulation in the county.

The proposed changes to the Plan and the Map were advertised in the Carteret News-Times on April 18, 2021:

Notice is hereby given that the Morehead City Town Council will conduct a public hearing on Tuesday, May 19, 2021, at 5:30 p.m. in the Crystal Coast Civic Center, 3505 Arendell Street, to consider a submitted development plan that, if approved, may or would require an amendment to the text of the Morehead City Core Land Use Plan (the "Plan") and the Plan's Future Land Use map, including but not limited to, changing all or a portion of that property located at 301 Highway 24, located in the "Neighborhood 9" of the Plan, from the current Medium Density Residential designation to General Commercial and/or High Density Multifamily Residential.

The timing of the meeting in the public announcement above was incorrect – the meeting was to take place on Wednesday, May 19th, rather than on Tuesday of that week. Subsequent notices in the News-Times about the May 19th meeting only covered the proposed rezoning, and did not mention the potential changes to the Plan and Map, leaving interested parties to assume that they were removed from the agenda. In addition, these changes were characterized as amendments that, if approved, "may or would require" changes to the Plan and Map. This was a mischaracterization, as a change in the zoning of the parcel would clearly require or result in a change to the Map, but the text amendments were gratuitous and not needed regardless of whether the rezoning request was approved.

The proposed amendments were not available to the public for review, as required under § 113A-110 the Coastal Area Management Act. I tried to obtain copies of the proposed amendments on numerous occasions preceding the May 19th meeting; the City Clerk and staff at Planning and Inspections did not have them, they were not on file at a designated office for public inspection, and they were not posted with the other meeting materials on the Town's website.

- The proposed amendments were not included in the materials for the Planning Board Meeting where the rezoning was approved.
- The proposed amendments were included without explanation in the materials posted to the Council website the day before the April 13th meeting; when discussion of the rezoning was cancelled, they were quickly removed.
- The proposed amendments were not included in the materials provided for the Council's workshop on May 4th.
- The proposed text amendments only reappeared on the town website the day before the May 19th meeting - at 11:40 am, buried in an attachment that was 102 pages long.
- As late as the Monday before the Wednesday meeting, I was told that I would have to wait for the agenda materials to appear on the Council's website to find out if the text amendments were still on the table. When the agenda materials were finally posted on May 18th, I waded through the 102-page attachment to find the proposed text amendments in a new place – within the Consistency Statements – and not attached to the proposed amendments to the Map where they had appeared before. In fact, the draft documents and resolutions posted on the 18th didn't even say definitively whether the text amendments were to be approved in the event that the Council approved the rezoning. These documents and resolutions contained potential inserts like the following:

A change to the text of this policy may be required to read: "The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) into such areas."

I don't see how this process invites public consideration and engagement on far-reaching changes to the Town's development intentions. While the text amendments to the Plan were ultimately rejected by the Town Council, I do not believe that the

public was adequately informed about the inconsistency of the rezoning of the 301 Highway 24 parcel with the Town's Land Use Plan – a document that is supposed to reflect the future intentions of the Town with respect to development, in part, so that buyers can have confidence in the zoning of areas in which they invest. These far-reaching consequences were described at the meeting, by one of the Council members who voted to oppose the rezoning – Bill Taylor. Mr. Taylor noted that the approval of the rezoning of 301 parcel would make it difficult for the Council to reject any future request to rezone other parcels in the surrounding area from residential to commercial use, which affects all homeowners on the southern side of Highway 24 in the adjacent areas who purchased under the assumption that their side of the highway would continue to be zoned single-family residential.

The ambiguous public notice of the potential changes to the Plan and Map and the absence of documents explaining these changes in the materials included on the Council's website resulted in inadequate public awareness of changes to the Map that would have significant knock-on effects to the Town's future development – violations of the CAMA requirements in § 113A-110. I urge you to reject the proposed change in the Land Use Map, as the public was not adequately informed of this important issue.

Sincerely,

Susan McGrath
165 Lands End Road, Morehead City

Sent from [Mail](#) for Windows 10

From: [Love-Adrick, Rachel A](#)
Sent: Wednesday, June 16, 2021 9:38 AM
To: suemcgrath12@gmail.com
Cc: [Miller, Tancred](#)
Subject: RE: [External] 301 Highway 24 Rezoning

Good Morning Ms. McGrath –

Thank you for providing comments regarding the certification of a locally adopted amendment to the Town of Morehead City's Core Land Use Plan. Please note that written objections are limited to the criteria for certification found in the Coastal Resource Commission's Rule [15A NCAC 07B .0803](#), included below.

