

15A NCAC 07H .0508 USE STANDARDS

Permits for development in designated fragile coastal natural or cultural resource areas will be approved upon finding that:

- (1) The proposed design and location will cause no major or irreversible damage to the stated values of a particular resource. One or more of the following values must be considered depending upon the stated significance of the resource:
 - (a) Development shall preserve the values of the individual resource as it functions as a critical component of a natural system.
 - (b) Development shall not adversely affect the values of the resource as a unique scientific, associative, or educational resource.
 - (c) Development shall be consistent with the aesthetic values of a resource as identified by the local government and citizenry.
- (2) No reasonable alternative sites are available outside the designated AEC.
- (3) Reasonable mitigation measures have been considered and incorporated into the project plan. These measures shall include consultation with recognized authorities and with the CRC.
- (4) The project will be of equal or greater public benefit than those benefits lost or damaged through development.
- (5) Use standards will not address farming and forestry activities that are exempted in the definition of development (G.S. 113A-103(5)a.4).

History Note: Authority G.S. 113A-107(a),(b); 113A-113(b)(4e) to (b)(4h); 113A-124; Eff. September 9, 1977; Amended Eff. February 1, 1982; June 1, 1979; RRC objection September 17, 2022 and rule returned to agency on October 5, 2023; Codifier determined that agency's findings of need did not meet criteria for emergency rule on December 20, 2023; Emergency Adoption Eff. January 3, 2024; Emergency Rule Exp. Eff. May 13, 2024; Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff. March 3, 2025.