

CHAPTER 205A
COASTAL ZONE MANAGEMENT

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Committee Chair Couch

Part I. Coastal Zone Management

§205A-1 Definitions. As used in this chapter, unless the context otherwise requires:

"Agency" means any agency, board, commission, department, or officer of a county government or the state government, including the authority as defined in part II.

Part II. Special Management Areas

§205A-22 Definitions. As used in this part, unless the context otherwise requires:

"Authority" means the county planning commission, except in counties where the county planning commission is advisory only, in which case "authority" means the county council or such body as the council may by ordinance designate. The authority may, as appropriate, delegate the responsibility for administering this part.

§205A-27 Designation of special management area authority. The authority is designated the special management area authority and is authorized to carry out the objectives, policies and procedures of this part.

Part III. Shoreline Setbacks

§205A-43.5 Powers and duties of the authority. (a) Prior to action on a variance application, the authority shall hold a public hearing under chapter 91. By adoption of rules under chapter 91, the authority may delegate responsibility to the department. Public and private notice, including reasonable notice to abutting property owners and persons who have requested this notice, shall be provided, but a public hearing may be waived prior to action on a variance application for:

(1) Stabilization of shoreline erosion by the moving of sand entirely on public lands;

(2) Protection of a legal structure costing more than \$20,000; provided the structure is at risk of immediate damage from shoreline erosion;

(3) Other structures or activities; provided that no person or agency has requested a public hearing within twenty- five calendar days after public notice of the application; or

(4) Maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or watersports recreational facilities, which result in little or no interference with natural shoreline processes.

(b) The authority shall either act on variance applications or, by adoption of rules under chapter 91, delegate the responsibility to the department.

§205A-49 Adoption of rules. Each agency charged with carrying out this part shall adopt rules necessary to implement or comply with this part by July 1, 1990. All rules shall be adopted under chapter 91.