Written comments limited to the criteria for certification will be considered in the certification. Additionally, the comments will be shared with the town. If you wish to provide additional comments please provide them to me by 11:59 pm on June 18, 2021; the end of the 30-day public comment period.

A.

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

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

- (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.
- (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9), shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:
 - (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate State or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.

Thank you,
Rachel



Rachel Love-Adrick
District Planner, Division of Coastal Management
North Carolina Department of Environmental Quality
252.808.2808 (Office)
Rachel.Love-Adrick@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: suemcgrath12@gmail.com [<mailto:suemcgrath12@gmail.com>]

Sent: Tuesday, June 15, 2021 11:35 AM

To: Love-Adrick, Rachel A <rachel.love-adrick@ncdenr.gov>

Subject: [External] 301 Highway 24 Rezoning

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dear Ms. Love-Adrick,

I mailed a copy of the following letter to you today regarding the proposed changes to the Morehead City Land Use Plan and Map resulting from the rezoning of parcel 301 Highway 24. Please consider these comments in deciding whether to approve these changes. Thanks.

Susan McGrath

June 15, 2021

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

Dear Ms. Love-Adrick,

I am writing to express concern about the way Morehead City notified the public about proposed amendments to its CAMA Core Land Use Plan (the Plan) and its Land Use Map (the Map) in connection with the recent change in zoning of 301 Highway 24. The Morehead City Town Council voted to rezone the parcel at its May 19, 2021 meeting, which resulted in a change to the Map; the proposed text amendments were rejected by the Council.

The proposed changes to the Plan and the Map were advertised in the Carteret News-Times on April 18, 2021. These changes were characterized as amendments that, if approved, “may or would require” changes to the Plan and Map. This was a mischaracterization, as a change in the zoning of the parcel would clearly require or result in a change to the Map, but the text amendments were gratuitous and not needed regardless of whether the rezoning request was approved.

Notice is hereby given that the Morehead City Town Council will conduct a public hearing on Tuesday, May 19, 2021, at 5:30 p.m. in the Crystal Coast Civic Center, 3505 Arendell Street, to consider a submitted development plan that, if approved, may or would require an amendment to the text of the Morehead City Core Land Use Plan (the “Plan”) and the Plan’s Future Land Use map, including but not limited to, changing all or a portion of that property located at 301 Highway 24, located in the “Neighborhood 9” of the Plan, from the current Medium Density Residential designation to General Commercial and/or High Density Multifamily Residential.

Note that the timing of the meeting was incorrect – the meeting was to take place on Wednesday, May 19th, rather than on Tuesday of that week. Subsequent notices in the News-Times about the May 19th meeting only covered the proposed rezoning, and did not mention the potential changes to the Plan and Map, leaving interested parties to assume that they were removed from the agenda.

The public was not adequately informed of these proposed text amendments to the Plan and the inconsistency of the rezoning with the Map, due to the ambiguous language used in the public meeting notice above, and the Council’s silence regarding these issues in subsequent meeting notices and materials posted to the Planning Board and City Council websites.

- The proposed amendments were not included in the materials for the Planning Board Meeting where the rezoning was approved.
- The proposed amendments were included without explanation in the materials posted to the Council website the day before the April 13th meeting; when discussion of the rezoning was cancelled, they were quickly removed.
- The proposed amendments were not included in the materials provided for the Council’s workshop on May 4th.
- The proposed text amendments only reappeared on the town website the day before the May 19th meeting - at 11:40 am, buried in an attachment that was 102 pages long.

I took an interest in this topic early on – when I noticed the proposed text amendments included in the agenda materials for the April 13th meeting that were up on the website for just a day or so. Over the subsequent 5 weeks, I was unable get anyone to tell me why they were being proposed, and even to get a definitive answer as to whether they were still being proposed.

- I contacted several members of the town staff on multiple occasions to find out if these text amendments were still being considered or if they were dropped from the proposal, particularly after the amendments were not included in the materials provided to the Town Council’s workshop meeting preceding the May 19th meeting. I received responses like the following:

From: Cathy Campbell
Sent: Thursday, May 6, 2021 8:15 AM
To: suemcgrath12@gmail.com
Subject: RE: Land Use Plan text amendments

Ms. McGrath,

I am confident that the May 19th meeting packet will include all required documents, but at this time I do not know if that will include specific text amendment wording or not. At this time, we are working on the May 11th meeting packet. If there is a specific document you are wanting, please feel free to complete and submit the attached public records request form.

Cathy

Cathy Campbell, CMC, NCCMC
City Clerk
Town of Morehead City
252.726.6848 ext. 139
www.moreheadcitync.org



This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.asc.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by US Mail to U.S. Dept. of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410, by fax (202) 696-7442 or email to program.intake@usda.gov

DISCLAIMER: Pursuant to the Freedom of Information-Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time.

From: suemcgrath12@gmail.com <suemcgrath12@gmail.com>
Sent: Wednesday, May 5, 2021 3:43 PM
To: Cathy Campbell <Cathy.Campbell@moreheadcitync.org>
Subject: Land Use Plan text amendments

Cathy,

Did you have any luck on my question as to whether text amendments to the Land Use Plan are still on the agenda for the 5.19.21 meeting? The following proposed text amendments had been in the materials I was provided:

4.2.7 Areas of Local Concern, General
Policy 5: The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) into residential areas.

Policy 7: In-fill development in existing residential areas will be encouraged only if it is compatible in density and scale to that in the surrounding area.

4.2.8 Neighborhood Specific Policies, Neighborhood 9
Policy 3: The current use, density, and building height requirements of the residential zoning classifications and for the commercial development that may be allowed in this neighborhood will be maintained to ensure the existing character of the area.

Thanks for your help on this.

Susan

Sent from Mail for Windows 10

- I even reached out to one of the Council members for information and to express my views. I never got a definitive answer from anybody.
- As late as the Monday before the Wednesday meeting, I was told that I would have to wait for the agenda materials to appear on the Council's website to find out if the text amendments were still on the table. When the agenda materials were finally posted on May 18th, I waded through the 102-page attachment to find the proposed text amendments in a new place – within the Consistency Statements – and not attached to the proposed amendments to the Map where they had appeared before. In fact, the draft documents and resolutions posted on the 18th didn't even say definitively whether the text amendments were to be approved in the event that the Council approved the rezoning. These documents and resolutions contained potential inserts like the following:

A change to the text of this policy may be required to read: "The residential integrity of existing neighborhoods will be maintained by discouraging the encroachment of high impact commercial uses (traffic, noise, odors, light, etc.) into such areas."

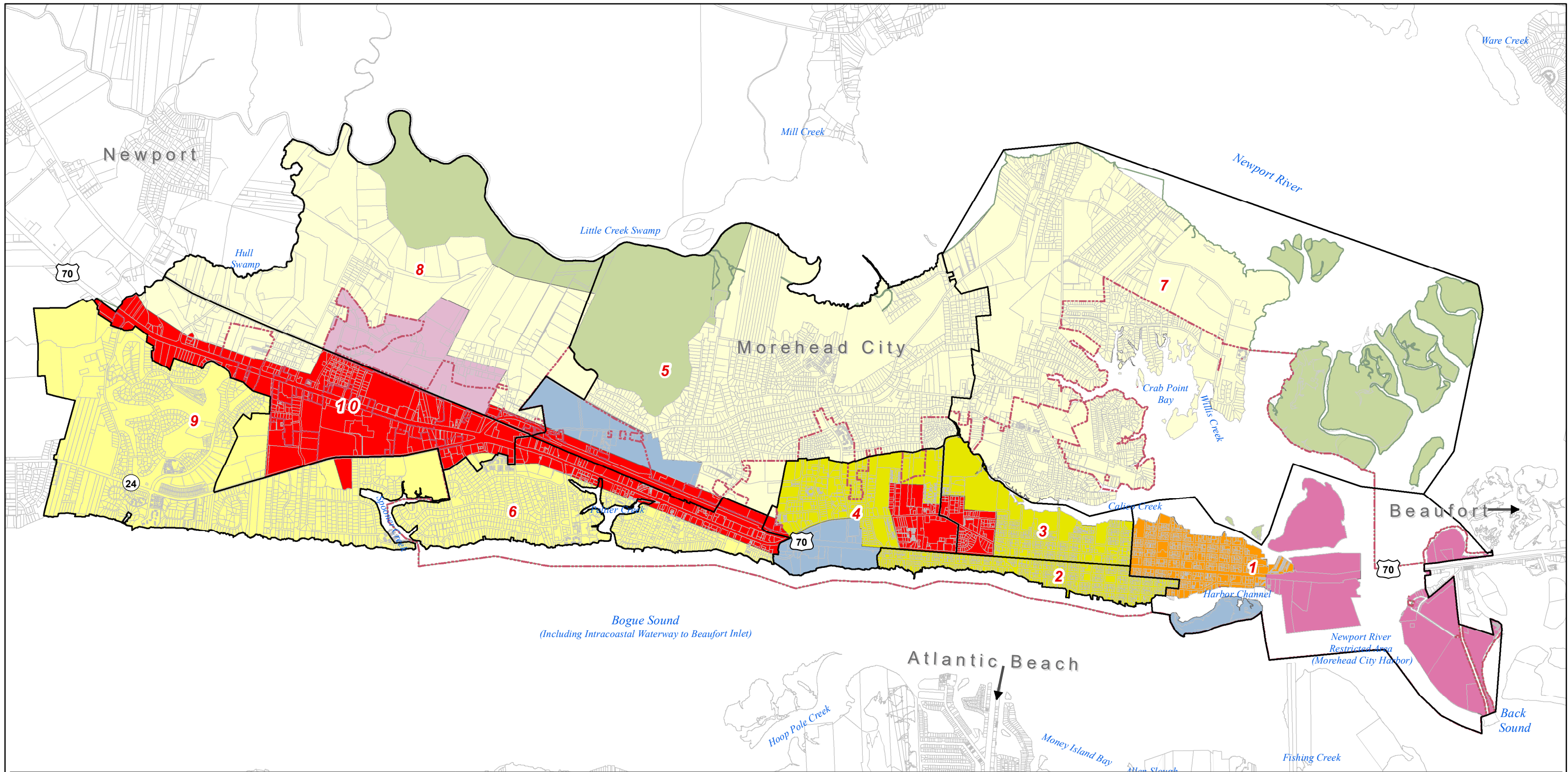
I don't see how this process invites public consideration and engagement on far-reaching changes to the Town's development intentions. While the text amendments to the Plan were ultimately rejected by the Town Council, I do not believe that the public was adequately informed about the inconsistency of the rezoning of the 301 Highway 24 parcel with the Town's Land Use Plan – a document that is supposed to reflect the future intentions of the Town with respect to development, in part, so that buyers can have confidence in the zoning of areas in which they invest. These far-reaching consequences were described at the meeting, by one of the Council members who voted to oppose the rezoning – Bill Taylor. Mr. Taylor noted that the approval of the rezoning of 301 parcel would make it difficult for the Council to reject any future request to rezone other parcels in the surrounding area from residential to commercial use, which affects all homeowners on the southern side of Highway 24 in the adjacent areas who purchased under the assumption that their side of the highway would continue to be zoned single-family residential.

The ambiguous public notice of the potential changes to the Plan and Map and the absence of documents explaining these changes in the materials included on the Council's website resulted in inadequate public awareness of changes to the Map that would have significant knock-on effects to the Town's future development. I urge you to reject the proposed change in the Land Use Map, as the public was not adequately informed of this important issue.

Sincerely,

Susan McGrath
165 Lands End Road, Morehead City

Sent from [Mail](#) for Windows 10



MOREHEAD CITY, NC



- | | | | |
|--------------------------------|----------------------------|-----------------------|--------------------------|
| Morehead City Corporate Limits | Future Land Use | General Commercial | General Industrial |
| Morehead City ETJ | Low Density Residential | Downtown Mixed Use | Port Mixed Use |
| Neighborhood Boundaries | Medium Density Residential | Public/ Institutional | Conservation/ Open Space |
| USDA Sub-watershed Boundary | High Density Residential | | |

The original version of this map was prepared by the Wooten Company and financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration. The map has been subsequently amended by the Morehead City Planning Department.

May, 2021

0 0.25 0.5 1 1.5 2 Miles

Figure 14: Future Land Use



**TOWN OF MOREHEAD CITY
RESOLUTION NO. 2021-R-08**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOREHEAD CITY, NORTH CAROLINA, AUTHORIZING AN AMENDMENT TO THE CAMA LAND USE PLAN TO AMEND AN APPROXIMATELY 11.7 ACRE AREA CURRENTLY SHOWN ON THE FUTURE LAND USE MAP AS MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL

WHEREAS, the Town of Morehead City desires to amend its CAMA Land Use Plan, specifically, its Future Land Use Map as shown on page 104; and

WHEREAS, the CAMA Land Use Plan currently shows 23.6 acres located at 301 Highway 24 (more specifically identified as Tax PIN 635615741744000) as Medium Density Residential on the Future Land Use map; and

WHEREAS, the Town of Morehead City desires to amend the CAMA Land Use Plan to identify the easternmost 11.7 acres of the parcel located at 301 Highway 24 (more specifically identified as a portion of Tax PIN 635615741744000) shown on the Future Land Use Map of the Morehead City Core Land Use Plan from Medium Density Residential to General Commercial; and

WHEREAS, on February 16, 2021, the Planning Board recommended amendment of the Future Land Use Map of the Morehead City Core Land Use Plan from Medium Density Residential to General Commercial and recommended approval of a rezoning of property located at 301 Highway 24 from Single-Family Residential (R20) to Highway Commercial Conditional Zoning District (CH-CZ) and Residential Multifamily Conditional Zoning District (RMF-CZ); and

WHEREAS, the Town of Morehead City conducted a public hearing which was advertised on April 18, 2021 which was at least 30 days prior to the public hearing; and

WHEREAS, at the Meeting on May 19, 2021, the Town Council of the Town of Morehead City, North Carolina found the draft amendment to be consistent with the Town of Morehead City's desired vision for the future and approved to adopt the draft amendment; and

WHEREAS, the adopted draft amendment will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Coastal Resources Commission; and

WHEREAS, a review of the adopted draft amendment by the Director of the NC Division of Coastal Management will be undertaken; and the Director will then certify the draft amendment.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morehead City, North Carolina, that the Future Land Use map contained on page 104 of the Morehead City Core Land Use Plan be amended as follows:

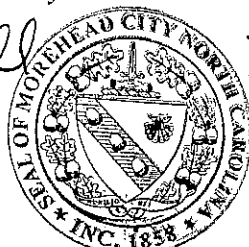
Amend the easternmost 11.7 acres of the parcel located at 301 Highway 24 (more specifically identified as a portion of Tax PIN 635615741744000) shown on the Future Land Use Map of the Morehead City Core Land Use Plan from Medium Density Residential to General Commercial; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Morehead City, North Carolina, has adopted the draft amendment; and

BE IT FURTHER RESOLVED that the Town Manager of the Town of Morehead City is hereby authorized to submit the adopted CAMA Land Use Plan draft amendment to the State for certification as described above.

ADOPTED, this the 19th day of May 2021.

Attest: Cathy Campbell
Cathy Campbell, City Clerk



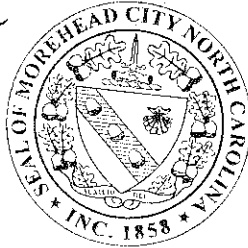
Gerald A. Jones, Jr.
Gerald A. Jones, Jr., Mayor

NORTH CAROLINA
CARTERET COUNTY

I, Cathy Campbell, City Clerk, do hereby certify that the foregoing is a true and accurate copy of Resolution 2021-R-08, authorizing an amendment to the CAMA Land Use Plan, adopted by the Town Council of the Town of Morehead City, North Carolina, on the 19th day of May 2021, at 5:30 p.m. at the Crystal Coast Civic Center, 3505 Arendell Street, Morehead City, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the 1th day of July 2021.

Cathy Campbell
Cathy Campbell, City Clerk



CARTERET COUNTY,
NORTH CAROLINA

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

Ramona McFerran 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 hereto, was published in CARTERET COUNTY NEWS-TIMES on the following

dates: 04/18/2021


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 18th day of April, 2021

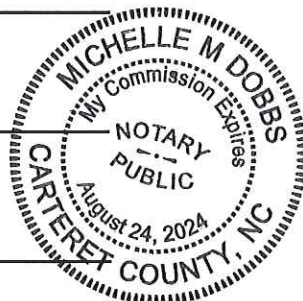

(Signature of person making affidavit)

Sworn and subscribed to before me, this:

18th day of April, 2021


Notary Public

My commission expires August 24, 2024



TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING
May 19, 2021

Notice is hereby given that the Morehead City Town Council will conduct a public hearing on Tuesday, May 19, 2021, at 5:30 p.m. in the Crystal Coast Civic Center, 3505 Arendell Street, to consider a submitted development plan that, if approved, would require an amendment to the Morehead City Core Land Use Plan, 11.93-acres at 301 Hwy 24 would be amended from Medium Density Residential to General Commercial on the Future Land Use Map.

Following the public hearing, the Morehead City Town Council will consider whether or not to adopt the amended Land Use Plan. If adopted, the Plan will be submitted to the Coastal Resources Commission (CRC) for certification.

Written objections, comments, or statements of support shall be submitted to the Division of Coastal Management District Planner, Rachel Love-Adrick, 400 Commerce Avenue, Morehead City, NC 28557 no more than 30 calendar days after local adoption of the amendment following the public hearing. Further information may be obtained by contacting the District Planner at 252-808-2808.

The public is invited to be present at the hearing and comment on the proposal. Copies of the draft Land Use Plan amendment are available for inspection during normal courthouse hours per NCGS 113A-110(e) at the Carteret County Courthouse-County Clerk's Office, 300 Courthouse Square, Beaufort. Copies are also available at the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, (252) 726-6848 x103 A18

13112539
13587032